

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/15/2010

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 12/15/2010

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201012-0648-017
AGENCY ICR TRACKING NUMBER:
TITLE: Pacific Coast Groundfish Trawl Rationalization Program Permit and License Information Collection
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0620
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: 11/30/2013 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	1,949	645	17,273
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	1,949	645	17,273
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
QS Permit Renewal (and application after QS transfer)	NA, NA	Trawl Rationalization Quota Share Permit Renewal , Trawl Rationalization Quota Share Permit Application	
First Receiver Site License Initial Issuance/Renewal	NA	First Receiver Site License Application and Renewal	
MS Renewal	NA	Mothership Limited Entry Permit Renewal	
MS Transfer	NA	Change of vessel registration owner or permit owner application	
Catcher/Processor Co-op Permit	NA	Catcher/Processor Co-op Permit Application	
Mothership Co-op Permit Application	NA	Mothership cooperative permit application	
Change in vessel fishing for coop			50 CFR 660.25
Material change to Coop			50 CFR 660.25
Mothership Withdrawal/Mutual Exception			50 CFR 660.25
Ownership interest	NA	Trawl Identification fo Interest	
Ownership interest form when transferring	NA	Trawl Identification of Interest	
Vessel Account Registrastion/Activation/R renewal (initial and ongoing) and NEW account registration (ongoing)	NA	Trawl Rationalization Vessel Account Renewal Form	
Quota Share Account Registration			50 CFR 660.25
Quota Share/Quota Pounds transfer from QS account to vessel account			50 CFR 660.25
Quota Pounds Transfer for Quota Share account to vessel account			50 CFR 660.25
Transaction dispute request			50 CFR 660.25

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

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

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
PACIFIC COAST GROUND FISH
TRAWL RATIONALIZATION PROGRAM RULE PERMIT AND
LICENSE INFORMATION COLLECTION
OMB CONTROL NO. 0648-XXXX**

A. JUSTIFICATION

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

This request is for a new collection of information.

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA), 16 U.S.C. 1801 *et seq.*, authorizes the Fishery Management Councils to prepare and amend fishery management plans (FMP) for any fishery in waters under its jurisdiction. The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) manages the groundfish fishery in the 3-200 mile zone off of the coasts of Washington, Oregon and California. In 1993, the Council, under Amendment 6 ([50 CFR 660 Subpart G](#)), implemented a limited entry program for the groundfish fishery. Currently, there are a total of 399 Pacific Coast limited entry permits of which 177 permits are endorsed for trawl gear.

Since 2003, the Pacific Fishery Management Council (Council) has been developing a trawl rationalization program for the Pacific Coast groundfish fishery that would affect the limited entry trawl fishery. The trawl rationalization program is intended to increase net economic benefits to the nation; and for participants, to: 1) provide economic stability in the fishery, 2) provide full utilization of the trawl sector allocation, 3) improve safety, product quality and value, 4) increase accuracy and 5) mitigate or decrease environmental impacts that occur under current fishing practices and regimes.

The Council has developed the trawl rationalization program through two amendments to the Pacific Coast Groundfish FMP: 1) Amendment 20, which addresses the trawl rationalization program, and 2) Amendment 21, addressing intersector allocation (Proposed Rule 0648-AY68, Initial Issuance and Program Components). Amendment 20 would create the structure and management details of the trawl rationalization program, while Amendment 21 will allocate the groundfish stocks between trawl and non-trawl fisheries and within trawl fisheries. The Council took final action on Amendment 20 at their November 2008 meeting, with subsequent related actions at their March 2009, April 2009, June 2009, November 2009, and April 2010 meetings. The Council took final action on Amendment 21 at its April 2009 meeting, with trailing actions at its March 2010 meeting.

The trawl rationalization program will be a limited access privilege program (LAPP) under the MSA as reauthorized in 2007. A LAPP is considered a grant of permission to the holder of the limited access privilege, or quota share, to participate in the program. It may be revoked, limited, or modified by the Secretary of Commerce (Secretary) at any time. In other words, it is a conditional privilege, conveyed through quota shares or catch shares, to harvest a specified

amount of fish. Under the trawl rationalization program, NMFS will issue the permits, as described below, for this conditional privilege.

Trawl Rationalization Program Structure

The trawl rationalization program will consist of: (1) an individual fishing quota (IFQ) program for the shore-based trawl fleet and (2) co-operative (co-op) programs for the at-sea trawl fleet. The shore-based trawl fleet would include catcher vessels which land groundfish to shore-based processors or first receivers. The at-sea trawl fleet would include fishery participants harvesting whiting with midwater trawl gear (i.e., whiting catcher/processor (C/P) vessels, whiting motherships (MS), and whiting catcher vessels delivering to motherships). The co-op programs for the at-sea trawl fleet are further divided as follows: (1) a single whiting catcher/processor co-op; and (2) one or more whiting mothership co-ops which may form, or vessels choosing to fish in an open access or non-co-op fishery which would be unaffiliated with a co-op. For the co-op and non co-op fishery, vessel owners would pool their harvest together.

The IFQ program for the shore-based fleet will require NMFS to make an initial allocation of harvest quota share (QS) (expressed as a percentage of the total sector amount) through a new QS permit to current owners of limited entry trawl permits and shore-based whiting first receivers who meet the qualifying criteria. Depending on a person's limited entry trawl permit history in qualifying years, the permit owner will receive an initial allocation for various target species/species groups (~20 species), some with area designations. In addition, NMFS will allocate QS for overfished species based on a proxy of the amount of target species allocated to the quota share holder. Shore-based whiting first receivers will receive an initial allocation of whiting only, based on their history of being the first receiver reported on state fish tickets (with an opportunity to reassign their history).

Each year, based on the optimum yield amounts for each species and the amount of QS a holder has for a particular species/area, NMFS will allocate quota pounds (QPs) to the QS account. QPs are an amount of a fish species/species group expressed as a whole pound. The QS owner, in turn, must allocate quota pounds to vessel accounts. Vessels are required to have IFQ or quota pounds in an account to cover all IFQ landings and discards incurred while fishing under this program. In order to comply with the MSA, NMFS will track ownership interest in QS to determine if individuals are within set accumulation limits, both at the initial allocation stage and during the operation of the program. In Amendment 20, the Council has adopted limits (by species group and area) on the amount of QS an individual can control (i.e. control limits) and limits on the amount of quota pounds that may be registered to a vessel for use in a given year.

For the at-sea whiting component of the trawl rationalization program, the Council has adopted a program that provides for a C/P co-op and MS co-ops that differ from how the co-ops have operated in the past. The C/P co-op will not require an initial allocation of catch shares to individual vessels, provided that a co-op is established. However, whiting catch shares for the MS fleet (called catch history assignments) would initially be allocated to qualifying limited entry trawl permits that were registered to catcher vessels in qualifying years and which were used in the mothership whiting fishery. The catch history assignments would be non-severable from the permit. Holders of qualifying permits that are allocated a whiting catch history

assignment may choose to participate in either the MS co-op or non-co-op fishery. As with the shore-based IFQ program, NMFS would be required to track permit ownership interests in the MS sector to determine if individuals are in compliance with accumulation limits.

NMFS will implement the trawl rationalization program with two sets of regulations. NMFS previously published the initial issuance part of Proposed Rule (PR) 0648-AY68 on June 10, 2010 ([75 FR 32994](#)) that would restructure and clarify the Pacific Coast groundfish regulations to more closely track the organization of the proposed management measures and that would establish the allocations set forth under Amendment 21 and procedures for initial issuance of permits, endorsements, quota shares, and catch history assignments under the IFQ and coop programs.

PR 0648-AY68, Program Components, to be published coincident with the submission of this information request, proposes the key components that would be necessary to implement the trawl rationalization program at the start of the 2011 fishery. This rule supplements the prior initial issuance rule, and provides additional details, including: Program components applicable to IFQ gear switching, observer programs, retention requirements, equipment requirements, catch monitors, catch weighing requirements, coop permits/agreements, first receiver site licenses, quota share accounts, vessel quota pound accounts, further tracking and monitoring components, and economic data collection requirements. NMFS will submit several information collections associated with the program rules. This particular information collection addresses the following items: first receiver site license, coop permits/agreements, quota share accounts and vessel quota pound accounts.

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.

Annual QS Permit Renewal

Each year, NMFS will send out a prefilled QS permit renewal form by September 1st each year. The owner of QS permit must renew the permit by November 30th. The QS permit owner will be required to make any changes necessary to their contact information (QS permit owner address, phone number, fax number, email address) and the name of QS account manager and his/her address, phone number, email address, and to certify that information provided on the form is correct. The purpose of the renewal of QS permit is to maintain current permit contact information for the QS permit owner.

As part of the annual renewal of the QS permit the owner will be required to provide a completed ownership interest information form. This information is needed to reconfirm who has an ownership interest in the permit and what percentage do they own (only individuals who have 2% or more need be given). A prefilled ownership interest form will be mailed by NMFS providing the ownership interest information previously provided by the QS owner (either with the initial QS permit application or prior year renewal). The QS permit owner will need only to certify that current information is correct as given or make modifications as necessary.

Modifications would include listing any new shareholders, including their date of birth, business address, and their percentage of ownership, deletion of shareholders, and modification of existing shareholder ownership amounts and/or address. A complete ownership interest form must be submitted with the renewal form in order for NMFS to renew the QS permit. This information will allow NMFS to monitor compliance with the accumulation limit requirements.

Also, the QS permit owner must submit a completed economic data collection survey as part of the QS permit renewal. This survey is described in a separate PRA submission. After the program rule is implemented, the economic data survey will be mailed out in May and will be due in September of the same year. This due date will coincide with the mailing of the QS permit renewal form and ownership interest form. In order for NMFS to renew the QS permit, this survey must be completed and submitted to NMFS.

Initially, most QS permit owners will have a current limited entry permit which is subject to annual renewal during the same time period. NMFS will not combine the LEP and QS holder into one renewal form because some QS holders are processors who do not have a limited entry permit. Two years after the implementation of the program, QS may be transferred to persons who may not own limited entry permits. The QS permit may not be renewed if a completed economic data collection survey has not been submitted to NMFS for the most recent interval.

Ownership Interest Form

The trawl rationalization program includes a series of accumulation caps which limit the amount of quota share an individual or entity may own or control. These limits apply to selective parts of the shoreside QS program and the at-sea whiting program. Specifically these accumulation limits include the following: a limit on the amount of QS any entity or individual may own; a limit on the percent of total MS/CV permits any individual or entity may own. Additionally, no individual or entity may own MS permits that are registered to vessels that process more than 45% of the total mothership sector whiting allocation in a given year.

In a prior PRA submission for the trawl rationalization program, NMFS included a requirement that an ownership interest form be submitted as part of an application for a QS permit, MS permit and MS/CV endorsement. In this information collection, NMFS will require any owner of MS/CV endorsed limited entry permit, MS permit or QS permit owner, to submit a complete ownership interest form at time of initial application for MS/CV endorsement, MS permit endorsement or QS permit (both current trawl permit owner and whiting processor associated with initial issuance) and each year as part of renewal of these permits. Also, each year after initial issuance, any owner of a MS/CV endorsed limited entry permit, MS permit or QS permit will be required to provide a complete ownership interest form. Also, as part of a transfer, any subsequent new permit or vessel owner (not currently holding another such permit/endorsement) of a MS/CV endorsed limited entry permit or MS permit will be required to submit an ownership interest form. Similarly, after the start of the program, any new QS permit owner (example: receiving QS through legal proceeding) must submit an ownership interest form.

All owners of a vessel registered to a vessel account will be required to submit a complete ownership interest form at the time a vessel account is requested and each year as part of renewal of a vessel account. A vessel account will not be activated until it is renewed by the vessel

owner. If the owner of a limited entry permit and the owner of the vessel are the same and the shareholders and ownership amounts for each shareholder are identical, the person may fill out one ownership interest form for both the permit and the vessel. The permit owner/vessel owner will be required to certify that the ownership interest is identical for both permit and vessel. NMFS requires an ownership interest form from owners of vessels registered to vessel accounts because control of QS is determined on a case by case basis and extensive control of QP may indicate control of the underlying QS. Ownership interest forms related to vessel owners will assist NMFS in understanding issues related to control. NMFS will use the ownership interest form to determine whether individuals and entities are complying with the accumulation limits. If NMFS finds that an individual or entity exceeds the accumulation limit, NMFS will withhold reissuance of the permit until the permit owner complies with the accumulation cap. NMFS requires submission of this data at least annually of existing permit owners because individual ownership interest amounts may fluctuate over time and/or shareholders may be added to or leave the ownership group.

First Receiver Site License Application/Interim FR Site License/Renewal

NMFS will require that all first receivers who receive purchase or take custody of species covered by the IFQ program to apply for and obtain a valid site license for each physical location where an offload will occur for such species. Separate licenses will be required for each unique first receiver and associated unique offload site (a physical location) (i.e.; a first receiver company that receives IFQ species at three different locations will be required to have 3 separate site licenses). Under the trawl rationalization program, all QS groundfish species and overfish species must be weighed and accounted for at a facility. The first receiver will be required to have a catch monitor at the offload site to observe the sorting and weighing of landing. The catch monitor will provide NMFS with data that fully accounts for a landing and will assist NMFS law enforcement in their efforts to identify sites where IFQ offloads will occur and where catch monitors will need to be on site to observe offloads during the fishing season.

Each year, a first receiver must apply for site license prior to receiving an IFQ offload. The first receiver can apply any time during the year. The site license is effective for duration of the calendar year in which it is issued. In subsequent years, the first receiver must reapply for a site license. As part of the application, the first receiver must have a catch monitor plan approved by NMFS, a complete economic data collection survey for the most recent time period and have a current state buyer's or dealer's license. If a first receiver's state buyer's/dealer's license is voided, the first receiver site license will be voided as well. The first receiver must submit a catch monitor plan that details how groundfish will be weighed and accounted for at the plant. NMFS may require revisions or additional information for inclusion to the catch monitor plan as it deems necessary. NMFS will conduct a site inspection after NMFS receives the catch monitor plan. The catch monitor plan and site inspection requirements are detailed in a separate information collection.

Upon approval of the program component rule, NMFS will accept applications for an interim first receiver site license. Because NMFS will not be able to review and approve catch monitor plans (due to the late publication of the program rule) prior to the first year of the program, NMFS will allow first receivers to apply and obtain interim first receiver site licenses. The applicant will be required to provide a catch monitor plan and state buyer's license number with

this site license application. No economic data collection will be required for an interim first receiver site license, but will be required as part of subsequent license renewals or first receiver site license applications (if the first receiver participated in prior year). The interim first receiver site license will be issued through June 30, 2011. It is anticipated that all catch monitor plans will be approved by that date. If a catch monitor plan is not submitted with the interim first receiver site license application, NMFS will deem the application incomplete and will not process the application. A new first receiver site license (subsequent to the interim license) will be reissued once the catch monitor plan is approved.

Each year, NMFS will mail to all existing first receiver site license holders a prefilled renewal form in advance of the expiration date of their license. Applicants will be requested to submit the renewal form prior to the expiration date of their license to allow NMFS time to approve their catch monitor plan. The renewal form will update NMFS address and contact information for the first receivers; formally register where IFQ offloads will be authorized and will require a catch monitor; and will allow NMFS to collect economic data from first receivers. Applicants will be requested to certify that the existing information is correct or to make revisions to the address and contact information and certify those revisions as needed. The first receiver must provide with their renewal form a catch monitor plan and a complete economic data collection form that is due to NMFS with the renewal form. The first receiver site license will not be processed until all required items are provided.

Annual Economic Data Collection/Trawl Permit Transfer Transaction Price Information

NMFS will submit a separate information collection request for the economic data collection information collection. NMFS will require that all lessees, charterers and owners of catcher vessels registered trawl endorsed limited entry permits (including MS/CV endorsed permits and C/P endorsed permits) and owners and lessees of processors and buyers who processed or purchased IFQ groundfish to submit an economic data collection (EDC) form for a prior interval. An initial EDC submission will be for baseline years of 2009 and 2010. Subsequently, the EDC submissions will be for a calendar year starting in 2011 and beyond. The NMFS Northwest Science Center will mail the economic data collection survey in May each year well in advance of the permit renewal period. For those permits that are renewed in 2011 for the year 2012, all lessees, charterers and owners of trawl limited entry permits will be requested to provide a baseline economic data collection for 2009 and 2010. Subsequent renewals of these permits will require an economic data survey for the prior calendar year. A table detailing who is required to submit an EDC and the permit renewals they are tied to is provided at 50 CFR 660.114 (b) in the regulations.

Also, as part of any transfer of trawl endorsed limited entry permit or mothership permit, NMFS will require that the current permit owner to provide permit transaction price information. This will include both questions about whether the transaction is a sale or lease, the price, lease duration, whether the price reflects the total value of the transaction; if not, what other considerations are part of the transaction; and if the price of the transaction was zero, what was the nature of the transaction. Transfers occur periodically during the year and the number transfers involving vessels is limited (one or two depending on the endorsement) during a calendar year. NMFS will collect this information to better understand changes in the value of

trawl limited entry permits and mothership permits under the trawl rationalization program and the nature of these transactions. The transfer of trawl limited entry permits and mothership permits will be carried out using transfer form currently authorized under OMB Control No. 0648-0203 (referred to as a change in vessel registration or permit owner/holder application). This form will be modified to include a new section that provides questions regarding the nature of the transaction price involving the permit. The incremental time burden to provide this additional information is negligible.

QS Permit and QS Account Registration

Under OMB Control 0648-0611 (associated with RIN 0648-AY68), the NWR established that QS permits will be initially issued to current Pacific Coast groundfish limited entry permit owners who meet the qualifying requirements and provide an initial issuance of QS allocation based on the permit's catch history. Initially, NMFS will establish a web based QS account for all QS permit applicants who are approved to receive an initial issuance of QS. The initial issuance of QS allocation and QPs (based on the optimal yield for each species) will be deposited into a QS account. NMFS will establish an account number and issue a user ID and password to access the account. The QS account will continue in existence until such time that the QS permit owner or NMFS elects to close it. Annual allocations of QS and associated QPs will be deposited to the QS account by NMFS if the QS permit owner renews their QS permit in a timely fashion.

In the first two years of the program, QS allocations cannot be transferred to any other QS permit owner and as such, NMFS/NWR does not anticipate issuing new QS permits during the initial two year period. However, the proposed regulations provide an exception to this requirement which allows for QS to be conveyed to another person as a result of legal proceeding (i.e.; death of QS permit owner, divorce involving the permit owner, bankruptcy). For purposes of this information collection, a new person who wants a QS permit will be required to submit a letter to NMFS requesting a QS permit and QS account and provide legal documents that provide proof that the individual or entity has been awarded QS as a result of legal proceeding. Please note that NMFS anticipates amending this information collection prior to the 3rd year of the program to add a QS permit application. This form will provide a formal registration mechanism for persons who wish to obtain a QS permit (and QS via transfer) from existing QS permit owners. NMFS anticipates that only a small number of QS conveyances by court directive will occur during the initial two years of the program. A QS permit and account will not be established by NMFS if the permit owner/account holder has not provided a complete EDC that is currently due to NMFS. NMFS may require additional information or documentation from a new QS permit owner to determine if the person is eligible to own QS as specified in regulation.

The information required from the person to issue a QS permit/establish a new QS account includes the following: the legal name of the QS permit owner (including anyone who will receive the QS as a result of legal proceeding); date of birth or tax identification number for the named person; business address, including city, state and zip code; business phone number, fax number (optional) and email address (optional). Once the QS account is established by NMFS, the QS permit owner will be provided a user identification and password to allow them access to the account. For both the initial issuance of QS permits/accounts and any subsequent issuance of

QS permits/accounts, NMFS may require the name of a QS account manager, address, phone number and email address that will serve as point of contact for NMFS to resolve technical issues (i.e.; system errors) or possible errors involving an account NMFS did not request this as part of the QS permit application (covered in OMB Control 0648-0611) but may request in a letter to QS permit owners prior to creating QS account. If the QS permit owner does not designate an account manager, NMFS will assume that permit owner is the point of contact for matters relating the account. Further, identification of a QS account manager by the QS permit owner will allow NMFS to send a user ID and password both initially and if lost to the individual authorized to manage the account. NMFS may require the account manager to provide answers to security questions to authenticate the request of a new user ID and password. The account manager will be able to establish access privileges (i.e. view only, view and transfer) for those individuals working on behalf of the QS permit owner. Because the QS account contains business confidential information and access to asset that has value, not all employees of the QS permit owner may need to have access to such information or will have the authority to transfer associated quota pounds to a vessel account.

Transfer of QS/QPs from QS Account to Vessel Account

QS permit owners (QS account holder) will be allocated an associated amount of QPs based on their QS allocation for a particular species and the optimal yield for the year for each species. Each year, QS permit owners/account holders will be required to transfer all of their associated QPs (QS/QPs) for each species to one or more vessel accounts by September 1. Such transfers may involve a single transfer of QS/QPs in a QS account to a single vessel account or may involve multiple transfers of QS/QPs for various species to several vessel accounts. NMFS requires QS/QP transfers to vessel account in order to allow vessels to have access to QPs to cover their IFQ landings and discards during the fishing season. All such transfers will be registered and approved electronically with NMFS.

Transfers of QS/QPs to vessel accounts will be conducted using a web based online IFQ system. A QS permit owner may transfer the associated QPs for various species to one vessel or multiple vessels. For each transaction, QS permit owners/account holders will be required to designate the vessel account(s) they want to transfer the QS/QPs to, and then designate the amount of QS/QPs for each species. The QS permit owner/QS account holder will be required to submit (each of the transfer transaction to the system after reviewing the amounts of QS/QP for each species. The online account system will determine if the amount of QPs subject to transfer will exceed the vessel account limits. If the pending transfer results in the accumulated amount exceeding the limits for any of the species in the vessel account, the transfer will not be approved by the system. If the transfer transaction is in an amount that is within the limits for each species in the vessel account, the transfer will be forwarded to the vessel account. The vessel owner or designee will be required to accept or not accept the transfer of QPs from the QS account. The QS account holder may withdraw the transfer at any time prior to acceptance/non acceptance by the vessel account holder. Upon acceptance by the vessel owner or designee, the vessel account will credited with the QPs and the QS account will be debited. A transaction confirmation number will be provided to both transferor and transferee detailing the transaction (whether the transaction was accepted/not accepted by the transferee, time, date, the amount of QS/QPs by species).

As part of any transfer of QS/QPs from a QS account to vessel account, the transferor and transferee will be required to provide transaction price information. The purpose for requesting this information is to assist NMFS and others in analyzing the trawl rationalization program and specifically, the value of QS/QPs for various species over time. This collection will include questions about whether the transaction is a sale or lease, the sale or lease price, lease duration, whether the price reflects the total value of the transaction; if not, what other considerations are part of the transaction; and if the price of the transaction was zero, what was the nature of the transaction. If the transaction price is not provided, the transfer will not be approved.

Vessel Account Registration and Annual Renewal

In order to cover a vessel's landings or discards from IFQ trip, an owner of a vessel must register a vessel to a vessel account. NMFS will require each vessel owner to request in writing that they want to set up a web based vessel account for their vessel. In order for NMFS to establish the account, the vessel must be registered to a trawl-endorsed Pacific Coast groundfish limited entry permit. A vessel owner need only register for the vessel account one time for the period that he/she owns the vessel. The vessel account will remain open active on an ongoing basis until such time that NMFS or the vessel owner elects to close it. When a vessel owner requests a vessel account, the vessel must be registered to a trawl limited entry permit. It is anticipated that smaller numbers of vessels will participate in the IFQ fishery. While some vessels may continue to be registered to a trawl endorsed limited entry permit, they may choose not to participate in the IFQ fishery and as such will not require a vessel account.

To register a vessel account, the vessel owner must provide in a letter or email to NMFS the following information: the vessel name and United States Coast Guard (USCG) documentation number or state registration number, Pacific Coast Groundfish limited entry permit number, the vessel owner name, and any updated contact information (business address, business phone number, fax number, email address) if different from that currently given on the limited entry permit. Once the vessel account is established by NMFS, the vessel owner or account manager will be provided a user identification and password to allow them access to the account, vessel account number and a user guide. NMFS may require that the vessel owner provide the name of a vessel account manager, address, phone number and email address. The account manager information is needed to provide NMFS a point of contact to resolve technical issues (i.e. system errors) or possible errors associated with the account. If the vessel owner does not designate an account manager NMFS will assume that the vessel owner is the point of contact for the account. Identification of a vessel account manager by the vessel owner will allow NMFS to send a user ID and password initially and if lost to the individual authorized to manage the account. The account manager may be required to provide answers to security questions authenticate the account manager's request for a new user ID and password. The account manager will be able to establish access privileges (i.e.; view only, view and transfer) for those individuals working on behalf of the vessel owner. Because the vessel account contains business confidential information and contains access to an asset that has value, not all employees of the vessel owner may be authorized to have access to such information or will have the authority to transfer associated quota pounds into or out of a vessel account. The vessel owner may be required to provide the vessel account number when making a declaration of an IFQ trip and provide this number when making a landing on the electronic fish ticket. This information is needed to properly attribute the vessel landings to a specific vessel account

All owners of vessels registered to vessel accounts must renew their accounts each year in order to keep the vessel account active. On or about September 1, 2010, NMFS will send to vessel owners a vessel account renewal form. If the vessel account information (including the vessel account manager name, address, phone number and email address) is correct as given, the vessel owner needs only to sign and date the form. If the data is not correct, the vessel owner will be required to provide revisions on the form. The renewal form may be provided electronically via the online vessel account system. The purpose of the renewal of the vessel account is to update vessel owner information and to obtain the required economic data survey and ownership interest form. NMFS requires an ownership interest form from owners of vessels registered to vessel accounts because control of QS is determined on a case-by-case basis and extensive control of QP may indicate control of the underlying QS. Ownership interest forms related to vessel owner will assist NMFS in understanding issues related to control.

If the owner of a limited entry permit and the owner of the vessel are the same and the shareholders and ownership amounts for each shareholder are identical, the person may fill out one ownership interest form for both the permit and the vessel. The permit owner/vessel owner will be required to certify that the ownership interest is identical for both permit and vessel.

If a vessel owner fails to provide a complete renewal package their vessel account prior to the next calendar year, NMFS will not carryover remaining QPs from one year to another and will not activate the vessel account at the beginning of the following year. The vessel account will be activated once the vessel owner completes the renewal requirements.

Transfer of QPs between Vessel Accounts

An owner of a vessel register to an active vessel account may transfer QPs for various IFQ species to another vessel account anytime during a calendar year. The number of QP transfers from one vessel account to another vessel account will vary depending on a variety of conditions including business strategies, need for QPs of a particular species to cover an overage or anticipated landings/discards, a vessel has a surplus of QPs for a particular species at the end of the year, etc. After receiving an initial transfer of QS/QPs from QS account, some vessels may not require additional QPs for the year and may not transfer additional QPs into or out of their vessel account.

The online system will document every transfer of QPs between vessel accounts. Such transfers of QPs between vessel accounts must be transacted on the NMFS online IFQ system. Using the online system, the transferor vessel owner will be required to designate the vessel it wants to transfer the QPs to and then designate the amount of QPs for each species that will be subject to transfer. The transferee will be required to submit (click on a submit button) each of the transfer transactions of QPs to the vessel account. The online account system will determine if the amount of QPs subject to transfer will exceed the transferor's vessel account limit. If the pending transfer will result in the balance for any species being exceeded in the transferee's vessel account, the transfer will not be approved. If the proposed transaction is in an amount that is within the limits for each species in the vessel account, the pending transaction will be forwarded to the vessel owner or designee who will be required to accept or not accept the transfer. Upon acceptance by the vessel owner or designee, the transferor's vessel account will

be debited for the amount and species indicated in the transaction and the transferee's vessel account will be credited for the same amount. A transaction confirmation number will be provided to both transferor and transferee detailing the transaction (whether the transaction was accepted/not accepted by the transferee, time, date, the amount of QS/QPs by species). Similarly, if the transfer is not accepted, both parties will receive a message in their online accounts that documents the action of the transferee and will provide a transaction confirmation number. The transferor may withdraw the proposed transfer at any time prior to an action taken by the transferee.

As part of any transfer of QPs from one vessel account to another vessel account, the transferor will be required to provide transaction price information. The purpose for requesting this information is to assist NMFS and others in analyzing the trawl rationalization program and specifically, the value QS/QPs for various species over time. This collection will include questions about whether the transaction is a sale or lease, the sale or lease price, lease duration, whether the price reflects the total value of the transaction; if not, what other considerations are part of the transaction; and if the price of the transaction was zero or non-monetary, what was the nature of the transaction. The purpose for requesting this information is to assist NMFS and others in analyzing the trawl rationalization program. If the transaction price information is not provided, the transfer of QPs will not be approved.

QP Transaction Dispute Request

If a QS permit owner/account holder or vessel owner/account holder wishes to dispute the accuracy of the amount and/or species given for a specific transaction or their balances, the QS permit owner and/or vessel owner must submit a letter to NMFS and identify the specific transaction (transaction number) and describe the nature of the error(s). A QS permit owner or vessel owner may request a correction to their accounts any time during the year. NMFS will review the claim made by the QS permit owner and vessel owner to determine if the claim has merit and make a determination whether to correct the account balances. NMFS will notify both parties involved in the transaction of its determination on whether a correction is warranted. Given that QPs have value, it is important that the online IFQ system accurately reflect accurate amounts that were subject to transfer and that these accounts maintain accurate QP balances. This process allows for formal request to correct possible errors generated by the online system and NMFS's review and determination in such cases.

AT-SEA WHITING SECTOR

Mothership Permit Renewal

A MS permit must be renewed by the permit owner on an annual basis. The renewal of the MS permit is required of the permit owner to certify that the current permit contact data is correct or to provide updated address and contact information; to certify that ownership interest information is correct as previously reported or to update it; and to provide economic data collection information due for the most recent year. The form used for a MS permit renewal will be the same as provided for Pacific Coast Groundfish limited entry permits (currently covered under OMB Control No. 0648-0203). Each year, NMFS will mail out a prefilled renewal form to

all MS permit owners on September 1st. The permit owner must return a completed form by November 30th of each year.

The permit owner will be required to certify that current contact information including business address, business phone number, fax number and email address for both the permit owner and the vessel owner is correct by signing and dating the form. If the contact information has changed, the permit owner must make changes to the existing data on the form. Failure to renew the permit by the end of the calendar year may result in the permanent expiration of the permit.

As part of the annual renewal, the MS permit owner will be required to provide an ownership interest form and economic data collection form (described on page 6, covered under a separate information collection) if due to NMFS. A MS permit will not be renewed until a complete ownership interest form and/or economic data collection form (if due to NMFS) is provided. NMFS will provide to the MS permit owner a prefilled ownership interest form listing shareholders, the ownership interest amount and the address given for each shareholder. The permit owner will be required to certify that the existing information is correct or make changes to the listed shareholders, address information or ownership amounts as needed and certify by signing and dating the form. The regulations require that no individual or entity owning a MS permit may process more than 45% of the total MS sector whiting allocation. The ownership interest information collected each year will assist NMFS in determining compliance of permit owners with this requirement.

NMFS/Northwest Science Center will mail the economic data collection form to the permit owner and vessel owner.

Mothership Permit Transfer

Permit owners are required to submit a complete transfer form to NMFS to change permit ownership; transfers can occur anytime during the calendar year. The term “transfer” refers to any change in permit owner, vessel owner or vessel registered to the current permit. The transfer form provides formal certification and documentation of the request and allows NMFS to review request for compliance with permit regulations. The regulations allow for a MS permit to be transferred to 2 different vessels after January 1, however the second transfer must be back to the vessel originally registered to the permit in a given year. Changes in permit or vessel ownership can be requested as many times as necessary during a calendar year. A permit owner will be required to use the existing transfer form authorized under the collection OMB Control No. 0648-0203. Any approved request will result in NMFS reissuing the permit with requested changes. A transfer request may be disapproved and is subject to appeal.

Any transfer that registers a new permit owner will require the new owner to submit an ownership interest form. The respondent will be required to provide all shareholders and the amounts of ownership interest (in an amount of 2% or greater) each individual has in the permit. The regulations will require that no individual or entity owning a MS permit may process more than 45% of the total MS sector whiting allocation. The ownership interest information collected at time of transfer for a new permit owner will assist NMFS in determining compliance with this requirement. The transfer will not be processed if a complete ownership interest form is not provided.

Also, the transferor and transferee involved in a transfer of MS permit will be required to provide an economic data collection form if currently due to NMFS.

MS/Catcher Vessel (CV) Permit Renewal – Annual Co-op or Non Co-op Declaration

Each year, the owner of a MS/CV endorsed limited entry permit must indicate as part of the permit renewal whether they will participate in the co-operative fishery or the non-co-op fishery. If the permit owner selects the co-operative fishery, they must indicate which MS they anticipate being obligated to for the coming year. This non-binding declaration will assist NMFS in understanding how many, if any MS/CV permits may not be members to a co-op for the coming year and will detail the specific mothership vessel to which the CV anticipates being obligated.

Because the MS/CV endorsement will be assigned to an existing trawl limited entry permit, the renewal form that will be used is currently covered under OMB Control No. 0648-0203. The annual co-op/non-co-op declaration would be a revision to the existing authorized permit renewal form. Permit owners would be required to provide this information as part of the renewal process. The amount of time required to provide this information will be negligible.

MS/CV Endorsed Permit and C/P endorsed Permit Renewal and Transfer

Under the initial issuance regulations, NMFS will issue MS/CV and C/P endorsements to existing Pacific Coast Groundfish limited entry permits. As such, these permits are subject to current transfer and renewal regulations and the information collections associated with transfer and renewal are covered under OMB Control No. 0648-0203. Any transfer covered under the current collection, will now require that the current permit owner or any new permit owner or vessel owner to provide an economic data collection form if currently due to NMFS. If the outstanding economic data collection form is not provided, NMFS will not process the transfer.

Mothership Co-operative Permit

Each year, on a voluntary basis, MS/CV permit owners may form a co-operative(s) for the purpose of participating in the mothership whiting sector. To register as a MS co-op, at least 20% of the MS/CV permits must be obligated to the co-op. NMFS will issue a MS co-operative permit that recognizes the participating vessels and the permits that are obligated to the co-op. NMFS will manage and monitor the fishery at the sector level, but to effectively monitor the fishery and to carry out enforcement activities, must know which permits are obligated to the co-operative and which catcher vessels will fish for the co-ops and which mothership a particular CV will deliver to. All parties have potential legal liability if they fail to comply with the regulations. Further, NMFS must know which MS/CV permits are obligated to a co-op in order to assign percentage of whiting on the aggregate catch history assignments to the co-op.

In order to register a MS co-op, each year the co-op entity must submit a complete application form and a signed/dated co-operative agreement by March 31st. In addition to submitting a complete application form, the co-op entity must submit with the application a copy of a current co-op agreement. The co-op agreement is a private contract binding members' participation in

the co-op and establishing terms and conditions of member participation in the co-op. The co-op agreement must have all of the elements detailed in regulation. Also, the co-op entity must provide any inter-co-op agreements that it has entered into at the time of application.

In addition, the co-op entity must provide an annual report for the prior year, if the co-op participated in the MS whiting fishery. This annual report must provide the details required in the regulations and will serve to inform NMFS, the Council and others about the fishing activities and management of the co-op for the prior year. NMFS will not process the MS co-op permit if an annual report has not been filed with NMFS. The annual time burden for this collection includes the time required to prepare the annual report.

NMFS may require the applicant to provide a corporate resolution authorizing an individual to certify the application and may require the co-op entity to provide clarifications or additional information as it deems necessary to process the application.

Material Change to a MS Co-op

A co-op manager of either a MS co-op or the C/P co-op must notify NMFS in writing of any material change to co-op agreement within 7 calendar days of such changes. Within 30 calendar days, the designated co-op manager must submit to NMFS a revised co-op agreement with a letter that describes such changes. NMFS will review the material changes and provide a letter to the co-op manager that either accepts the changes as given or does not accept the revised co-op agreement with a letter stating the reasons that it was not accepted by NMFS. The co-op will be required to resubmit the co-op agreement with further revisions that respond to NMFS concerns. NMFS requires this notification because the co-ops serve to manage the harvest of whiting through a co-op agreement with their members and NMFS relies on the co-operative for effective management of the sector. The co-op agreement provides important mechanism to effectively manage fishing activities, including monitoring and enforcement activities within the co-op. NMFS will review the co-op agreement to ensure that monitoring and enforcement efforts are appropriate. As such, if the co-op decides in mid season to make a material change to its agreement with its members, it is imperative that NMFS be aware and approve of such changes to the operational requirements of the co-op.

Mutual Agreement Exception/MS Permit Withdrawal

A CV can be released from a MS processor obligation through mutual exception agreement of the MS/CV permit owner and a MS permit owner. The owner of MS/CV permit must submit a copy of the agreement to NMFS that includes the MS permit owner's acknowledgement of termination of the catcher vessel's obligation to the mothership vessel. In addition, the owner of the MS/CV endorsed permit must identify in writing the vessel's obligation to a new MS permit.

If a MS permit withdraws from the fishery before the resulting amounts of catch history assignment have been announced by NMFS, then any MS/CV permit obligated to that MS permit may elect to participate in the co-op or non-co-op fishery. The MS permit owner shall provide written notification to NMFS and all owners of MS/CV permit obligated to it of its withdrawal. In turn, the MS/CV permit owners shall notify NMFS of the intent to participate in

the co-op or non co-op fishery. If continuing in copy fishery, then MS/CV permit owner shall provide to NMFS the new MS permit it will be obligated to for the season.

The purpose of these notifications is to assist NMFS in tracking and monitoring changes in catcher vessel and mothership obligations which is important to monitoring the fishery. Because most of the catcher vessels and mothership vessels have had long term business relationships in past years, it is anticipated that the number of mutual agreement exceptions and mothership withdrawals will be few.

Addition of a CV to MS Co-op

For the mothership sector, a co-op manager is required to notify NMFS when a catcher vessel no longer is fishing for the co-operative or if another catcher vessel will be fishing for the co-operative. The purpose of this information collection is to allow NMFS to effectively monitor which catcher vessels are fishing for a co-op at any time during the season. All catcher vessels participating in the mothership fishery must have observers and legally liable to comply with all regulations given for the fishery. Mothership co-ops will provide a list of vessels that will be fishing for the co-op as part of their co-op permit applications. However, after the start of the fishing season, some vessels may opt out of the co-op or may elect to have other vessels registered to trawl endorsed limited entry permits (not MS/CV endorsed) fish for the co-ops. The co-op manager must notify NMFS prior to having a new vessel fish for the co-op and identify the motherships that they will be delivering to. The written notification must provide the name of the vessels and vessel numbers. Similarly, if a vessel originally identified as fishing for the co-op opts out of fishing for the co-op for the remainder of the year, the co-op manager must notify NMFS in writing.

C/P Co-operative Permit

For many years the catcher processor fishery has operated under a single voluntary co-operative and all owners of catcher processor vessels have been members to that co-operative. Under the trawl rationalization program, it is expected that the catch processor fishery will continue to operate under a single voluntary co-operative. NMFS will continue to monitor the catcher processor fishery and as such will need to reconfirm annually that the owners of C/P endorsed permits continue to be obligated to a co-op. If the C/P co-op dissolves, this sector will be managed under an IFQ program. Each year, NMFS will require that the co-op entity that manages the C/P co-operative register for an annual permit that recognizes the participating vessels and the C/P endorsed permits are obligated to the co-op. The co-op will identify a manager that is responsible to work with NMFS in managing the fishery. The registered co-op entity will be responsible to pay all cost recovery fees for the co-op members.

In order to register the C/P co-op, each year the co-op entity must submit a complete application form to NMFS by March 31st. In addition to submitting a complete application form, the co-op entity must submit with the application a copy of a current co-op agreement. The co-op agreement is a private contract binding members' to participate in the co-op and establishing terms and conditions of member participation. The co-op agreement must include all of the elements required by regulation. The application form will require: the legal name of co-op

entity, tax identification number, business address including city, state and zip code; business phone number, fax number and email address; name of the co-op manager, date of birth, a list of C/P endorsed permits and registered vessel name and registration number. In addition, the co-op entity must provide an annual report for the prior year (after the initial year of the program).

This annual report must provide the details required in the regulations and will serve inform NMFS, the Council and others about the fishing activities and management of the co-op for the prior year. NMFS will not process the MS co-op permit if an annual report has not been filed with NMFS. The annual time burden for this collection includes the time required to prepare the annual report.

NMFS may require the applicant to provide a corporate resolution authorizing an individual to certify the application and may require the co-op entity to provide clarifications or additional information as it deems necessary to process the application.

Co-op Failure

If a MS or C/P co-op fails or dissolves, the co-op manager is required to notify NMFS in writing of this event. Because co-ops are central to management of these fisheries and how they are monitored and managed, it is essential to know if a co-op no longer exists. A co-op permit becomes invalid if the co-op fails. If a C/P co-op fails, NMFS will be required to run this fishery as an IFQ fishery and allocate whiting in equal amounts to each QS permit owner. It is important to know about a C/P failure as NMFS will be required to prepare new regulations to implement a C/P QS program. Similarly, if a MS co-op fails, NMFS will need to know how much of their allocation has not been fished to date and this balance cannot be reallocated to other co-ops in sector. Because both the MS and C/P fisheries have successfully used co-ops for many years and given the benefits derived by participation in co-ops, it is anticipated that a co-op failure will occur rarely, if at all.

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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Applications for first receiver site licenses and co-op permits will not be submitted to NMFS electronically. Applicants that are not prequalified may obtain fillable application forms from

the NMFS/Northwest Region Permits Web site and submit them by the deadline date. NMFS will provide prefilled renewal applications for any renewal of a QS permit, MS permit, and vessel account. MS permit owners will be able to use an online renewal system to renew their permits. NMFS will attempt to establish a similar system for QS permit owners and vessel owners. Similarly, NMFS will also provide prefilled ownership interest data listing shareholders and the amounts of ownership attributed to each individual and entity as previously reported to NMFS. This approach will reduce the burden on respondents in preparing their applications.

NMFS will establish an online QS account and vessel account system. The QS permit owner and vessel owner will be provided user ID and password to activate and access the account. Both the QS permit owner and vessel owner will be able to transfer QPs in their accounts using this system and will be able to monitor the balances of their accounts. Vessel accounts will be connected to a catch accounting database that will record IFQ landings by vessels and discards, both of which will result a debit of QPs in the account.

4. Describe efforts to identify duplication.

This is a unique information collection and does not duplicate other collections. The trawl rationalization program has been developed by the Pacific Fishery Management Council and is unique to the Pacific Coast trawl based fisheries. This program has been reviewed in many public meetings and subject to public comment. No issues have been raised in the Council process identifying duplication of this program. This program and the associated information collection are targeted at a specific part of the fishing industry and authorize specific information required to implement and administer this program. This collection will involve transfers and renewals of QS and MS permits which are currently not covered under OMB Control No. 0648-0203.

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

Many of the respondents are small businesses. NMFS will provide prefilled ownership interest forms and renewal forms providing current data specific to business entity and permit. This respondent need only certify that the current information is correct or make the incremental changes to the current data as necessary.

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

QS Permit and MS Permit Renewals

The annual renewal information collection is necessary to confirm current permit address and contact information is correct or to revise it as necessary and to maintain accurate registrations of permit. If the collection is not conducted or conducted less frequently, over time the permit information would not be correct and outdated. Many permit owners do not update their contact information at the time of such changes. NMFS requires accurate permit address and contact

data in order to contact permit and vessel owners about permit specific issues and to provide general notices about the fishery.

MS Permit Transfers

If the collection of permit transfer information is not conducted or conducted less frequently, NMFS will be unable to limit fishing effort in the groundfish fishery, which is critical to the conservation and management of the groundfish resource. Because permits convey a conditional privilege given by NMFS, any transfer of such privilege to another permit owner or vessel, must be formally registered with the Agency. Permit owner/vessel owner and vessel registration information is important in enforcing management regulations, providing authorized participants with notice of important fishery information during the season and providing analysts with high quality permit data.

MS and C/P Co-op Permit and First Receiver Site License Annual Registrations

Co-op permit registrations and first receiver site licenses are required annually. The whiting at-sea fishery is carried out primarily by co-ops that organize vessels to harvest the whiting allocation.

If NMFS does not require first receivers to register or register less frequently, it would hinder NMFS's ability to effectively carry out monitoring and enforcement requirements of the trawl rationalization program. Each first receiver must request a site license for each individual site that will receive or take possession of fish from a vessel. Such landings must be weighed, sorted and documented by a Federal catch monitor. NMFS must know how many catch monitors will be required and the sites that IFQ landings will occur for each fishing season. Enforcement officials need to know where IFQ landings will occur in a given year so it can target inspections as required. Annual registrations are required because there is no presumption that a particular first receiver will participate in the IFQ fishery from one year to the next.

Ownership Interest – QS Permit Application/MS/CV and MS Transfer and Renewals

Ownership interest forms must be submitted as part of transfers of MS/CV and MS permits referenced above. The ownership interest information is required to determine if any applicant (including individuals who have interest in entities who are applicant) will own and control QS, MS permits, or MS/CV permits in excess of the accumulation limits. If NMFS does not collect this ownership interest or less frequently, NMFS would not be able to track changes in shareholders or shareholder ownership interest amounts over time or to obtain initial ownership interest information from new permit owners (as part of transfer). This information is needed at to monitor compliance with the accumulation limits for both existing permit owners on an ongoing basis and to check compliance on any new permit owner. The accumulation limits are provided to meet the legal mandate under MSA which requires that individuals and/or entities should not receive access to a disproportionate amount of the resource.

Transfers of QS/QPs from QS Accounts to and between vessel accounts

If QS permit owners or vessel owners are not required to provide information involving transfers of QS/QPs to vessel accounts or QPs from vessel account to vessel account, the IFQ fishery could not be effectively prosecuted. There is a need for an account system that documents the transfer of QPs so account holders reliably know what QP balances are registered to a person (QS permit owner or vessel owner with vessel account), can confirm the exchange has occurred and approved, that transfer complies with accumulation limits. The QS/QP accounting system is critical to execution of the fishery and the benefits of the trawl rationalization system cannot be recognized with having a real time accounting system that allows for transfer of IFQ species to and between vessel accounts. This IFQ accounting system allows to confirm that such transfers occurred and conformed to private business agreements. NMFS must have this information in order to broadly manage the fishery and to analyze the trawl rationalization program.

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 proposed rule RIN 0648-AY68, Program Components, will be published coincident with the submission of this information collection, for public comment on the information collection requirements.

Some of the forms provided for in this collection are authorized under our current collection OMB Control No. 0648-0203 and that collection's public burden will be revised to accommodate certain expansion of the information collections under this proposed rule (i.e.; MS transfer and renewal, QS renewal).

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

Not Applicable.

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

Some of the information collected above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under [NOAA Administrative Order 216-100](#), Protection of

Confidential Fisheries Statistics. Phone number, fax number and email information associated with permit/license owners or for owners of vessels or landing facilities or co-op managers are not released to the public. Ownership interest information including the names of shareholders and the percentage of ownership interest, transaction price information, transfers of QS/QPs and QPs between accounts, individual balances in QS and vessel accounts, the QS and vessel account identification numbers, and co-op agreements that are provided as part of a co-op permit application are business confidential information. Also, date of birth for an individual required are covered under the Privacy Act. This information is given on all forms.

The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 ([73 FR 20914](#)) and became effective on June 11, 2008 ([73 FR 33065](#)).

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.

Collection	Responsible Party	# of Respondents	Frequency of Responses per Year	Total Number of Responses Per Year	Average Time per response	Annual Burden
QS Permit Renewal	Permit owner/whiting first receiver	120	1	120	20 min.	40 hrs.
QS Permit Application for QS Transferees	QS Transferee	3	1	3	6 hrs.	18
First Receiver Site License Initial Issuance/Renewal	First Receiver at a unique offload site	80	1	80	30 min.	40 hrs
MS Renewal	Permit owner	6	1	6	20 min.	2 hrs
MS Transfer	Permit owner	3	1	3	30 min.	2 hrs
C/P Co-op Permit	Co-op entity	1	1	1	4 hrs.	4 hrs
MS Co-op Permit	Co-op entity	1	1	1	4 hrs.	4 hrs
Change in vessel fishing for co-op	Co-op Entity	3	1	3	20 min.	1 hr
Material Change	Co-op Entity	3	1	3	2 hrs.	6 hrs
MS Withdrawal/ Mutual Exception	Permit owners	2	1	2	2 hrs	4 hrs
Ownership Interest Form (1) Renewal	Permit Owners	186	1	186	30 min.	93 hrs
Ownership Interest Form Transfer	Permit Owners	20	1	20	30 min.	10 hrs
Vessel Account Registration/ Activation/Renewal (Initial and Ongoing) (2)	Vessel Owners	120	1	120	30 min.	60 hrs
New Vessel Account Registration/activation /Renewal (ongoing)	Vessel owners	10	1	10	30 min.	5 hrs.
QS Account Registration(3)	Permit Owner	1	1	1	1 hr.	1 hrs.
QS/QP transfer from QS account to vessel account(4)	QS permit owner and vessel owner	120	1.5	180	15 min.	45 hrs
QP Transfer from vessel account to vessel account(5)	QS Permit owner and vessel owner	120	10	1,200	15 min.	300 hrs
Transaction Dispute Request	QS Permit owner and/or vessel owner	10	1	10	1 hour	10 hours
TOTALS		186 unduplicated		1,949		645

(1) – Number of respondents (120 QS Permits + 30 MS/CV endorsed permits + 6 Mothership Permits + 30 vessel owners who do are not permit owners) Ownership interest forms are required as part of renewal of these permits and vessel accounts

(2) Required of all owners of vessels registered to vessel account

(3) - This estimate is only for an incremental of additional QS account registrations required due to legal proceeding (i.e.; death of permit owner which are conveyed to a beneficiary)

(4) – Will be carried out online IFQ system. Includes time required to provide transaction price information. Each transaction requires action by both QS permit owner (transferor) and vessel owner (transferee) and time estimate is inclusive of both parties.

(5) – Will be carried out online IFQ system. Includes time required to provide transaction price information. Each transaction requires action by both QS permit owner (transferor) and vessel owner (transferee) and time estimate is inclusive of both parties.

Note: The above time burden does not estimate the time required to report the dissolution of a co-operative. We anticipate that a dissolution of a co-op will be a rare event and if it occurs, will require a short letter from the co-operative manager and/or members stating that the co-op has dissolved as of a given date.

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).

Mailing costs: 428 mailings (all items in the Question 12 table above the account registrations) x \$0.44 per mailing = \$188.32

Copy Costs: 2,083 pages x \$.05 per page = \$104.15.

QS Permit Application and Renewal Fees: \$100 x 123 = \$12,300

MS Permit Renewal Fee: \$100 x 6 = \$600

First Receiver Site License Application Fee: \$45 x 80 = \$3,600

Co-op Permit Application Fee: \$240 x 2 = \$480.

Total fee cost: 16,980.

Total reporting and recordkeeping costs: \$17,273.

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

NMFS will charge application processing fees for renewals to recapture administrative costs. In addition, the permit office will incur ongoing program costs related to the trawl rationalization program which includes staff time to: prepare the application/renewal packages; review and process (enter data) incoming transfer, renewal and annual registration applications; prepare agency decision documents and permit documents; maintain and improve the vessel and QS account system, and respond to permit owners and vessel account holders questions about the program and account operations. The total net administrative cost accruing to the Federal government is approximately \$700,000.

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

This is a new collection.

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

The results from this collection are not planned for statistical publication.

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.

**QS PERMIT RENEWAL
FORM
PACIFIC COAST GROUND FISH
Limited Entry Permit**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Region , Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461
www.nwr.noaa.gov

Please make any changes as appropriate to the addresses, phone and fax number and email address listed below. The QS permit owner name cannot be changed. Please provide an ownership interest form with your renewal form. Also, you must have submitted a completed Economic Data Collection survey to NOAA/NMFS/Northwest Science Center.

Permit Number:

Permit Owner's name(s):
Business Address:
City, State, Zip Code
Business Phone Number :
Fax Number:
Email address:

QS Account Manager Name (if different from permit owner):

QS Account Manager Address (if different from permit owner):

QS Account Manager Business Phone (if different from permit owner):

QS Account Manager Email Address (if different from permit owner):

Please sign below to certify that the above information is true, correct and complete (edit if necessary) to the best of your knowledge and return this form with a check or money order for \$XXXX made payable to **U.S. Department of Commerce, NOAA**. Mail to: NOAA/NMFS/Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Bldg. #1 Seattle, WA 98115-0070.

Signature of owner(s)

Title (If corporate officer)

Date

Print Name of Signatory: _____

Warning Statement: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRIVACY ACT STATEMENT: Phone number, fax and email information are not released to the public. The permit sale/lease information and the amount of sablefish landed to date given on a transfer form are considered confidential. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.33 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax and email information are not released to the public.

**QUOTA SHARE PERMIT
APPLICATION
PACIFIC COAST
GROUND FISH**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office

7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov



SECTION A – Applicant/QS Permit Holder Information

Name of QS Permit Applicant:		TIN or DOB
Business Mailing Address (P.O. Box or street address)		
City	State	Zip Code
Business Telephone Number:	Business Fax Number:	E-mail Address (if available):
Name of Designated Account Manager:		DOB:
Business Mailing Address (if different from applicant)		
City	State	Zip Code
Business Telephone Number:	Business Fax Number:	E-mail Address (if available):

Section B – Applicant Eligibility Certification

Note: The applicant must be eligible to own a QS Permit (see 50 CFR 660.140). Please respond to the questions below:

Are you a U.S. citizen eligible to own and control a U.S. fishing vessel with a fishery endorsement? YES NO

Are you a permanent resident alien eligible to own and control a U.S. fishing vessel with a fishery endorsement? YES NO

Are you a corporation, partnership, association or other business entity established under the laws of the U.S. or any State that is eligible to own and control a U.S. fishing vessel with a fishery endorsement? YES NO

SECTION C - CERTIFICATION OF APPLICANT AND NOTARY

This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves

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

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Notary Public Signature

ATTEST

Affix Notary Stamp or Seal Here

Date Commission Expires

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 1.0 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public.

**QUOTA SHARE PERMIT
APPLICATION
PACIFIC COAST
GROUND FISH**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

Instructions

This form must be completed and submitted to the National Marine Fisheries Service (NMFS) at the address given above to apply for a quota share (QS) permit. A person must have a valid QS permit and QS account in order to own and control QS.

Section A – Applicant/QS Permit Holder Information

The applicant must provide their full name as it will appear on the permit and date of birth (for individuals) or tax identification number (if a business entity). Please provide the business mailing address, business phone number, fax number and email address. The applicant must provide the name of the designated manager of the QS account. NMFS will mail to this individual all pertinent information concerning the establishment of the QS account, including the user identification and password for the account. The designated account manager will be recognized as the principal point of contact regarding the management of the QS account.

Section B -

Section C - Certification of Applicant and Notary:

The applicant or authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the applicant or authorized representative certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. The notary must sign and date this section, and affix notary stamp or seal.



If the applicant is business entity, the authorized representative must include a copy of the corporate resolution or other document authorizing the individual to sign and certify on behalf of the business entity.

Supplemental Documentation

The applicant must provide an ownership interest form with this application.

<p>VESSEL ACCOUNT RENEWAL FORM PACIFIC COAST GROUND FISH Limited Entry Permit</p>	<p>UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration National Marine Fisheries Service Northwest Region, Fisheries Permits Office 7600 Sand Point Way NE, Bldg. 1 Seattle, WA 98115-0070</p> <p>Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov</p>	
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Please make any changes as appropriate to the addresses, phone and fax number and email address listed below. Please sign, date and return the form with payment. Any changes in vessel registered to the permit, or a change of a permit or vessel owner will require submission of a permit transfer form.

Vessel Account Number:

Vessel Owner:

Vessel Owner name (s):

Business address:

Business phone number:

Fax number:

Email address:

Vessel Account Manager Name (if different from Owner):

Vessel Account Manager Business Address (if different from Owner):

Vessel Account Manager Business Phone Number (if different from Owner):

Vessel Account Manager Email Address(if different from Owner):

Formatted: Left

Vessel name:

Vessel Official number

Endorsements (Gear, Size):

Please sign below to certify that the above information is true, correct and complete (edit if necessary) to the best of your knowledge and return this form with a check or money order for \$XXXX- made payable to **U.S. Department of Commerce, NOAA**. Mail to: NOAA/NMFS/Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Bldg. #1 Seattle, WA 98115-0070.

Signature of owner(s) Title (If corporate officer) Date

Print Name of Signatory: _____

Warning Statement: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001

PRIVACY ACT STATEMENT: Phone number, fax and email information are not released to the public. The permit sale/lease information and the amount of sablefish landed to date given on a transfer form are considered confidential. . Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.33 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115

**Change of Vessel
Registration , Permit Owner
or Vessel Owner Application
Pacific Coast Groundfish
Limited Entry Permit**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
NorthPacific Region , Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

REMINDER: Please provide your current limited entry permit with the completed transfer request form.

SECTION A - ACTION(S) REQUESTED: Please check the box next to the action(s) requested. Fill out the sections listed for each action. If multiple permits are being combined to either increase the size endorsement or to stack (sablefish-endorsed only), a separate form must be completed for each permit. For actions that include a change in vessel registered to a sablefish-endorsed permit, there are three sub-actions that can be taking place (stacking, moving, or removing).

1. If a sablefish-endorsed permit is being **stacked**, going from an “unidentified” vessel status to a named vessel, check the first sub-box under “change in vessel registered to a permit.”
2. If a sablefish-endorsed permit is being **moved**, going from one named vessel to another named vessel, check the both sub-boxes under “change in vessel registered to a permit.”
3. If a sablefish-endorsed permit is being **removed**, going from a named vessel to an “unidentified” vessel status, check the second sub-box under “change in vessel registered to a permit.”

SECTION B - CURRENT PERMIT OWNER: List permit number, vessel name currently registered to the permit, and vessel registration number. List each permit owner(s) name as given on the current permit. Enter Tax Identification number (TIN) and/or date of birth (DOB) of the current permit owner(s). This section must be signed by an authorized individual for business entities or all permit owner(s) required to sign for NMFS to implement the designated actions (**See NOTE 1 below**). A signed and dated corporate resolution is required from business entities authorizing an individual to sign the form on behalf of the corporation/partnership. The current permit owner(s) or authorized permit owner(s) must sign and date the application in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. The notary must sign and date the certification statement, and affix their notary stamp or seal. By signing and dating the application, the applicant certifies that all information set forth in the application is true, correct, and complete to the best of the applicant’s knowledge and belief. **For sablefish endorsed permits, if the permit owner is a business entity, an ownership interest form must be submitted.**

If the space provided in this section is not adequate to list all owners required to sign the form, attach a separate sheet with the heading: “Section B - Current Permit Owner - Attachment.” Please provide permit owner names, SSN/TIN, signatures, date of signature, and notarize the separate sheet. Note the Privacy Act Statement at the end of the application.

SECTION C - CHANGE OF VESSEL REGISTERED TO PERMIT: If you are changing the vessel registered to the permit, please indicate the name and registration number of the current vessel listed on the permit on the left side of Section C and list the name and registration number of the new vessel on the right side of Section C. List the length overall of both the current and new vessels. If the permit will not be registered to a vessel, indicate “unidentified” for the new vessel name. **A recent marine survey (conducted in last 3 years) must be provided for a vessel not currently registered to a limited entry permit to verify its length overall (not applicable to motherships).**

SECTION D - NEW PERMIT OWNER: List each new permit owner’s name(s), a business address and phone number. Enter the Tax Identification number (TIN) (if business entity) date of birth (for an individual) for the new permit owner. If the space provided in this section is not adequate to list all owners, attach a separate sheet with the heading: “Section D - New Permit Owner - Attachment.” Please provide permit owner names and TIN or date of birth. NMFS requires that there is a change in permit owner of a trawl limited entry permit, the new permit owner must provide the sale price of the permit. Any new owner of longline or trap/pot endorsed limited entry permit may provide the sale price of the permit (optional). Note the Privacy Act Statement at the end of the application.

SECTION E - VESSEL OWNER: Please provide the name of the owner(s) of the vessel to be registered to the permit as given on the U.S. Coast Guard Certificate of Documentation or state vessel registration document. Please provide the individual(s) or business name, business address and phone number. If the vessel owner is different from the listed permit owner, enter the Tax Identification number (TIN) and/or date of birth (DOB). If the space provided in this section is not adequate to list all holders, attach a separate sheet with the heading: "Section E - Permit Holder - Attachment." Please provide vessel owner names and the TIN (if business entity) or date of birth (DOB) for individuals. NMFS requires that there is a change in the vessel registered to a trawl limited entry permit, the vessel owner must provide the lease price of the permit. If a new vessel is register to a longline or trap/pot endorsed limited entry permit, the vessel owner is requested to provide the lease price of the permit (optional). The new permit holder is requested (optional) to provide the permit lease price and period of the lease. **For sablefish endorsed permits, if the vessel owner is a business entity, an ownership interest form must be submitted.**

SECTION F - SABLEFISH-ENDORSED PERMIT TRANSFER: Fill out this section if you are requesting a transfer of a sablefish-endorsed permit at any time during the primary sablefish season. This section requires the transferor to certify the cumulative amount of sablefish landings for the current primary sablefish season on the permit at the time of transfer and requires the transferee to acknowledge the amount of sablefish the cumulative amount of sablefish landings on the permit to date. In the case of an enforcement investigation on a sablefish-endorsed permit, the transferor may be held liable for certifying false landings during a mid-season transfer of a permit.

Section G – Permit Transaction Price Information

The current owner of trawl endorsed limited permit or mothership limited entry permit must provide responses to the questions given in this Section.

Eligibility to own or hold a Pacific Coast Groundfish Limited Entry Permit: Please note that a Pacific Coast Groundfish Limited Entry Permit owned or registered to a person must be eligible to own a U.S. documented vessel.

NOTE 1: Persons who sign on behalf of an entity or another party, need to submit evidence of authority to sign such as: notarized power of attorney, corporate resolutions, certified court documents relative to divorce decrees and judgments or appointments as executor, etc. If the permit is owned by co-owners, both owners must sign.

NOTE 2: Persons eligible to own a documented vessel are:

- an individual who is a citizen of the United States
- an association, trust, joint venture or other entity -
 - a) all of whose members are citizens of the United States; and
 - b) that is capable of holding title to a vessel under the laws of the United States or of a State
- a partnership whose general partners are citizens of the United States
- a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of the board of directors are citizens of the United States and no more of its directors are non-citizens than a minority of the number necessary to constitute a quorum;
- the United States Government;
- the government of a State.

Please mail this application with **your current limited entry permit** and other required supporting documentation to the address listed at the top of the instructions page.

Supplemental Documentation

Any new permit or vessel owner of trawl limited entry permit (not C/P endorsed) must provide an ownership interest form. Any vessel owner or permit owner of a limited entry permit owner who participated in the IFQ fishery in a prior year and an outstanding economic data collection (EDC) survey which was mailed to them previously by the NMFS/Northwest Science Center, must provide the EDC as part of this transfer request. Transfer requests will not be processed by NMFS until the completed forms are provided to NMFS.

**Change of Vessel
Registration Permit Owner
or Vessel Owner Application
Pacific Coast Groundfish
Limited Entry Permit**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Region , Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

SECTION A – ACTIONS REQUESTED
Check all that apply

- Change in vessel registered to permit (Fill out Sections B, C & F)
 - Is this a request to stack a sablefish-endorsed permit?
 - Is this a request to remove a sablefish-endorsed permit from an existing stack arrangement?
- Change in permit owner (Fill out Sections B, D & F)
- Change in vessel owner (Fill out Sections B, E & F)

SECTION B - CURRENT PERMIT OWNER

Permit Number GF		Vessel Name		USCG Doc or State Registration Number	
Current Permit Owner Name(s) (Last, First, Middle Name or Business Name) <i>Business Name</i>				Tax Identification Number (TIN) (For each corporate or business entity)	
<i>Last</i>		<i>First</i>		<i>Middle Name</i>	
				Date of Birth (For each individual)	
Business Mailing Address <input type="checkbox"/> Is this a change of address?				Business Phone ()	
<i>Street or PO Box</i>				Business Fax (optional) ()	
<i>City</i>		<i>State</i>		<i>Zip Code</i>	
				Business Email (optional)	
The remainder of Section B must be completed by a notary to certify that the individual(s) signing this form have satisfactorily identified themselves.					
<i>Under penalties of perjury, I hereby declare that I, the undersigned, completed this application, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.</i>					
Signature of Applicant or Authorized Representative (See Note 1)				Date	
Printed Name of Applicant or Authorized Representative (NOTE: If form completed by a representative, attach authorization.)					
Notary Public Signature <input type="checkbox"/> ATTEST				Affix Notary Stamp or Seal Here	
Date Commission Expires					

SECTION C - CHANGE OF VESSEL REGISTERED TO PERMIT

CURRENT Vessel Name	NEW Vessel Name
USCG Doc or State Registration Number	USCG Doc or State Registration Number
Length Overall _____ feet	Length Overall _____ feet
<p><i>For the new vessel, submit a copy of the US Coast Guard "Certificate of Documentation" (CG-1270) or the registration certificate issued by a state. Also submit a marine survey documenting vessel length overall (LOA). The survey must be conducted by a certified marine surveyor according to the USCG method for determining LOA. NOTE: In order to register a permit for use with a given vessel, the vessel owner must be listed as either the permit owner or holder.</i></p>	

SECTION D - NEW PERMIT OWNER

New Permit Owner Name(s) (Last, First, Middle Name or Business Name) <i>Business Name</i>			Tax Identification Number (TIN) (For each corporation or business entity)
<i>Last</i>	<i>First</i>	<i>Middle Name</i>	Date of Birth (For each individual)
Business Mailing Address <input type="checkbox"/> <i>Is this a change of address?</i>			Business Phone ()
<i>Street or PO Box</i>			Business Fax (optional) ()
<i>City</i>	<i>State</i>	<i>Zip Code</i>	Business Email (optional)
Are you a person eligible to own a documented vessel under the terms of 46 USC 12102 (a)? (See Note 2) <input type="checkbox"/> yes <input type="checkbox"/> no			

SECTION E - VESSEL OWNER
(As given on USCG Form 1270 or State Motorboat License)

Permit Holder/Vessel Owner Name(s) (Last, First, Middle Name or Business Name) <i>Business Name</i>			TIN (If multiple owners, attach a list of their names and TIN)
<i>Last</i>	<i>First</i>	<i>Middle Name</i>	DOB (If multiple owners, attach a list of their names and DOB)
Business Mailing Address <input type="checkbox"/> <i>Is this a change of address?</i>			Business Phone ()
<i>Street or PO Box</i>			Business Fax (optional) ()
<i>City</i>	<i>State</i>	<i>Zip Code</i>	Business Email (optional)
Are you a person eligible to own a documented vessel under the terms of 46 USC 12102 (a)? (See Note 2) <input type="checkbox"/> yes <input type="checkbox"/> no			

SECTION F - SABLEFISH-ENDORSED PERMIT TRANSFER

Fill out this section if you are transferring a sablefish-endorsed permit.

Is the permit transfer occurring during the primary sablefish season (usually April-October)?

YES If yes, please provide the cumulative sablefish in pounds (round weight) that has been landed to date against the permit's tier amount
 _____ pounds

NO If no, no further information is required in this section.

Current Permit Owner (Transferor): I certify that the cumulative amount of landed sablefish given above has been credited against the permit listed on this form and is accurate as of the date of my signature below. Further, I certify that the cumulative amount of landed sablefish for this permit (given above) occurred during the current primary sablefish season and has been reported on fish landing tickets.

Printed Name of Current Permit Owner	Signature of Current Permit Owner	Date
--------------------------------------	-----------------------------------	------

New Permit Owner or Owner of Vessel Registered to the Permit (Transferee): I acknowledge that the cumulative amount of landed sablefish given above has been credited against the permit listed on this form and reflects cumulative landings during the current primary sablefish season. Further, I acknowledge that the difference between the total tier poundage available on this permit minus the amount given above is the amount of sablefish remaining to be harvested during the current primary sablefish season.

Printed Name of New Permit Owner or Vessel Owner	Signature of New Permit Owner or Vessel Owner	Date
--	---	------

Section G – Permit Transaction Price Information

(Required to be provided by Current Permit Owner of a Trawl Endorsed Limited Entry Permit and a MS limited entry permit)

1. Does this transfer request involve sale of the permit? **YES/NO** If yes, provide sale price: \$ _____
2. Does this transfer request involve the lease of the permit? **YES/NO**
3. If a lease, please provide the duration of the lease: _____ No. of Months and Lease price: \$ _____
5. Does the sale or lease price reflect the total value of the transaction? **YES/NO**
6. If the sale or lease price does not reflect the total value of the transaction, please describe in general terms other considerations (i.e.; multi-asset exchange, transfer of quota shares, transfer of quota pounds, exchange of fishing rights, sale of vessel, associated with Regional Fisheries Association, other property, other long term transfer or commitment)

7. If the sales or lease price is zero, please indicate the nature of the transaction (i.e. within company exchange; transfer to family member, friend, co-worker): _____

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

PRIVACY ACT STATEMENT: Your date of birth and TIN are confidential and protected under the Privacy Act. Provision of your date of birth and TIN is mandatory as part of this collection. The primary purpose for requiring the date of birth is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax and email information and TIN are not released to the public. The permit sale/lease information and the amount of sablefish landed to date given on a transfer form are considered confidential. Similarly, the names associated with an entity that owns a sablefish permit or has vessel registered to sablefish endorsed permit are confidential, as are date of birth for an individual and any medical records provided to obtain an exemption from the owner on board required.

The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

ADDITIONAL INFORMATION: Before completing this form, please note the following: 1) This information is collected to manage and conserve the Pacific Coast Groundfish fishery and more specifically, to maintain accurate and current records on all permit owners, permit holders and vessels registered to participate in the Pacific Coast Groundfish Limited Entry Program. This information will be used to formally document a request from the permit owner to make a change to a permit and allow the Agency to review and verify that such a request is in compliance with existing regulations, to monitor and analyze changes in participation in Pacific Groundfish fishery, accurately record changes to the listed permit owner, permit holder or vessel registered to the permit, and maintain accurate and current address and contact information of permit owners and holders to allow the Agency to notify them of changes in the fishery regulations. 2) This collection of information is mandatory and a change in registration of limited entry permits is required at 50 CFR Section 660.335 (b-i). 3) Responses to this information request are confidential under Section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et. seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook of the Northwest and Alaska Region, National Marine Fisheries Service". Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

TRAWL IDENTIFICATION OF OWNERSHIP INTEREST

PACIFIC COAST GROUND FISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

This form will provide NOAA Fisheries with information on owner of QS permit, MS permit, MS/CV endorsed permit or vessel registered to a trawl limited entry permit for the purpose of determining compliance with accumulation limits associated with each of these permits and associated quota share.

A form must be filled out for each permit you have an ownership interest at the time the above permits are renewed and by new mothership or mothership/catcher vessel permit owners as part of transfer request or as part of a QS permit application. Also, all owners of vessels who have a vessel account must submit a form to renew the account. **If a permit owner and the owner of the vessel registered to the permit are the same and the ownership interest in both permit and vessel are identical, you need only complete one form. However you must certify identical ownership interest in Field 4 (see below).** Please type or print legibly in ink. Attach additional sheets as necessary. Sign in ink, have your signature notarized, keep a copy for your records and mail the completed form to the address listed above.

SECTION A - PERMIT OWNER IDENTIFICATION

This section may be pre-filled using information from NOAA Fisheries records. If the form is not pre-filled, you must complete all sections. Please verify that the information included is correct and make any necessary corrections by crossing out and filling in correct data on the form.

- **Field 1. Check all boxes that apply:** An Ownership interest form is required if you own any of these permits or the vessels registered to them.
- **Field 2. Permit Number:** List the Federal groundfish limited entry permit number or other permit number as appropriate.
- **Field 3. Vessel Name/USCG Vessel Number:** If you are submitting an ownership interest form for a vessel, please provide the name of the vessel and its USCG vessel number.
- **Field 4. Certification:** If the listed owner of the permit and the owner of the vessel registered to the permit are the same person and ownership interest in both permit and vessel are identical please, certify by checking YES. If the same person owning both the permit and the registered vessel are the same but have different ownership interest (different shareholders and/or ownership amounts) for the permit and vessel, check NO and fill out separate forms for the permit and vessel.
- **Fields 5-6. Name/TIN/DOB:** Enter the name of the business entity or individual that owns the permit. If a business entity, list their tax identification number (TIN). If an individual, list their date of birth (DOB) using the format of mm/dd/yyyy.
- **Field 7. State Registered:** If a business entity is listed in Field 5, list the state where that entity was established and is currently recognized as active.
- **Field 8. Business Mailing Address:** Enter the business mailing address, including street or PO Box number, state, and zip code, where the item(s) should be sent. Also list a physical address for first receivers, if different from mailing address.
- **Fields 9-11. Business Phone, Fax and Email:** List the business telephone and fax numbers including the area codes; the fax number and email are optional.

SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS

This section is partially pre-filled using the business entity name(s) from Section A. The intent of Section B (Parts 1 and 2) is to identify all of the individuals who control the business and their percent of ownership interest. [Note: Only ownership interest for shareholders with greater than or equal to 2% ownership interest in the business entity must be reported.]

Part 1 – first level

Part 1 will be pre-filled with the business entities or individuals listed in Section A. List the TIN for business entities and the DOB for individuals. List the mailing address (if different than Section A), and the % ownership interest in the permit as listed in Section A. If there is only one individual listed, then the percent ownership interest held should equal 100%. If one business entity is listed, then the percent ownership interest held should equal 100%. If an individual and a business entity are listed, then list the percent of the individual and the percent of the business entity. (see examples below)

Part 2 – second level

If the information from Part 1 includes both individual and business entities, then Part 2 should be completed. Part 2 will be pre-filled with any business entity names from Part 1. List the individual names of all shareholders/partners of the business entity with greater than or equal to 2% ownership interest. The DOB is required for each individual as an additional means of identification. List each individual's business mailing address and the percent ownership interest they hold in the business entity. The individual(s) listed under each business should equal 100%, except for cases where some shareholders/partners in the business entity own less than 2% and are, therefore, not listed on this form. Information should be provided down to the individual level. If necessary, attach an additional sheet of paper. (see examples below).



A business entity established under the laws of the United States or any State must submit proof that it is so established and verify that it is an active corporation. NOAA Fisheries may request further documentation as proof of ownership, including percentage of ownership. Note the Privacy Act Statement at the end of the form.

Example A: jointly named owners on permit , two individuals

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	75
Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	25
TOTAL OWNERSHIP =			100%

Part 2

	NAME	DOB	BUSINESS MAILING ADDRESS	% HELD
	business name from Part 1			
List individual names				
TOTAL OWNERSHIP =				%

Not Required

Example B: jointly named owners on permit, an individual and a business

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Dragger, Joe A	05/15/1959	3 Dover Lane Astoria, OR 54321	50%
Trawlers, Inc.	91-1234567	PO Box 70, Newport, OR 54123	50%
TOTAL OWNERSHIP =			100%

Part 2

NAME	DOB	BUSINESS MAILING ADDRESS	% HELD	
business name from Part 1				
Trawlers, Inc.				
List individual names	Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	55%
	Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	30%
	Ishmael, Mark S	03/07/1965	8 White Whale Dr. Newport, OR 54123	10%
	Queequeg, Warren G	07/23/1968	13 Wildside Blvd. Astoria, OR 54321	3%
TOTAL OWNERSHIP of Business 1 =			100%	

Example C: jointly named owners on permit, two businesses

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Trawlers, Inc.	91-1234567	PO Box 70, Newport, OR 54123	30%
Big Boat, LLC	71-7654321	4 Ever Whiting Astoria, OR 54321	70%
TOTAL OWNERSHIP =			100%

Part 2

NAME	DOB	BUSINESS MAILING ADDRESS	% HELD	
business name from Part 1				
Trawlers, Inc.				
List individual names	Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	55%
	Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	30%
	Ishmael, Mark S	03/07/1965	8 White Whale Dr. Newport, OR 54123	10%
	Queequeg, Warren G	07/23/1968	13 Wildside Blvd. Astoria, OR 54321	5%
TOTAL OWNERSHIP of Business 1 =			100%	
business name from Part 1				
Big Boat, LLC				
List individual names	Hake, Fred C	06/03/1950	4 Ever Whiting Astoria, OR 54321	33 ^{1/3} %
	Hake, Brenda K	08/30/1954	4 Ever Whiting Astoria, OR 54321	33 ^{1/3} %
	Hake, Jr., Fred J	11/23/1975	12 Ever Whiting Astoria, OR 54321	33 ^{1/3} %
TOTAL OWNERSHIP of Business 2 =			100%	

SECTION C - CERTIFICATION OF APPLICANT AND NOTARY

The authorized agent must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the authorized agent certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized agent's signature. If a single individual is listed in Field 5 above, then that individual must sign. If two individuals are listed in Field 5 above, then both individuals must sign. If an individual and a business entity are listed in Field 5 above, then the individual and the authorized agent for the business entity must both sign.

The notary must sign and date this section, and affix notary stamp or seal.



The authorized agent must include a copy of the corporate resolution or other authorizing document allowing the authorized agent to sign and certify on behalf of the business entity.

TRAWL IDENTIFICATION OF OWNERSHIP INTEREST

PACIFIC COAST GROUND FISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

SECTION A – PERMIT OWNER IDENTIFICATION

1. Are you a: MS Permit Owner MS/CV endorsed permit owner QS Permit Owner Vessel Owner

2. Permit Number:

3. Vessel Name:

USCG Vessel Number:

4. If the same person(s) owns both the permit and vessel registered to it, please certify whether the ownership interests (shareholders and percent of ownership) are identical in both:

Yes No **If you check no, separate forms must be provided for each permit and/or vessel**

5. Permit/Vessel Owner Name

6. TIN (if business) or DOB(if person)

7. State Registered, if business entity

8. Business Mailing Address (also list physical address for first receiver, if different)

Street or PO Box

9. Business Phone

()

10. Business Fax (*optional*)

()

City

State

Zip Code

11. Business Email (*optional*)

SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS PART 1 – first level

NAME <i>(Last, First, Middle Initial)</i>	TIN or DOB	BUSINESS MAILING ADDRESS <i>(Street or PO Box, City, State, Zip Code)</i>	% INTEREST HELD
TOTAL OWNERSHIP =			%

**SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS
PART 2 – second level**

**NOTE: Owners of a business entity from Part 1 above must be listed down to the level of individual persons that make up that business.
If more than one business is listed, be clear which individuals belong to which business.
If necessary, attach an additional sheet of paper with the information required below.**

NAME <i>(Last, First, Middle Initial)</i>		DOB <i>(mm/dd/yyyy)</i>	BUSINESS MAILING ADDRESS <i>(Street or PO Box, City, State, Zip Code)</i>	% INTEREST HELD <i>(IN BUSINESS)</i>
business name from Part 1				
list individual names				
TOTAL OWNERSHIP of Business 1 =				%
business name from Part 1				
list individual names				
TOTAL OWNERSHIP of Business 2 =				%
business name from Part 1				
list individual names				
TOTAL OWNERSHIP of Business 3 =				%

SECTION C – CERTIFICATION AND NOTARY

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

Signature of Authorized Representative

Date

Printed Name of Authorized Representative (NOTE: attach authorization, if needed)

Notary Public Signature

ATTEST

Affix Notary Stamp or Seal Here

Date Commission Expires

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public.

**MS PERMIT RENEWAL
FORM
PACIFIC COAST GROUND FISH
Limited Entry Permit**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Region , Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461
www.nwr.noaa.gov

Please make any changes as appropriate to the addresses, phone and fax number and email address listed below. Please sign, date and return the form with payment. Any changes in vessel registered to the permit, or a change of a permit or vessel owner will require submission of a permit transfer form.

Permit Number:

Permit Owner:

Permit Owner's name(s):
Business Address:
Business Phone:
Fax Number:
Email address:
Date of Birth (For each individual given):

Vessel Owner:

Vessel Owner name (s):
Business address:
Business phone:
Fax number:
Email address
Date of Birth (For each individual given):
Vessel name
Vessel Official number
Endorsements (Gear, Size):

Please sign below to certify that the above information is true, correct and complete (edit if necessary) to the best of your knowledge and return this form with a check or money order for \$XXXX made payable to **U.S. Department of Commerce, NOAA**. Mail to: NOAA/NMFS/Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Bldg. #1 Seattle, WA 98115-0070.

Signature of owner(s) Title (If corporate officer) Date

Print Name of Signatory: _____

Warning Statement: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001

PRIVACY ACT STATEMENT: Phone number, fax and email information are not released to the public. The permit sale/lease information and the amount of sablefish landed to date given on a transfer form are considered confidential. Similarly, the names associated with an entity that owns a sablefish permit or has vessel registered to sablefish endorsed permit are confidential, as are date of birth for an individual and any medical records provided to obtain an exemption from the owner on board required. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.33 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115

**MOTHERSHIP/CATCHER
VESSEL PERMIT RENEWAL
FORM
PACIFIC COAST GROUND FISH
Limited Entry Permit**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Region , Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461
www.nwr.noaa.gov

Please make any changes as appropriate to the addresses, phone and fax number and email address listed below.
Please sign, date and return the form with payment.

Permit Number:

Permit Owner:

Permit Owner's name(s):
Business Address:
Business Phone:
Fax Number:
Email address:

Vessel Owner:

Vessel Owner name (s):
Business address:
Business phone:
Fax number:
Email address
Vessel name
Vessel Official number
Endorsements (Gear, Size):

FOR MS/CV ENDORSED PERMITS: COOP/NON COOP DECLARATION [REQUIRED]

Please indicate which fishery the permit intends to participate in for the next year:
Coop Fishery____ Non Coop Fishery____ (Place X by one only)

If you intend to participate in the coop fishery, name the mothership the catch vessel will deliver to:
Vessel Name: _____ Vessel Number: _____

Please sign below to certify that the above information is true, correct and complete (edit if necessary) to the best of your knowledge and return this form with a check or money order for \$XXXXX made payable to **U.S. Department of Commerce, NOAA**. Mail to: NOAA/NMFS/Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Bldg. #1 Seattle, WA 98115-0070.

Signature of owner(s) Title (If corporate officer) Date

Print Name of Signatory: _____

Warning Statement: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRIVACY ACT STATEMENT: The declaration of the mothership obligation is confidential. Phone number, fax number and email data is not released to the public. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax and email information are not released to the public. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.33 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115

**MOTHERSHIP COOPERATIVE
PERMIT
PACIFIC COAST
GROUNDFISH**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

SECTION A - COOPERATIVE CONTACT INFORMATION

1. Name of Cooperative:		TIN
2. Co-op Business Mailing Address (P.O. Box or street address)		
3. City	4. State	5. Zip
6. Business Telephone Number:	7. Business Fax Number:	8. E-mail Address (if available):
9. Name of Cooperative Manager:		10. DOB:

**SECTION B –MS/CV PERMITS OBLIGATED TO COOPERATIVE –
List all MS/CV Permits Numbers and associated whiting catch history assignments (Add additional pages if necessary)**

Permit Number: GF0	Whiting Catch History Assignment %:
Permit Number: GF0	Whiting Catch History Assignment %:
Permit Number: GF0	Whiting Catch History Assignment %:
Permit Number: GF0	Whiting Catch History Assignment %:
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Permit Number: GF0	Whiting Catch History Assignment %:
Permit Number: GF0	Whiting Catch History Assignment %:
Permit Number: GF0	Whiting Catch History Assignment %:
Permit Number: GF0	Whiting Catch History Assignment %:
Total Co-op Whiting Allocation (sum of permit whiting catch history assignments expressed as %):	

SECTION C - VESSEL INFORMATION -

List all co-op member catcher vessels. List complete information for each co-op catcher vessel member (attach additional pages if necessary).

1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USCG No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:
1. Vessel Name:	2. USGC No.:	3. Designated MS Vessel Name	4. USGC No.:

Section D – Certification and Notary

Under penalties of perjury, I hereby declare that I, the undersigned, is authorized to sign this form on behalf of the applicant and completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative (NOTE: attach authorization, if needed)

Notary Public Signature

ATTEST

Affix Notary Stamp or Seal Here

Date Commission Expires

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 4.0 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.



**PERMIT
PACIFIC COAST
GROUND FISH**

National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

Instructions

Deadline Date March 31, 2011

This form must be completed and submitted to the National Marine Fisheries Service (NMFS) to the address given above in order to apply for and obtain a mothership cooperative (coop) permit. This application must be postmarked no later than March 31, 2011. This permit authorizes the cooperative to operate in the whiting mothership fishery.

Section A – Cooperative Contact Information

The applicant must provide the name of cooperative business entity as given with the state registered in, tax identification number, business mailing address, phone number, fax number and email address. The applicant must provide the name of the manager of the cooperative and their date of birth.

Section B – MS/CV Permits and Catch History Assignment Obligated to Coop

The applicant must provide the permit number for all MS/CV endorsed Pacific Coast limited entry permits and the associated whiting catch history assignments given on each permit. If Section B does not provide sufficient space to list all permits, please make a copy of this section, add the additional permits and catch history assignment amounts and append to the application. Please note: A cooperative must have a minimum of 20% of all permit holders to form a co-op. The applicant must indicate the total whiting catch history allocation that will accrue to the coop based on the sum of the individual MS/CV permits obligated to the coop.

Section C – Catcher Vessels and Mothership Obligation

The applicant must list the name and USCG vessel documentation number for each catcher vessel fishing for the coop and provide the name and USCG vessel documentation number of the mothership each catcher vessel is obligated to.

Section D - Certification of Applicant and Notary:

The applicant or authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the applicant or authorized representative certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. The notary must sign and date this section, and affix notary stamp or seal.



If the applicant is business entity, the authorized representative must include a copy of the corporate resolution or other document authorizing the individual to sign and certify on behalf of the business entity.

Supplemental Documentation Required:

The applicant must provide a copy of the cooperative agreement and annual report (after first year of the program) consistent with the regulations given at **660.XXX**.

The applicant must provide any inter-coop agreement entered into at the time of application.

**FIRST RECEIVER SITE
LICENSE RENEWAL FORM
PACIFIC COAST GROUND FISH
Limited Entry Permit**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Region , Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461
www.nwr.noaa.gov

Please make any changes as appropriate to the addresses, phone and fax number and email address listed below.
Please sign, date and return the form with payment.

License Number:

License Holder:

License Holder name(s):

Business Address:

City:

State:

Zip Code:

Business Phone:

Fax Number:

Email address:

Physical Site Location of IFQ Offload **Check here if address is same as given above**

If different from license holder, please provide below

Business address (street address only)

City:

State:

Zip

Code:

Business Phone:

Fax Number:

Email address:

Name of Plant Contact if different from license holder:

Please sign below to certify that the above information is true, correct and complete (edit if necessary) to the best of your knowledge and return this form with a check or money order for \$XXXX made payable to **U.S. Department of Commerce, NOAA**. Mail to: NOAA/NMFS/Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE, Bldg. #1 Seattle, WA 98115-0070.

Signature of owner(s)

Title (If corporate officer)

Date

Print Name of Signatory: _____

Warning Statement: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and as a federal crime under 18 USC 1001

PRIVACY ACT STATEMENT: Phone number, fax and email information are not released to the public. The permit sale/lease information and the amount of sablefish landed to date given on a transfer form are considered confidential. Similarly, the names associated with an entity that owns a sablefish permit or has vessel registered to sablefish endorsed permit are confidential, as are date of birth for an individual and any medical records provided to obtain an exemption from the owner on board required. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.33 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act. It is also confidential under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax and email information are not released to the public.

**FIRST RECEIVER SITE
LICENSE
PACIFIC COAST
GROUND FISH**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

This form must be completed and submitted to the National Marine Fisheries Service (NMFS) at the address to apply for a first receiver site license. A first receiver site license authorizes a first receiver to receive, purchase, or take custody or control of an IFQ landing at the physical location of the facility given on the license. This license is effective upon approval by NMFS.

Section A – First Receiver Information

The applicant must provide the name of the first receiver as given on the state buyer's license, the state in which the buyer's license was issued and the buyer license number. The buyer's license must be issued by the state in which the receiving facility is located as given in Section B. A copy of the state buyer's license must be included with the application. Provide the tax identification number if the first receiver is a business entity or date of birth if an individual. The applicant must provide the first receiver's business address, phone number, fax number (optional) and email address. Please provide the name of contact person if the first receiver is a business entity and phone number if different from that given for the first receiver business entity.

Section B – Physical Location of Receiving Facility

The applicant must provide the name of the legal owner of the landing facility where the IFQ landings will occur, the owner's tax identification number, the physical location of the receiving facility (street address only), city, state and zip code. The applicant must provide a phone number, fax number and email address (optional) and the name of the receiving facility's manager. If the first receiver intends to receive IFQ landings at multiple sites, please append the application and provide all information requested in Section B for these receiving facilities. A separate catch monitor plan must be provided for each unique receiving facility.

Section C - Certification of Applicant and Notary:

The applicant or authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the applicant or authorized representative certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. The notary must sign and date this section, and affix notary stamp or seal



If the applicant is business entity, the authorized representative must include a copy of the corporate resolution or other document authorizing the individual to sign and certify on behalf of the business entity.

Supplemental Documentation

The applicant must provide a **catch monitor plan** for the site given in Section B that provides all of the information provided in template (see attached outline).

The applicant must provide a copy of their **state buyer's license** in the state where the receiving facility is located.

**FIRST RECEIVER SITE
LICENSE APPLICATION
PACIFIC COAST GROUND FISH**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

SECTION A – APPLICANT/FIRST RECEIVER INFORMATION

		1. State of Buyer License	2. Buyer License #
3. First Receiver Name		4. TIN or DOB	
		6. State Registered in, if business entity	
7. Business Mailing Address <i>Street or PO Box</i>		8. Business Phone ()	
		9. Business Fax (optional) ()	
City	State	Zip Code	10. Business Email (optional)
First Receiver Contact Person/Name:			Business Phone ()

SECTION B – RECEIVING FACILITY INFORMATION (PHYSICAL LOCATION OF IFQ LANDING)

1. Name of Owner of the Receiving Facility		TIN
2. Street Address (No P.O. box numbers)		
3. City	4. State	5. Zip Code
6. Fax ()	7. Phone ()	8. E-mail
9. Plan Manager/Point of Contact at receiving facility		

[Type text]

SECTION C - CERTIFICATION OF APPLICANT AND NOTARY

This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves.

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

Signature of Authorized Representative

Date

Printed Name of Authorized Representative (NOTE: attach authorization, if needed)

Notary Public Signature

ATTEST

Affix Notary Stamp or Seal Here

Date Commission Expires

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average .5 hr. per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public.

[Type text]

**CATCHER PROCESSOR
COOPERATIVE PERMIT
PACIFIC COAST
GROUNDFISH**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

SECTION A - COOPERATIVE CONTACT INFORMATION

1. Name of Cooperative:		TIN
2. Co-op Business Mailing Address (P.O. Box or street address)		
3. City	4. State	5. Zip
6. Business Telephone Number:	7. Business Fax Number:	8. E-mail Address (if available):
9. Name of Cooperative Manager:		10: DOB

SECTION B – CATCHER PROCESSOR ENDORSED PERMITS AND VESSELS

Permit Number: GF0	Vessel Name	USCG Number
Permit Number: GF0	Vessel Name	USCG Number
Permit Number: GF0	Vessel Name	USCG Number
Permit Number: GF0	Vessel Name	USCG Number
Permit Number: GF0	Vessel Name	USCG Number
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Permit Number: GF0	Vessel Name	USCG Number
Permit Number: GF0	Vessel Name	USCG Number
Permit Number: GF0	Vessel Name	USCG Number
Permit Number: GF0	Vessel Name	USCG Number

Section C – Certification and Notary

Under penalties of perjury, I hereby declare that I, the undersigned, is authorized to sign this form on behalf of the applicant and completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative (NOTE: attach authorization, if needed)

Notary Public Signature

ATTEST

Affix Notary Stamp or Seal Here

Date Commission Expires

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$140,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

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**CATCHER PROCESSOR
COOPERATIVE PERMIT
PACIFIC COAST
GROUNDFISH**

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070

Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

Instructions

This form must be completed and submitted to the National Marine Fisheries Service (NMFS) to the address given above in order to apply for and obtain a catcher processor (C/P) cooperative permit. This application must be postmarked no later than March 31, 2011. This permit authorizes the cooperative to operate in the catcher processor fishery.

Section A – Cooperative Entity Information

The applicant must provide the name of cooperative business entity, tax identification number, business mailing address, phone number, fax number and email address. The applicant must provide the name of the manager of the cooperative.

Section B – C/P Endorsed Permits and Vessels Obligated to Cooperative

The applicant must provide the permit number for all catcher processor endorsed Pacific Coast Groundfish limited entry permits and the vessels registered to these permits.

Section C - Certification of Applicant and Notary:

The applicant or authorized representative must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the applicant or authorized representative certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized representative's signature. The notary must sign and date this section, and affix notary stamp or seal.



If the applicant is business entity, the authorized representative must include a copy of the corporate resolution or other document authorizing the individual to sign and certify on behalf of the business entity.

Supplemental Documentation

The applicant must provide cooperative agreement and annual report (after the first year of the program) with this application consistent with regulations given **at 660.XXX**

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.

e-CFR Data is current as of July 27, 2010

Title 50: Wildlife and Fisheries

PART 660—FISHERIES OFF WEST COAST STATES

Subpart G—West Coast Groundfish Fisheries

§ 660.335 Limited entry permits—renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.

(a) *Renewal of limited entry permits and gear endorsements* —(1) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to remain in force the following year.

(2) Notification to renew limited entry permits will be issued by SFD prior to September 15 each year to the most recent address of the permit owner. The permit owner shall provide SFD with notice of any address change within 15 days of the change.

(3) Limited entry permit renewal requests received in SFD between November 30 and December 31 will be effective on the date that the renewal is approved. A limited entry permit that is allowed to expire will not be renewed unless the permit owner requests reissuance by March 31 of the following year and the SFD determines that failure to renew was proximately caused by illness, injury, or death of the permit owner.

(4) Limited entry permits with sablefish endorsements, as described at §660.334(d), will not be renewed until SFD has received complete documentation of permit ownership as required under §660.334(d)(4)(iv).

(b) *Combining limited entry permits*. Two or more limited entry permits with “A” gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement as described in paragraph §660.334 (c)(2)(iii). With respect to permits endorsed for nontrawl limited entry gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with the largest cumulative landings limit of the permits being combined.

(c) *Stacking limited entry permits*. “Stacking” limited entry permits, as defined at §660.302, refers to the practice of registering more than one permit for use with a single vessel. Only limited entry permits with sablefish endorsements may be stacked. Up to 3 limited entry permits with sablefish endorsements may be registered for use with a single vessel during the primary sablefish season described at §660.372. Privileges, responsibilities, and restrictions associated with stacking permits to participate in the primary sablefish fishery are described at §660.372 and at §660.334(d).

(d) *Changes in permit ownership and permit holder* —(1) *General*. The permit owner may convey the limited entry permit to a different person. The new permit owner will not be authorized to use the permit until the change in permit ownership has been registered with and approved by the SFD. The SFD will not approve a change in permit ownership for limited entry permits with sablefish endorsements that does not meet the ownership requirements for those permits described at §660.334 (d)(4). Change in permit owner and/or permit holder applications must be submitted to SFD with the appropriate documentation described at §660.335(g).

(2) *Effective date.* The change in ownership of the permit or change in the permit holder will be effective on the day the change is approved by SFD, unless there is a concurrent change in the vessel registered to the permit. Requirements for changing the vessel registered to the permit are described at paragraph (e) of this section.

(3) *Sablefish-endorsed permits.* Beginning January 1, 2007, if a permit owner submits an application to transfer a sablefish-endorsed limited entry permit to a new permit owner or holder (transferee) during the primary sablefish season described at §660.372(b) (generally April 1 through October 31), the initial permit owner (transferor) must certify on the application form the cumulative quantity, in round weight, of primary season sablefish landed against that permit as of the application signature date for the then current primary season. The transferee must sign the application form acknowledging the amount of landings to date given by the transferor. This certified amount should match the total amount of primary season sablefish landings reported on state fish tickets. As required at §660.303(c), any person landing sablefish must retain on board the vessel from which sablefish is landed, and provide to an authorized officer upon request, copies of any and all reports of sablefish landings from the primary season containing all data, and in the exact manner, required by the applicable state law throughout the primary sablefish season during which a landing occurred and for 15 days thereafter.

(e) *Changes in vessel registration-transfer of limited entry permits and gear endorsements* —(1) *General.* A permit may not be used with any vessel other than the vessel registered to that permit. For purposes of this section, a permit transfer occurs when, through SFD, a permit owner registers a limited entry permit for use with a new vessel. Permit transfer applications must be submitted to SFD with the appropriate documentation described at §660.335(g). Upon receipt of a complete application, and following review and approval of the application, the SFD will reissue the permit registered to the new vessel. Applications to transfer limited entry permits with sablefish endorsements, as described at §660.334(d), will not be approved until SFD has received complete documentation of permit ownership as required under §660.334(d)(4)(iv).

(2) *Application.* A complete application must be submitted to SFD in order for SFD to review and approve a change in vessel registration. At a minimum, a permit owner seeking to transfer a limited entry permit shall submit to SFD a signed application form and his/her current limited entry permit before the first day of the cumulative limit period in which they wish to participate. If a permit owner provides a signed application and current limited entry permit after the first day of a cumulative limit period, the permit will not be effective until the succeeding cumulative limit period. SFD will not approve a change in vessel registration (transfer) until it receives a complete application, the existing permit, a current copy of the USCG 1270, and other required documentation.

(3) *Effective date.* Changes in vessel registration on permits will take effect no sooner than the first day of the next major limited entry cumulative limit period following the date that SFD receives the signed permit transfer form and the original limited entry permit. No transfer is effective until the limited entry permit has been reissued as registered with the new vessel.

(4) *Sablefish-endorsed permits.* Beginning January 1, 2007, if a permit owner submits an application to register a sablefish-endorsed limited entry permit to a new vessel during the primary sablefish season described at §660.372(b) (generally April 1 through October 31), the initial permit owner (transferor) must certify on the application form the cumulative quantity, in round weight, of primary season sablefish landed against that permit as of the application signature date for the then current primary season. The new permit owner or holder (transferee) associated with the new vessel must sign the application form acknowledging the amount of landings to date given by the transferor. This certified amount should match the total amount of primary season sablefish landings reported on state fish tickets. As required at §660.303(c), any person landing sablefish must retain on board the vessel from which sablefish is landed, and provide to an authorized officer upon request, copies of any and all reports of sablefish landings from the primary season containing all data, and in the exact manner, required by the applicable state law throughout the primary sablefish season during which a landing occurred and for 15 days thereafter.

(f) *Restriction on frequency of transfers.* Limited entry permits may not be registered for use with a different vessel (transfer) more than once per calendar year, except in cases of death of a permit holder or if the permitted vessel is totally lost as defined in 660.302. The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of the ownership interest in the entity dies.

(1) A permit owner may designate the vessel registration for a permit as “unidentified,” meaning that no vessel has been identified as registered for use with that permit. No vessel is authorize to use a permit with the vessel registration designated as “unidentified.” A vessel owner who removes a permit from his vessel and registers that permit as “unidentified” is not exempt from VMS requirements at §660.312 unless specifically authorized by that section.

(2) When a permit owner requests that the permit's vessel registration be designated as "unidentified," the transaction is not considered a "transfer" for purposes of this section. Any subsequent request by a permit owner to change from the "unidentified" status of the permit in order to register the permit with a specific vessel will be considered a change in vessel registration (transfer) and subject to the restriction on frequency and timing of changes in vessel registration (transfer).

(g) Application and supplemental documentation. Permit holders may request a transfer (change in vessel registration) and/or change in permit ownership or permit holder by submitting a complete application form. In addition, a permit owner applying for renewal, replacement, transfer, or change of ownership or change of permit holder of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. The owner of a permit endorsed for longline or trap (or pot) gear applying for a tier assignment under §660.334 (d) has the burden to submit evidence to prove that certain qualification requirements are met. The following evidentiary standards apply:

(1) For a request to change a vessel registration and/or change in permit ownership or permit holder, the permit owner must provide SFD with a current copy of the USCG Form 1270 for vessels of 5 net tons or greater, or a current copy of a state registration form for vessels under 5 net tons.

(2) For a request to change a vessel registration and/or change in permit ownership or permit holder for sablefish-endorsed permits with a tier assignment for which a corporation or partnership is listed as permit owner and/or holder, an Identification of Ownership Interest Form must be completed and included with the application form.

(3) For a request to change the vessel registration to a permit, the permit holder must submit to SFD a current marine survey conducted by a certified marine surveyor in accordance with USCG regulations to authenticate the length overall of the vessel being newly registered with the permit. Marine surveys older than 3 years at the time of the request for change in vessel registration will not be considered "current" marine surveys for purposes of this requirement.

(4) For a request to change a permit's ownership where the current permit owner is a corporation, partnership or other business entity, the applicant must provide to SFD a corporate resolution that authorizes the conveyance of the permit to a new owner and which authorizes the individual applicant to request the conveyance on behalf of the corporation, partnership, other business entity.

(5) For a request to change a permit's ownership that is necessitated by the death of the permit owner(s), the individual(s) requesting conveyance of the permit to a new owner must provide SFD with a death certificate of the permit owner(s) and appropriate legal documentation that either: specifically transfers the permit to a designated individual(s); or, provides legal authority to the transferor to convey the permit ownership.

(6) For a request to change a permit's ownership that is necessitated by divorce, the individual requesting the change in permit ownership must submit an executed divorce decree that awards the permit to a designated individual(s).

(7) Such other relevant, credible documentation as the applicant may submit, or the SFD or Regional Administrator may request or acquire, may also be considered.

(h) *Application forms available.* Application forms for the change in vessel registration (transfer) and change of permit ownership or permit holder of limited entry permits are available from the SFD (see part 600 for address of the Regional Administrator). Contents of the application, and required supporting documentation, are specified in the application form.

(i) *Records maintenance.* The SFD will maintain records of all limited entry permits that have been issued, renewed, transferred, registered, or replaced.

e-CFR Data is current as of July 27, 2010

Title 50: Wildlife and Fisheries

[PART 660—FISHERIES OFF WEST COAST STATES](#)

[Subpart G—West Coast Groundfish Fisheries](#)

§ 660.334 Limited entry permits-endorsements.

(a) *“A” endorsement.* A limited entry permit with an “A” endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See §660.334 (d) for provisions on sablefish endorsement requirements. An “A” endorsement is transferable with the limited entry permit to another person, or to a different vessel under the same ownership under §660.335. An “A” endorsement expires on failure to renew the limited entry permit to which it is affixed.

(b) *Gear endorsements.* There are three types of gear endorsements: trawl, longline and pot (trap). When limited entry permits were first issued, some vessel owners qualified for more than one type of gear endorsement based on the landings history of their vessels. Each limited entry permit has one or more gear endorsement(s). Gear endorsement(s) assigned to the permit at the time of issuance will be permanent and shall not be modified. While participating in the limited entry fishery, the vessel registered to the limited entry permit is authorized to fish the gear(s) endorsed on the permit. While participating in the limited entry, primary fixed gear fishery for sablefish described at §660.372, a vessel registered to more than one limited entry permit is authorized to fish with any gear, except trawl gear, endorsed on at least one of the permits registered for use with that vessel. During the limited entry fishery, permit holders may also fish with open access gear; except that vessels fishing against primary sablefish season cumulative limits described at §660.372(b)(3) may not fish with open access gear against those limits.

(c) *Vessel size endorsements* —(1) *General.* Each limited entry permit will be endorsed with the LOA for the size of the vessel that initially qualified for the permit, except:

(i) If the permit is registered for use with a trawl vessel that is more than 5 ft (1.52 m) shorter than the size for which the permit is endorsed, it will be endorsed for the size of the smaller vessel. This requirement does not apply to a permit with a sablefish endorsement that is endorsed for both trawl and either longline or pot gear and which is registered for use with a longline or pot gear vessel for purposes of participating in the limited entry primary fixed gear sablefish fishery described at §660.372.

(ii) When permits are combined into one permit to be registered for use with a vessel requiring a larger size endorsement, the new permit will be endorsed for the size that results from the combination of the permits as described in paragraph (c)(2)(iii) of this section.

(2) *Limitations of size endorsements* —(i) A limited entry permit endorsed only for gear other than trawl gear may be registered for use with a vessel up to 5 ft (1.52 m) longer than, the same length as, or any length shorter than, the size endorsed on the existing permit without requiring a combination of permits under §660.335 (b) or a change in the size endorsement.

(ii) A limited entry permit endorsed for trawl gear may be registered for use with a vessel between 5 ft (1.52 m) shorter and 5 ft (1.52 m) longer than the size endorsed on the existing permit without requiring a combination of permits under §660.335 (b) or a change in the size endorsement under paragraph (c)(1)(i) of this section.

(iii) The vessel harvest capacity rating for each of the permits being combined is that indicated in Table 2 of this part for the LOA (in feet) endorsed on the respective limited entry permit. Harvest capacity ratings for fractions of a foot in vessel length will be determined by multiplying the fraction of a foot in vessel length by the difference in the two ratings assigned to the nearest integers of vessel length. The length rating for the combined permit is that indicated for the sum of the vessel harvest capacity ratings for each permit being combined. If that sum falls between the sums for two adjacent lengths on Table 2 of this part, the length rating shall be the higher length.

(3) *Size endorsement requirements for sablefish-endorsed permits.* Notwithstanding paragraphs (c)(1) and (2) of this section, when multiple permits are “stacked” on a vessel, as described in §660.335(c), at least one of the permits must meet the size requirements of those sections. The permit that meets the size requirements of those sections is considered the vessel's “base” permit, as defined in §660.302. Beginning in the Fall of 2006 with the limited entry permit renewal process (§660.335(a)), if more than one permit registered for use with the vessel has an appropriate length endorsement for that vessel, NMFS SFD will designate a base permit by selecting the permit that has been registered to the vessel for the longest time. If the permit owner objects to NMFS's selection of the base permit, the permit owner may send a letter to NMFS SFD requesting the change and the reasons for the request. If the permit requested to be changed to the base permit is appropriate for the length of the vessel as provided for in paragraph (c)(2)(i) of this section, NMFS SFD will reissue the permit with the new base permit. Any additional permits that are stacked for use with a vessel participating in the limited entry primary fixed gear sablefish fishery may be registered for use with a vessel even if the vessel is more than 5 ft (1.5 m) longer or shorter than the size endorsed on the permit.

(d) *Sablefish endorsement and tier assignment* —(1) *General.* Participation in the limited entry fixed gear sablefish fishery during the primary season described in §660.372 north of 36° N. lat., requires that an owner of a vessel hold (by ownership or lease) a limited entry permit, registered for use with that vessel, with a longline or trap (or pot) endorsement and a sablefish endorsement. Up to three permits with sablefish endorsements may be registered for use with a single vessel. Limited entry permits with sablefish endorsements are assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit.

(i) A sablefish endorsement with a tier assignment will be affixed to the permit and will remain valid when the permit is transferred.

(ii) A sablefish endorsement and its associated tier assignment are not separable from the limited entry permit, and therefore may not be transferred separately from the limited entry permit.

(2) Endorsement and tier assignment qualifying criteria.

(i) *Permit catch history.* Permit catch history will be used to determine whether a permit meets the qualifying criteria for a fixed gear sablefish endorsement and to determine the appropriate tier assignment for endorsed permits. Permit catch history includes the catch history of the vessel(s) that initially qualified for the permit, and subsequent catch histories accrued when the limited entry permit or permit rights were associated with other vessels. The catch history of a permit also includes the catch of any interim permit held by the current owner of the permit during the appeal of an initial NMFS decision to deny the initial issuance of a limited entry permit, but only if the appeal for which an interim permit was issued was lost by the appellant, and the owner's current permit was used by the owner in the 1995 limited entry sablefish fishery. The catch history of an interim permit where the full “A” permit was ultimately granted will also be considered part of the catch history of the “A” permit. If the current permit is the result of the combination of multiple permits, then for the combined permit to qualify for an endorsement, at least one of the permits that were combined must have had sufficient sablefish history to qualify for an endorsement; or the permit must qualify based on catch occurring after it was combined, but taken within the qualifying period. If the current permit is the result of the combination of multiple permits, the combined catch histories of all of the permits that were combined to create a new permit before March 12, 1998, will be used in calculating the tier assignment for the resultant permit, together with any catch history (during the qualifying period) of the resultant permit. Only sablefish catch regulated by this part that was taken with longline or trap (pot) gear will be considered for the sablefish endorsement, except that vessels qualifying for the sablefish endorsement based on longline or trap (pot) landings may include setnet sablefish landings defined at (d)(2)(ii)(B) of this section in meeting tier assignment qualifications. Sablefish harvested illegally or landed illegally will not be considered for this endorsement.

(ii) Sablefish endorsement tier assignments. Only limited entry, fixed gear permits with sablefish endorsements will receive cumulative trip limit tier assignments.

(A) The qualifying weight criteria for Tier 1 are at least 898,000 lb (407,326 kg) cumulative round weight of sablefish caught over the years 1984–1994. The qualifying weight criteria for Tier 2 are at least 380,000 lb (172,365 kg), but no more than 897,999 lb (407,326 kg) cumulative round weight of sablefish caught over the years 1984–1994. Fixed gear permits with less than 380,000 lb (172,365 kg) cumulative round weight of sablefish caught over the years 1984–1994 qualify for Tier 3. All qualifying sablefish landings must be caught with longline or trap (pot), although setnet landings defined at sub-paragraph (B) of this section may also be included in tier assignment qualifying landings. Sablefish taken in tribal set aside fisheries does not qualify.

(B) Setnet sablefish landings are included in sablefish endorsement tier assignment qualifying criteria if those landings were made north of 38° N. lat. under the authority of an EFP issued by NMFS in any of the years 1984–1985, by a vessel that landed at least 16,000 lb (7,257 kg) of sablefish with longline or trap (pot) gear in any one year between 1984–1994.

(iii) *Evidence and burden of proof.* A vessel owner (or person holding limited entry rights under the express terms of a written contract) applying for issuance, renewal, replacement, transfer, or registration of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. The owner of a permit endorsed for longline or trap (pot) gear applying for a sablefish endorsement or a tier assignment under this section has the burden to submit evidence to prove that qualification requirements are met. The following evidentiary standards apply:

(A) A certified copy of the current vessel document (USCG or State) is the best evidence of vessel ownership and LOA.

(B) A certified copy of a State fish receiving ticket is the best evidence of a landing, and of the type of gear used.

(C) A copy of a written contract reserving or conveying limited entry rights is the best evidence of reserved or acquired rights.

(D) Such other relevant, credible evidence as the applicant may submit, or the SFD or the Regional Administrator request or acquire, may also be considered.

(3) Issuance process for sablefish endorsements and tier assignments. (i) No new applications for sablefish endorsements will be accepted after November 30, 1998.

(ii) All tier assignments and subsequent appeals processes were completed by September 1998. If, however, a permit owner with a sablefish endorsement believes that his permit may qualify for a change in tier status based on qualifications in paragraph (d)(2)(ii)(B) of this section, the SFD will accept applications for a tier change through December 31, 2002. The application shall consist of a written letter stating the applicant's circumstances, requesting action, be signed by the applicant, and submitted along with the relevant documentation (fish tickets) in support of the application for a change in tier status.

(iii) After review of the evidence submitted under paragraph (ii), and any additional information the SFD finds to be relevant, the Regional Administrator will issue a letter of determination notifying a permit owner of whether the evidence submitted is sufficient to alter the initial tier assignment. If the Regional Administrator determines the permit qualifies for a different tier, the permit owner will be issued a permit with the revised tier assignment once the initial permit is returned to the SFD for processing.

(iv) If a permit owner chooses to file an appeal of the determination under paragraph (iii) of this section, the appeal must be filed with the Regional Administrator within 30 days of the issuance of the letter of determination. The appeal must be in writing and must allege facts or circumstances, and include credible evidence demonstrating why the permit qualifies for a different tier assignment. The appeal of a denial of an application for a different tier assignment will not be referred to the Council for a recommendation under §660.340 (e).

(v) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(4) Ownership requirements and limitations. (i) No partnership or corporation may own a limited entry permit with a sablefish endorsement unless that partnership or corporation owned a limited entry permit with a sablefish

endorsement on November 1, 2000. Otherwise, only individual human persons may own limited entry permits with sablefish endorsements.

(ii) No individual person, partnership, or corporation in combination may have ownership interest in or hold more than 3 permits with sablefish endorsements either simultaneously or cumulatively over the primary season, except for an individual person, or partnerships or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000. The exemption from the maximum ownership level of 3 permits only applies to ownership of the particular permits that were owned on November 1, 2000. An individual person, or partnerships or corporations that had ownership interest in 3 or more permits with sablefish endorsements as of November 1, 2000, may not acquire additional permits beyond those particular permits owned on November 1, 2000. If, at some future time, an individual person, partnership, or corporation that owned more than 3 permits as of November 1, 2000, sells or otherwise permanently transfers (not holding through a lease arrangement) some of its originally owned permits, such that they then own fewer than 3 permits, they may then acquire additional permits, but may not have ownership interest in or hold more than 3 permits.

(iii) A partnership or corporation will lose the exemptions provided in paragraphs (d)(4)(i) and (ii) of this section on the effective date of any change in the corporation or partnership from that which existed on November 1, 2000. A "change" in the partnership or corporation is defined at §660.302. A change in the partnership or corporation must be reported to SFD within 15 calendar days of the addition of a new shareholder or partner.

(iv) During 2006 when a permit's ownership interest is requested for the first time, NMFS anticipates sending a form to legally recognized corporations and partnerships (i.e., permit owners or holders that do not include only individual's names) that currently own or hold sablefish-endorsed permits that requests a listing of the names of all shareholders or partners as of November 1, 2000, and a listing of that same information as of the current date in 2006. Applicants will be provided at least 60 calendar days to submit completed applications. If a corporation or partnership fails to return the completed form by the deadline date of July 1, 2006, NMFS will send a second written notice to delinquent entities requesting the completed form by a revised deadline date of August 1, 2006. If the permit owning or holding entity fails to return the completed form by that second date, August 1, 2006, NMFS will void their existing permit(s) and reissue the permit(s) with a vessel registration given as "unidentified" until such time that the completed form is provided to NMFS. For the 2007 fishing year and beyond, any partnership or corporation with any ownership interest in or that holds a limited entry permit with a sablefish endorsement shall document the extent of that ownership interest or the individuals that hold the permit with the SFD via the Identification of Ownership Interest Form sent to the permit owner through the annual permit renewal process defined at §660.335(a) and whenever a change in permit owner, permit holder, and/or vessel registration occurs as defined at §660.335(d) and (e). SFD will not renew a sablefish-endorsed limited entry permit through the annual renewal process described at §660.335(a) or approve a change in permit owner, permit holder, and/or vessel registration unless the Identification of Ownership Interest Form has been completed. Further, if SFD discovers through review of the Identification of Ownership Interest Form that an individual person, partnership, or corporation owns or holds more than 3 permits and is not authorized to do so under paragraph (d)(4)(ii) of this section, the individual person, partnership or corporation will be notified and the permits owned or held by that individual person, partnership, or corporation will be void and reissued with the vessel status as "unidentified" until the permit owner owns and/or holds a quantity of permits appropriate to the restrictions and requirements described in paragraph (d)(4)(ii) of this section. If SFD discovers through review of the Identification of Ownership Interest Form that a partnership or corporation has had a change in membership since November 1, 2000, as described in paragraph (d)(4)(iii) of this section, the partnership or corporation will be notified, SFD will void any existing permits, and reissue any permits owned and/or held by that partnership or corporation in "unidentified" status with respect to vessel registration until the partnership or corporation is able to transfer those permits to persons authorized under this section to own sablefish-endorsed limited entry permits.

(v) For permit owners with one individual listed and who were married as of November 1, 2000, and who wish to add their spouse as co-owner on their permit(s), NMFS will accept corrections to NMFS' permit ownership records. Permit owners may add a not-listed spouse as a co-owner without losing their exemption from the owner-on-board requirements (i.e., grandfathered status). Their new grandfathered status will be as a partnership, as defined at §660.302 which includes married couples. Individual permit owners will lose their individual grandfathered status when they add their not-listed spouse unless they also owned at least one permit as an individual and did not retroactively add a spouse as co-owner on that permit. In cases where married couples are listed as co-owners of the same permit, both individuals will be counted as owning one permit each and will have grandfathered status as a partnership. An individual within the married couple will not, however, be able to retain their exemption from owner-on-board requirements if they choose to buy another permit as an individual and did not own a permit as an individual as of the control date in NMFS "corrected" records (i.e., NMFS records after allowing a not-listed spouse to be added as co-owner). Members of partnerships and corporations will not be allowed to add their spouses to the corporate ownership listing as of November 1, 2000, for purposes of exempting them from the owner-on-board requirements.

NMFS will send a form to permit owners with one individual listed on the permit as of November 1, 2000, to allow married individuals who wish to declare their spouses as having permit ownership interest as of November 1, 2000. Applicants will be required to submit a copy of their marriage certificate as evidence of marriage. Applicants will be provided at least 60 calendar days to submit an application to add a spouse as co-owner. Failure to return the completed form to NMFS SFD by July 1, 2006, will result in the individual listed on the permit in SFD records as of November 1, 2000, remaining on the permit. SFD will not accept any declarations to add a spouse as co-owner for couples married as of November 1, 2000, postmarked after the July 1, 2006, deadline.

(vi) For an individual person, partnership, or corporation that qualified for the owner-on-board exemption, but later divested their interest in a permit or permits, they may retain rights to an owner-on-board exemption as long as that individual person, partnership, or corporation obtains another permit by March 2, 2007. An individual person, partnership or corporation could only obtain a permit if it has not added or changed individuals since November 1, 2000, excluding individuals that have left the partnership or corporation or that have died. NMFS will send out a letter to all individuals, partnerships or corporations who owned a permit as of November 1, 2000, and who no longer own a permit to notify them that they would qualify as a grandfathered permit owner if they choose to buy a permit by March 2, 2007.

(vii) A person, partnership, or corporation that is exempt from the owner-on-board requirement may sell all of their permits, buy another sablefish-endorsed permit within up to a year from the date the last permit was approved for transfer, and retain their exemption from the owner-on-board requirements. An individual person, partnership or corporation could only obtain a permit if it has not added or changed individuals since November 1, 2000, excluding individuals that have left the partnership or corporation or that have died.

(e) *Sablefish at-sea processing prohibition and exemption* —(1) *General*. Beginning January 1, 2007, vessels are prohibited from processing sablefish at sea that were caught in the primary sablefish fishery without sablefish at-sea processing exemptions at §660.306(e)(3). A permit and/or vessel owner may get an exemption to this prohibition if his/her vessel meets the exemption qualifying criteria provided in paragraph (e)(2) of this section. The sablefish at-sea processing exemption is issued to a particular vessel and the permit and/or vessel owner who requested the exemption. The exemption is not part of the limited entry permit. The exemption is not transferable to any other vessel, vessel owner, or permit owner for any reason. The sablefish at-sea processing exemption will expire upon transfer of the vessel to a new owner or if the vessel is totally lost, as defined at §660.302.

(2) *Qualifying criteria*. A sablefish at-sea processing exemption will be issued to any vessel registered for use with a sablefish-endorsed limited entry permit that meets the sablefish at-sea processing exemption qualifying criteria and for which the owner submits a timely application. The qualifying criteria for a sablefish at-sea processing exemption are: at least 2,000 lb (907.2 mt), round weight, of frozen sablefish landed by the applicant vessel during any one calendar year in either 1998 or 1999, or between January 1 and November 1, 2000. The best evidence of a vessel having met these qualifying criteria will be receipts from frozen product buyers or exporters, accompanied by the state fish tickets or landings receipts appropriate to the frozen product. Documentation showing investment in freezer equipment without also showing evidence of how poundage qualifications have been met is not sufficient evidence to qualify a vessel for a sablefish at-sea processing exemption. All landings of sablefish must have occurred during the regular and/or mop-up seasons and must have been harvested in waters managed under this part. Sablefish taken in tribal set aside fisheries or taken outside of the fishery management area, as defined at §660.302, does not meet the qualifying criteria.

(3) *Issuance process for sablefish at-sea processing exemptions*.

(i) The SFD will mail sablefish at-sea processing exemption applications to all limited entry permit owners with sablefish endorsements and/or fixed gear vessel owners and will make those applications available online at www.nwr.noaa.gov/Groundfish-Halibut/Fisheries-Permits/index.cfm. Permit and/or vessel owners will have at least 60 calendar days to submit applications. A permit and/or vessel owner who believes that their vessel may qualify for the sablefish at-sea processing exemption will have until July 1, 2006, to submit evidence showing how their vessel has met the qualifying criteria described in this section at paragraph (e)(2) of this section. Paragraph (e)(4) of this section sets out the relevant evidentiary standards and burden of proof. SFD will not accept applications for the sablefish at-sea processing exemption postmarked after July 1, 2006.

(ii) Within 30 calendar days of the deadline or after receipt of a complete application, the SFD will notify applicants by letter of determination whether their vessel qualifies for the sablefish at-sea processing exemption. A person who has been notified by the SFD that their vessel qualifies for a sablefish at-sea processing exemption will be issued an exemption letter by SFD that must be onboard the vessel at all times. After the deadline for the receipt of applications

has expired and all applications processed, SFD will publish a list of vessels that qualified for the sablefish at-sea processing exemption in the Federal Register.

(iii) If a permit and/or vessel owner chooses to file an appeal of the determination under paragraph (e)(3)(ii) of this section, the appeal must be filed with the Regional Administrator within 30 calendar days of the issuance of the letter of determination. The appeal must be in writing and must allege facts or circumstances, and include credible evidence demonstrating why the vessel qualifies for a sablefish at-sea processing exemption. The appeal of a denial of an application for a sablefish at-sea processing exemption will not be referred to the Council for a recommendation, nor will any appeals be accepted by SFD after September 1, 2006.

(iv) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 calendar days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(4) *Evidence and burden of proof.* A permit and/or vessel owner applying for issuance of a sablefish at-sea processing exemption has the burden to submit evidence to prove that qualification requirements are met. The following evidentiary standards apply:

(i) A certified copy of the current vessel document (USCG or state) is the best evidence of vessel ownership and LOA.

(ii) A certified copy of a state fish receiving ticket is the best evidence of a landing, and of the type of gear used.

(iii) A copy of a written receipt indicating the name of their buyer, the date, and a description of the product form and the amount of sablefish landed is the best evidence of the commercial transfer of frozen sablefish product.

(iv) Such other relevant, credible evidence as the applicant may submit, or the SFD or the Regional Administrator request or acquire, may also be considered.

(f) *Endorsement and exemption restrictions.* "A" endorsements, gear endorsements, sablefish endorsements and sablefish tier assignments may not be transferred separately from the limited entry permit. Sablefish at-sea processing exemptions are associated with the vessel and not with the limited entry permit and may not be transferred at all.

e-CFR Data is current as of July 27, 2010

Title 50: Wildlife and Fisheries

PART 660—FISHERIES OFF WEST COAST STATES

Subpart G—West Coast Groundfish Fisheries

§ 660.333 Limited entry fishery-eligibility and registration.

(a) *General.* A limited entry permit confers a conditional privilege of participating in the Pacific coast groundfish limited entry fishery, in accordance with Federal regulations in 50 CFR part 660. In order for a vessel to participate in the limited entry fishery, the vessel owner must hold a limited entry permit and, through SFD, must register that vessel for use with a limited entry permit. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel. There are three types of gear endorsements: trawl, longline, and pot (or trap). All limited entry permits have size endorsements and a vessel registered for use with a limited entry permit must comply with the vessel size requirements of this subpart. A sablefish endorsement is also required for a vessel to participate in the primary season for the limited entry fixed gear sablefish fishery, north of 36° N. lat. After May 11, 2009, a catcher vessel participating in either the whiting shore-based or mothership sector must, in addition to being registered for use with a limited entry permit, be registered for use with a sector-appropriate Pacific whiting vessel license under §660.336. After May 11, 2009, a vessel participating in the whiting catcher/processor sector must, in addition to being registered for use with a limited entry permit, be registered for use with a sector-appropriate Pacific whiting vessel license under §660.336. After April 9, 2009, although a mothership vessel participating in the whiting mothership sector is not required to be registered for use with a limited entry permit, such vessel must be registered for use with a sector-appropriate Pacific whiting vessel license under §660.336.

(b) *Eligibility.* Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102 (a) may be issued or may hold a limited entry permit.

(c) *Registration.* Limited entry permits will normally be registered for use with a particular vessel at the time the permit is issued, renewed, transferred, or replaced. If the permit will be used with a vessel other than the one registered on the permit, the permit owner must register that permit for use with the new vessel through the SFD. The reissued permit must be placed on board the new vessel in order for the vessel to participate in the limited entry fishery.

(1) Registration of a permit to be used with a new vessel will take effect no earlier than the first day of the next major limited entry cumulative limit period following the date SFD receives the transfer form and the original permit.

(2) The major limited entry cumulative limit periods will be announced in the Federal Register with the harvest specifications and management measures, and with routine management measures when the cumulative limit periods are changed.

(d) *Limited entry permits indivisible.* Limited entry permits may not be divided for use by more than one vessel.

(e) *Initial decisions.* SFD will make initial decisions regarding permit endorsements, renewal, replacement, and change in vessel registration. SFD will notify the permit holder in writing with an explanation of any decision to deny a permit endorsement, renewal, replacement, or change in vessel registration. The SFD will decline to act on an application for permit endorsement, renewal, transfer, replacement, or registration of a limited entry permit if the permit is subject to sanction provisions of the Magnuson-Stevens Act at 16 U.S.C. 1858 (a) and implementing regulations at 15 CFR part 904, subpart D, apply.

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;

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(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;

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(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;

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(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;

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(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;

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(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;

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(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;

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(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;

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(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;

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(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;

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(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;

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(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

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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).

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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.

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(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.

update their own individual information on the internet at <http://www.beaconregistration.noaa.gov>. User ID and user password are set-up with initial Web registration or with a first visit to the Web site.

CONTESTING RECORD PROCEDURES:

Individual beacon owners have access to their database file and have the ability to update or correct information. Other issues are addressed by the system manager who can be contacted at the above address.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained provides information to NOAA by either the website or mail. Existing registrations can be updated according to the above processes, by a phone call from the beacon owner, or by rescue coordination center controllers when updated information is collected while processing a case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: April 11, 2003.

Brenda Dolan,

Department of Commerce, Freedom of Information/Privacy Act Officer.

[FR Doc. E8-8241 Filed 4-16-08; 8:45 am]

BILLING CODE 3510-HR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

[Docket No. 080404520-8522-01]

Privacy Act of 1974; System of Records

AGENCY: Department of Commerce.

ACTION: Notice of a new Privacy Act System of Records: COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries.

SUMMARY: This notice announces the Department of Commerce's (Department's) proposal for a new system of records under the Privacy Act. NOAA's National Marine Fisheries Service (NMFS) is creating a new system of records for permits and non-permit registrations for use with a variety of fisheries management programs. Information will be collected from individuals under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, the High Seas Fishing Compliance Act, the American Fisheries Act, the Tuna Conventions Act of 1950, the Atlantic Coastal Fisheries Cooperative

Management Act, the Atlantic Tunas Convention Authorization Act, the Northern Pacific Halibut Act, the Antarctic Marine Living Resources Convention Act, International Fisheries Regulations regarding U.S. Vessels Fishing in Colombian Treaty Waters, and the Marine Mammal Protection Act. This new record system is necessary to identify participants in the fisheries and to evaluate the qualifications of the applicants.

DATES: To be considered, written comments must be submitted on or before May 19, 2008. Unless comments are received, the new system of records will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

ADDRESSES: Comments may be mailed to: Ted Hawes, Team Leader, Northeast Permits Team, NOAA's National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Ted Hawes, Team Leader, Northeast Permits Team, NOAA's National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.

SUPPLEMENTARY INFORMATION: NMFS is creating a new system of records for permit and non-permit registrations for use with a variety of fisheries management programs. NMFS requires the use of permits or registrations by participants in U.S. federally regulated fisheries. Information collections would be requested from individuals under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, the High Seas Fishing Compliance Act, the American Fisheries Act, the Atlantic Coastal Fisheries Cooperative Management Act, the Tuna Conventions Act of 1950, the Atlantic Tunas Convention Authorization Act, the Northern Pacific Halibut Act, the Antarctic Marine Living Resources Convention Act, and the Marine Mammal Protection Act. The collection of information is necessary to identify participants in these fisheries and to evaluate the qualifications of the applicants. NMFS would collect information from individuals in order to issue, renew, or transfer fishing permits or to make non-permit registrations. The authority for the mandatory collection of the Tax Identification Number (Employer Identification Number or Social Security Number) is the Debt Collection Improvement Act, 31 U.S.C. 7701.

COMMERCE/NOAA-19

SYSTEM NAME:

Permits and Registrations for United States Federally Regulated Fisheries.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

NMFS Northeast Region, One Blackburn Drive, Gloucester, MA 01930 (includes Atlantic Highly Migratory Species (HMS) Tuna Dealer permits).

NMFS Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701 (includes Atlantic HMS International Trade Permit, shark and swordfish vessel permits, shark and swordfish dealer permits).

NMFS Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE., Bldg. #1, Seattle, WA 98115.

NMFS Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037 (Pacific Highly Migratory Species database only).

NMFS Pacific Islands Region, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814.

NMFS Alaska Region, 709 West Ninth Street, Juneau, AK 99802-1668.

NMFS Office of Science and Technology, 1315 East West Highway, 12th Floor, Silver Spring, MD 20910 (National Saltwater Angler Registry, High Seas Fishing Compliance Act, and Antarctic Marine Living Resources harvesting permit data).

NMFS Office of Sustainable Fisheries, P.O. Drawer 1207, Pascagoula, MS 39567 (Antarctic Marine Living Resources import permit data).

NMFS Office of Sustainable Fisheries, 1315 East West Highway, Room 13130, Silver Spring, MD 20910 (Atlantic HMS Tuna vessel permits, HMS Angling Permit, HMS Charter/headboat permits database).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners or holders of a permit or registration as recognized by NMFS, owner agents, vessel owners and/or operators. Individuals who apply for any permit, permit exception, permit exemption or regulation exemption, registration, dedicated access privilege or fishing quota share either initially, annually, or by transfer. Applicants seeking permission to fish in a manner that would otherwise be prohibited in order to conduct experimental fishing. Owners of processing facilities and/or fish dealers. Permit qualifiers (persons whose incomes are used for permit

qualification). Allocation assignees under a Southeast Region individual fishing quota.

CATEGORIES OF RECORDS IN THE SYSTEM:

THIS INFORMATION IS COLLECTED AND/OR MAINTAINED BY ALL REGIONS AND DIVISIONS:

Current permit number, permit status information, type of application, name of applicant and of other individuals on application (vessel owner(s), owner's agent, operator, dealer, corporation members), and position in company (if applicable), corporation name, date of incorporation and articles of incorporation (if applicable), date of birth, address, telephone numbers (business, cell and/or fax), U.S. Coast Guard Certificate of Documentation number or state vessel registration number and date of expiration, Vessel Monitoring System (VMS) activation certification, vessel name, vessel function, vessel characteristics (length, breadth, external markings, hull or superstructure color), gross and net tonnage, type of construction, fuel capacity and type, horsepower (engine, pump), type of product storage. The Tax Identification Number (TIN) (Employer Identification Number (EIN) or Social Security Number (SSN)) is required for all permits, under the authority of the Debt Collection Improvement Act (DCIA), 31 U.S.C. 7701. The primary purpose for requesting the TIN is for the collection and reporting on any delinquent amounts arising out of such person's relationship with the government pursuant to the DCIA.

It is required in subsection (c)(1) that each person doing business with NMFS is to furnish their taxpayer identifying number. For purposes of administering the various NMFS fisheries permit and registration programs, a person shall be considered to be doing business with a federal agency including but not limited to if the person is an applicant for, or recipient of, a federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency pursuant to subsection (c)(2)(B) of the DCIA.

ADDITIONAL INFORMATION IS COLLECTED AND/OR MAINTAINED BY INDIVIDUAL REGIONS AND DIVISIONS:

Northeast Region

For transferable permits: Hair and eye color, height and weight, ID-sized photograph, medical records for resolution of permit dispute, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, credit card and/or checking account numbers, cancelled checks, tax returns, internal

permit number specific to each limited entry permit, baseline specifications on limited entry permit, country, captain's license, State and Federal Dealer Numbers (if applicable), coast on which dealer does business, processing sector, facilities where fish received, vessel landing receipts and records, dealer purchase receipts, bills of sale, type of vessel registration, NMFS unique vessel ID, year vessel built, hailing port, hailing port state, principal port, principal state, vessel operations type (catching and/or processing: For at-sea processing permit), fish hold capacity, passenger capacity, VMS status, crew size, fishery type, fishery management plan and category, maximum days at sea, quota allocation and shares, regional fishery management organization, species or species code, type of gear, gear code and rank, buoy and trap/pot color, number of tags assigned to vessel, number of traps, dredge size and number.

Southeast Region

Fee payment information, business e-mail address, Web site, gender, hair and eye color, height and weight, ID-sized photograph, Dunn and Bradstreet Corporation Number, NMFS internal identification number, county, country, marriage certificate, divorce decree, death certificate, trust documents, probated will, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, name of vessel permit applicant if not owner, and relationship to owner, type of vessel ownership, captain's license, original permit, permit payment information, name of permit transferor and number of permit before transfer, permit and vessel sale price (for permit transfers), date of permit transfer signature, notarized sale and lease agreement with lease start and end dates if applicable, income or license qualifier for certain fisheries, Income Qualification Affidavit for income qualified fisheries, U.S. importer number, State and Federal Dealer Numbers (if applicable), plant name and operator, hull identification number, hailing port and hailing port state, year vessel built, location where vessel built, fish hold capacity, live well capacity, radio call sign, vessel communication types and numbers, crew size, passenger capacity, fishery type, quota shares, vessel landing receipts and records, bills of sale, processing facility where fish are received, gear type, species/gear endorsements, buoy/trap color code, number of traps, trap tag number series, trap dimensions, trap mesh size, designated fishing zone, aquaculture reports, site description, material

deposited and harvested, value of material, Highly Migratory Species workshop certificate, informational telephone calls recorded with member of public's knowledge, for customer service evaluation and constituent statement records.

Atlantic Highly Migratory Species

Business e-mail, Web site, Dunn and Bradstreet Corporation Number, percent/rank of ownership interest, lease start/end date, income or license qualifier for certain fisheries, U.S. Importer Number (dealers), State and Federal Dealer Numbers (if applicable), processing facility where fish are received, type of vessel registration, hull identification number, passenger capacity, crew size, hailing port, hailing port state, principal port, principal port state, fish hold capacity, year vessel built, fishery type, species or species code, type of fishing gear, gear code.

Northwest Region

Fee payment information, business e-mail address, NMFS internal identification number, ownership rank if applicable, permit payment information, credit card and/or checking account numbers, canceled checks, tax returns, divorce decree, marriage certificate, city and state where married, death certificate, probated will, trust documents, medical records for emergency transfer of certain permits only, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, name of permit transferor and number of permit before transfer, period of permit lease, permit price, location where vessel built, fishery type, quota shares, species and gear endorsements, gear code, amount of landed fish or processed fish product, operation as mother ship with start and end date.

Southwest Region

Business e-mail address, applicant's name and relationship to owner or owner manager if not owner or operator, country, Dunn and Bradstreet Corporation Number, other federal, state and commercial licenses held by operator, name of permit transferor and number of permit before transfer, type of vessel (commercial fishing, charter), vessel photograph, hull identification number, hailing port, hailing port state, principal port, principal port state, year vessel built, where vessel built, maximum vessel speed, fish hold capacity, processing equipment, passenger capacity, crew size, international radio call sign, Vessel Monitoring System (VMS) status, dolphin safety gear on board, previous

vessel flag, previous vessel name and effective dates, species/gear endorsements, fishery type, type of fishing gear, gear code, fishing status (active or inactive), intent to make intentional purse seine sets on marine mammals, date, location, and provider of most recent tuna purse seine marine mammal skipper workshop.

Pacific Islands Region

Photograph identification, citizenship, credit card and/or checking account numbers, cancelled checks, owner of checking account from which permit fees paid, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, name of permit transferor and number of permit before transfer, International Maritime Organization number, NMFS vessel identification number, international radio call sign, year vessel built, location where vessel built, fishery type, percent of ownership interest, ownership and catch history as basis for exemption eligibility, days at sea allocations, quota shares, vessel landing receipts and records, dealer purchase receipts, bills of sale.

Alaska Region

Business e-mail address, country, NMFS internal identification number, citizenship, reference names, owner beneficiary, death certificate, marriage certificate, divorce decree, trust documents, probated will, medical information for emergency transfer of certain permits only, enforcement actions, court and legal documents, and permit sanction notices filed by General Counsel, credit card and/or bank account numbers, canceled checks, tax returns, name of Alaska Native tribe, community of residence, fishery community organization, community governing body contact person, nonprofit name, community represented by nonprofit, cooperative representative, percent of ownership interest, permit restrictions, quota type, names of other quota holders if affiliated with any cooperative member receiving quota against cap, names and relationship of permit transferor and transferee, transfer eligibility certificate, sector and region before transfer, relationship of transferor and transferee, reason for transfer, broker's name and fee, lien information (if applicable), quota transfer costs, permit financing source, permit fee, sale/lease agreement, period of lease, agreement to return shares (if applicable), for crab rationalization: affidavit that right of first refusal contracts were signed, number of units and pounds of fish transferred, applicable dealer license numbers,

processing plant name and identification, operation type and operator, type of vessel registration, State of Alaska registration number, NMFS vessel identification number, hull identification number, hailing port and hailing port state, numbers of existing permits if applicable to current application, documentation of loss or destruction of a vessel, list of vessels in a vessel cooperative, vessel operations type in terms of catching and/or processing, species/gear endorsements for fisheries requiring vessel monitoring systems, fishery type, species or species code, fishery management plan, days at sea allocations, quota shares, type of fishing gear, gear code, vessel landing receipts and records, bills of sale, delivery receipts, dealer purchase receipts, processing sector and facility where fish are received, statement from processor that there is a market for rockfish received from applicant for entry level harvester permit.

High Seas Fishing Compliance Act

Citizenship, internal identification number, percent/rank of ownership interest, hull identification number, vessel photograph, type of vessel registration, year vessel built, where vessel built, fish hold capacity, hailing port, hailing port state, crew size, international radio call sign, previous vessel flag, previous vessel name, fishery type, fishery management plan, regional fishery management organization, type of fishing gear, gear code.

Antarctic Marine Living Resources

Nationality, type of vessel (commercial fishing, charter), where vessel built, year vessel built, fish hold capacity, International Maritime Organization number (if issued), vessel communication types and serial numbers, details of tamper-proof VMS elements, ice classification, processing equipment, international radio call sign, foreign vessel flag, previous vessel flag, previous vessel name, permit number of supporting foreign vessel, crew size, species code, type of fishing gear, information on the known and anticipated impacts of bottom trawling gear on vulnerable marine ecosystems, and the products to be derived from an anticipated catch of krill.

National Saltwater Angler Registry Program

Name, TIN, address, telephone number, designation as owner or operator of for-hire vessel, vessel name and registration/documentation number and a statement of the region(s) in which the registrant fishes.

AUTHORITIES FOR MAINTENANCE OF THE SYSTEM:

Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. (Magnuson-Stevens Act); High Seas Fishing Compliance Act of 1995, 16 U.S.C. 5501 et seq; International Fisheries Regulations: Vessels of the United States Fishing in Colombian Treaty Waters: 50 CFR 300.120; the American Fisheries Act, Title II, Public Law No. 105-277; the Atlantic Coastal Fisheries Cooperative Management Act of 1993, 16 U.S.C. 5101-5108, as amended 1996; the Tuna Conventions Act of 1950, 16 U.S.C. 951-961; the Atlantic Tunas Convention Authorization Act, 16 U.S.C., Chapter 16A; the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773 et seq. (Halibut Act), the Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431-2444; the Marine Mammal Protection Act, 16 U.S.C. 1361; and the Debt Collection Improvement Act, 31 U.S.C. 7701.

PURPOSE(S):

This information will allow NMFS to identify owners and holders of permits and non-permit registrations, identify vessel owners and operators, evaluate requests by applicants and current participants, or agency actions, related to the issuance, renewal, transfer, revocation, suspension or modification of a permit or registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records may be disclosed as follows.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, rule, regulation, or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing

counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed to the Department of Justice in connection with determining whether the Freedom of Information Act (5 U.S.C. 552) requires disclosure thereof.

5. A record in this system will be disclosed to the Department of Treasury for the purpose of reporting and recouping delinquent debts owed the United States pursuant to the Debt Collection Improvement Act of 1996.

6. A record in this system may be disclosed to the Department of Homeland Security for the purpose of determining the admissibility of certain seafood imports into the United States.

7. A record in this system of records may be disclosed to a contractor of the Department having need for the information in the performance of the contract but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

8. A record in this system of records may be disclosed to approved persons at the state or interstate level within the applicable Marine Fisheries Commission for the purpose of co-managing a fishery or for making determinations about eligibility for permits when state data are all or part of the basis for the permits.

9. A record in this system of records may be disclosed to the applicable Fishery Management Council (Council) staff and contractors tasked with the development of analyses to support Council decisions about Fishery Management Programs.

10. A record in this system of records may be disclosed to the applicable NMFS Observer Program for purpose of identifying current permit owners and vessels and making a random assignment of observers to vessels in a given fishing season.

11. A record in this system of records may be disclosed to the applicable Regional or International Fisheries Management Body for the purpose of identifying current permit owners and vessels pursuant to applicable statutes or regulations and/or conservation and management measures adopted by a Regional or International Fisheries Management Body, such as: the Food and Agriculture Organization of the United Nations, Commission for the Conservation of Antarctic Marine Living

Resources, Inter-American Tropical Tuna Commission, International Pacific Halibut Commission, and International Commission for the Conservation of Atlantic Tunas.

12. A record in this system of records may be disclosed to appropriate agencies, entities, and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure to consumer reporting agencies pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized database; CDs; paper records stored in file folders in locked metal cabinets and/or locked rooms.

RETRIEVABILITY:

Records are organized and retrieved by NMFS internal identification number, name of entity, permit number, vessel name or identification number, or plant name. Records can be accessed by any file element or any combination thereof.

SAFEGUARDS:

The system of records is stored in a building with doors that are locked during and after business hours. Visitors to the facility must register with security guards and must be accompanied by federal personnel at all times. Records are stored in a locked room and/or a locked file cabinet. Electronic records containing Privacy Act information are protected by a user identification/password. The user identification/

password is issued to individuals as authorized by authorized personnel.

All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, Security of Automated Information Resources, OMB Circular A-130; the Computer Security Act (15 U.S.C. 278g-3 and 278g-4); and the Government Information Security Reform Act, Public Law 106-398; and follows NIST SP 800-18, Guide for Developing Security Plans for Federal Information Systems; NIST SP 800-26, Security Self-Assessment Guide for Information Technology Systems; and NIST SP 800-53, Recommended Security Controls for Federal Information Systems.

RETENTION AND DISPOSAL:

All records are retained and disposed of in accordance with National Archive and Records Administration regulations (36 CFR Chapter XII, Subchapter B—Records Management); Departmental directives and comprehensive records schedules; NOAA Administrative Order 205-01; and the NMFS Records Disposition Schedule, Chapter 1500.

SYSTEM MANAGER(S) AND ADDRESSES:

Division Chief, Fisheries Statistics Office, NMFS Northeast Region, NMFS Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

Assistant Regional Administrator for Operations, Management, and Information Services, NMFS Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701.

Permit Team Leader, NMFS Northwest Region, Sustainable Fisheries Division, 7600 Sand Point Way NE., Bldg. #1, Seattle, WA 98115.

Assistant Regional Administrator and Tuna Dolphin Policy Analyst, NMFS Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

Information/Permit Specialist, Sustainable Fisheries Division, NMFS Pacific Islands Region, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814.

Regional Administrator, NMFS Alaska Region, 709 West Ninth Street, Juneau, AK 99801.

High Seas Fishing Compliance Act: Fishery Management Specialist, Office of International Affairs (F/IA), NMFS, 1315 East-West Highway, Room 12604, Silver Spring, MD 20910.

AMLR harvesting permits: Foreign Affairs Specialist for International Science, NMFS Office of Science and Technology, 1315 East-West Highway, Room 12350, Silver Spring, MD 20910.

AMLR dealer permits: Import Control Officer, NMFS Office of Sustainable

Fisheries, P.O. Drawer 1207, Pascagoula, MS 39567.

National Saltwater Angler Registry: Fish Biologist, Office of Science and Technology, Fisheries Statistics Division NMFS, 1315 East-West Highway, Room 12423, Silver Spring, MD 20910.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the national or regional Privacy Act Officer:

Privacy Act Officer, NOAA, 1315 East-West Highway, Room 10641, Silver Spring, MD 20910.

Privacy Act Officer, NMFS, 1315 East-West Highway, Room 13706, Silver Spring, MD 20910.

Privacy Act Officer, NMFS Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

Privacy Act Officer, NMFS Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701.

Privacy Act Officer, NMFS Northwest Region, 7600 Sand Point Way NE., Bldg. #1, Seattle, WA 98115.

Privacy Act Officer, NMFS Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

Privacy Act Officer, NMFS Pacific Islands Region, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814.

Privacy Act Officer, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK 99801.

Written requests must be signed by the requesting individual. Requestor must make the request in writing and provide his/her name, address, and date of the request and record sought. All such requests must comply with the inquiry provisions of the Department's Privacy Act rules which appear at 15 CFR part 4, Appendix A.

RECORD ACCESS PROCEDURES:

Requests for access to records maintained in this system of records should be addressed to the same address given in the Notification section above.

Note: Complete records for jointly owned permits are made accessible to each owner upon his/her request.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned are provided for in 15 CFR part 4, Appendix A.

RECORD SOURCE CATEGORIES:

Information in this system will be collected from individuals applying for a permit or registration or from an entity supplying related documentation regarding an application, permit, or registration.

EXEMPTION CLAIMS FOR SYSTEM:

None.

Dated: April 11, 2008.

Brenda Dolan,

Department of Commerce, Freedom of Information/Privacy Act Officer.

[FR Doc. E8-8257 Filed 4-16-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XH25

Taking and Importing Marine Mammals; Navy Training and Research, Development, Testing, and Evaluation Activities Conducted Within the Southern California Range Complex

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

ACTION: Notice; receipt of application for letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to military readiness training events and research, development, testing and evaluation (RDT&E) to be conducted in the Southern California Range Complex (SOCAL) for the period beginning January 2009 and ending January 2014. Pursuant to the implementing regulations of the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

DATES: Comments and information must be received no later than May 19, 2008.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for

providing email comments is PR1.050107L@noaa.gov. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

FOR FURTHER INFORMATION CONTACT: Jolie Harrison, Office of Protected Resources, NMFS, (301) 713-2289, ext. 166.

SUPPLEMENTARY INFORMATION:

Availability

A copy of the Navy's application may be obtained by writing to the address specified above (See **ADDRESSES**), telephoning the contact listed above (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. The Navy's Draft Environmental Impact Statement (DEIS) for SOCAL was made available to the public on April 4, 2008, and may be viewed at <http://www.socalrangecomplexeis.com/>. Because NMFS is participating as a cooperating agency in the development of the Navy's DEIS for SOCAL, NMFS staff will be present at the associated public meetings and prepared to discuss NMFS' participation in the development of the EIS as well as the MMPA process for the issuance of incidental take authorizations. The dates and times of the public meetings may be viewed at: <http://www.socalrangecomplexeis.com/>.

Background

In the case of military readiness activities, sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may be granted if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as: an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely

Notices

Federal Register

Vol. 73, No. 113

Wednesday, June 11, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Oser Technologies LLC of Fairfield, New Jersey, an exclusive license to U.S. Patent Application Serial No. 11/471,327, "Method and Apparatus for Treatment of Food Products", filed on June 20, 2006.

DATES: Comments must be received within thirty (30) days of the date of publication of this Notice in the **Federal Register**.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4-1174, Beltsville, Maryland 20705-5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Oser Technologies LLC of Fairfield, New Jersey has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the

requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. E8-13081 Filed 6-10-08; 8:45 am]

BILLING CODE 3410-03-P

DEPARTMENT OF COMMERCE

[Docket No.: 080603727-8737-01]

Privacy Act System of Records

AGENCY: Department of Commerce.

ACTION: Notice of a new Privacy Act System of Records: COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries.

SUMMARY: The Department of Commerce (Commerce) publishes this notice to announce the effective date of a Privacy Act System of Records notice entitled COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries.

DATES: The system of records becomes effective on June 11, 2008.

ADDRESSES: For a copy of the system of records please mail requests to Ted Hawes, NOAA's National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Ted Hawes, NOAA's National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930, 978-281-9296.

SUPPLEMENTARY INFORMATION: On April 17, 2008, the Department of Commerce published and requested comments on a proposed Privacy Act System of Records notice entitled COMMERCE/NOAA-19, Permits and Registrations for United States Federally Regulated Fisheries. No comments were received in response to the request for comments. By this notice, the Department is adopting the proposed system as final without changes effective June 11, 2008.

Dated: June 5, 2008.

Brenda Dolan,

U.S. Department of Commerce, Freedom of Information/Privacy Act Officer.

[FR Doc. E8-13051 Filed 6-10-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). **AGENCY:** United States Patent and Trademark Office (USPTO).

Title: Applications for Trademark Registration.

Form Number(s): PTO Forms 4.8, 4.9, 1478, and 1478(a).

Agency Approval Number: 0651-0009.

Type of Request: Extension of a currently approved collection.

Burden: 84,821 hours annually.

Number of Respondents: 291,859 responses per year with an estimated 279,692 responses filed electronically.

Avg. Hours Per Response: The USPTO estimates that it will take the public between 15 to 23 minutes (0.25 to 0.38 hours) to complete the applications in this collection, depending on the form and the nature of the information. This includes the time to gather the necessary information, create the documents, and submit the completed application. The USPTO estimates that it takes slightly less time to complete the electronic counterparts of these forms. The time estimates for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

Needs and Uses: This collection of information is required by the Trademark Act, 15 U.S.C. 1051 *et seq.* and is implemented through the Trademark rules set forth in 37 CFR Part 2. It provides for the registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses who use their marks or intend to use their marks in commerce may file an application with the USPTO to register their marks. The USPTO uses the information in this collection to determine whether the marks may be registered. This collection contains