

SUPPORTING STATEMENT

ALASKA REGION BSAI CRAB PERMITS

OMB CONTROL NO. 0648-0514

This request is for revision of an existing collection due to an associated proposed rule, RIN 0648-BA82. It also adds a form for transfer of quota share to a beneficiary, where previously a letter was requested from the transferor.

INTRODUCTION

The king and Tanner crab fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands are managed under the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as amended in 2006. National Marine Fisheries Service (NMFS) manages the crab fisheries in the waters off the coast of Alaska under the FMP. Regulations implementing the FMP and all amendments to the Crab Rationalization Program (CR Program) appear at 50 CFR part 680.

The CR Program comprises three types of allocations and fisheries: CDQ, Adak, and IFQ fisheries. The Western Alaska Community Development Quota (CDQ) Program was created by the Council in 1992 to provide western Alaska communities an opportunity to participate in the Bering Sea and Aleutian Islands (BSAI) fisheries that had been foreclosed to them because of the high capital investment needed to enter the fisheries. Under the CR Program, the community of Adak receives an annual allocation of 10 percent of the total allowable catch (TAC) of Western Aleutian Islands golden king crab (WAG).

NMFS established the CR Program as a catch share program for nine crab fisheries in the BSAI, and assigned quota share (QS) to persons and processor quota share (PQS) to processors based on their historic participation in one or more of these nine crab fisheries during a set of qualifying years. The CR Program components include QS allocation, PQS allocation, individual fishing quota (IFQ) issuance, and individual processing quota (IPQ) issuance, quota transfers, use caps, crab harvesting cooperatives, protections for Gulf of Alaska groundfish fisheries, arbitration system, monitoring, economic data collection, and cost recovery fee collection.

QS are an exclusive, revocable privilege allowing the owner to harvest a specific percentage of the annual total allowable catch in a CR Program fishery. A QS holder's annual allocation, called IFQ, is the pounds of crab that QS yields each year. It is determined by number of QS units held and the annual crab total allowable catch (TAC) amount. The QS holder or a hired master can fish IFQ, and IFQ may be assigned to a cooperative.

IPQ is the pounds of crab that PQS yields each year. IPQ is needed to receive any amount of crab harvested under a Class A IFQ permit. The amount of IPQ issued every year is equal to the

pounds issued as Class A IFQ. Non-individuals holding QS must submit an affidavit on an annual basis, along with the Annual Application for Crab IFQ/IPQ Permit, to attest to whether an affiliation exists between a PQS or IPQ holder and the IFQ recipient.

Processor Quota Share (PQS) is a long-term privilege for crab processors to receive a percentage of the crab harvest. PQS was initially issued in 2005 to qualified applicants. PQS annually yields IPQ. PQS may now be received only by transfer from another PQS holder. Individual processing quota (IPQ) is the number of pounds of crab that PQS yields each year. IPQ is needed to receive any amount of crab harvested under a Class A IFQ permit.

Each year, a person who holds QS may receive an exclusive harvest privilege (IFQ or IPQ) for a portion of the annual total allowable catch (TAC). Under the CR Program, QS holders can form cooperatives to pool the harvest of the IFQ on a few vessels.

The CR Program includes several measures to protect revenues and employment in fishery-dependent coastal communities with a history of participation in these fisheries. These measures take the form of geographic landing requirements and/or transfer restrictions on IFQ, PQS, and IPQ in five of the nine CR Program fisheries. The CR Program imposes regional delivery requirements, and, for the Western Aleutian Islands golden king crab fishery, allocates 10 percent of the TAC to the Adak community. The specific geographic regions are based on historic geographic delivery and processing patterns. Regional delivery designations are attached to catcher vessel owner QS in seven of the nine CR Program fisheries. The regional delivery requirements also encourage the development of shorebased processing capacity in specific, isolated municipalities.

A. JUSTIFICATION

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

This action would create a process whereby IFQ holders and IPQ holders who enter an agreement with an ECC entity or community representative may apply for and receive an exemption from North or South regional delivery requirements.

NMFS assigned a regional designation to QS and PQS for seven of the nine CR Program fisheries. Amendment 41 to the FMP would apply to QS and PQS that have a regional designation for the North Region or South Region. NMFS assigned a North or a South Region designation to the QS and PQS in six CR Program fisheries: Bristol Bay red king crab, Bering Sea snow crab, Eastern Aleutian Islands golden king crab, Western Aleutian Islands red king crab, Saint Matthew Island blue king crab, and Pribilof Islands red and blue king crab. The North Region is north of 54°20'N. latitude. The South Region is south of 54°20'N. latitude.

NMFS previously assigned a West Region designation to a portion of the Western Aleutian Islands golden king crab QS and PQS; the remaining QS and PQS in that fishery is undesignated and may be delivered without regional limitation. Eastern Bering Sea Tanner crab QS and PQS and Western Bering Sea Tanner crab fishery QS and PQS do not have a regional designation. Amendment 41 would not apply to QS and PQS issues for these fisheries.

In 50 CFR 680.40(b), the CR Program requires that IFQ and matching regional designation individual processing quota (IPQ) be delivered and processed in the same region from which the qualified deliveries occurred. Safety risks increase when harvesters attempt to meet regional delivery requirements in inclement weather and other potentially unsafe situations. Certain natural conditions (such as icing conditions in the northern region) and man-made events could prevent deliveries in compliance with the regional delivery requirements. Amendment 41 to the FMP would provide a process for IFQ holders, IPQ holders, and communities to request and receive an exemption from crab regional delivery requirements. Deliveries outside of the region would need to be negotiated among IFQ holders, IPQ holders, and representatives of each community in each region.

Environmental or manmade conditions have created obstacles to regional deliveries in every year since implementation of the CR Program. Each year, icing conditions have been an obstacle to delivering crab harvested with North Region IFQ in the North Region. For an entire season, deliveries to a floating processor that served most of the North Region were prevented by a fire that disabled the processor. Whether a delivery is prevented depends on the circumstances, such as the spatial distribution and type of ice, the specific vessel, the location of the vessel relative to the processing facility, the amount and condition of crab on board, and any factors affecting the willingness of the captain to wait for conditions to change.

Because the conditions that have impeded deliveries within the West Region (e.g., limited, or no, available processing capacity) differ from the conditions impeding deliveries in the North Region (e.g., icing conditions), the Council developed Amendment 41 to respond to the specific delivery conditions in CR fisheries subject to North and South regional designations.

Amendment 41 would promote the safety of human life at sea and mitigate economic harm by allowing participants to receive an exemption from regional delivery requirements in situations where events prevent participants from delivering crab harvested with North Region IFQ in the North Region or South Region IFQ in the South Region.

2. 1Explain how, by whom, how frequently, and for what purpose the information will be used. 1If 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.

Under Amendment 41, Class A IFQ holders, IPQ holders, and affected communities (parties) would develop private contractual arrangements that specify when, and under what terms, they could request and receive an exemption from NMFS.

a. Application for Exemption from CR Crab North or South Regional Delivery Requirements [NEW]

NMFS would provide a voluntary two-step application process to obtain an exemption from north or south regional delivery requirements: a Preseason Application and an Inseason Application. Both applications would use one form: the Application for Exemption from CR

Crab North or South Regional Delivery Requirements. The preseason and inseason applications occur on the same form as Parts I and II. The two-part application is available on the NMFS Alaska region website (<http://alaskafisheries.noaa.gov>). NMFS would approve an exemption from the regional delivery requirements when both parts of the application are properly provided to and approved by NMFS. An exemption is effective for the remainder of the crab fishing season.

Preseason Process

During the preseason process in a specific crab fishing year, Class A IFQ holders, IPQ holders, and affected community representatives (hereafter parties) would choose to work together to establish a framework agreement for a specific CR fishery. An affected community is the community where the crab harvested with regionally designated Class A IFQ is delivered and processed with regionally designated IPQ. The community representative is responsible for signing the non-binding framework agreement and the inseason agreements.

NMFS would use the following methods to determine the representative for each affected community:

- ◆ In communities holding or formerly holding the Right of First Refusal (ROFR) on designated processor quota share (PQS), the community representative would be the established non-profit eligible crab community (ECC) entity. All of these communities have designated EEC entities that NMFS has approved.
- ◆ For the communities of Saint Paul, Saint George, False Pass, and Akutan, the EEC entity is the local Western Alaska Community Development Quota (CDQ) group.
- ◆ For Unalaska, Port Moller, King Cove, and Kodiak, the ECC entity is designated by the municipal government.

Through the preseason process, the parties would plan for adverse conditions and would agree to take steps to reduce the need for an exemption. If the mitigation was unsuccessful in averting the need for an exemption, the parties would agree to jointly apply to NMFS for an exemption from the prohibitions at §§ 680.7(a)(2) and (a)(4) for north or south regional delivery requirements.

The preseason framework agreement is intended to provide participants with the flexibility to prepare for, and agree upon, certain aspects of an exemption prior to the start of the crab fishing season. This process would allow the parties to apply for an exemption to the regional delivery requirements without extensive administrative review by NMFS. The framework agreement must specify the following:

- ◆ The actions that the parties will take to reduce the need for an exemption;
- ◆ The circumstances under which the parties would execute an exemption contract and apply for an exemption;

- ◆ The actions that the parties would take to mitigate the effects of an exemption; and
- ◆ The compensation, if any, that any party would provide to any other party.

The parties may include any other mutually agreeable terms in the framework agreement.

Once the framework agreement is established, the parties would submit the Part I -- preseason part of the application to NMFS. NMFS must receive the Preseason Application on or before October 15 of each crab fishing year or NMFS will not consider the Inseason Application and the exemption will not take effect. If an applicant disputes whether NMFS received a Preseason Application on or before October 15, the applicant must provide written documentation, contemporaneous with NMFS's receipt of the application, that NMFS received the application by October 15.

Inseason Process

If circumstances occur that justify an exemption under the framework agreement, applicants on the Preseason Application would enter into an exemption contract and submit Part II of the application. The parties that sign the Inseason Application must have signed the Preseason Application.

A complete Inseason Application must include an affidavit affirming that an exemption contract has been signed and contains all of the required elements. The exemption contract must describe the following:

- ◆ Circumstances under which the exemption is being requested;
- ◆ The action that the parties must take to mitigate the effects of the exemption; and
- ◆ The compensation, if any, that any party must make to any other party.

The parties may include any other mutually agreeable terms in the exemption contract.

NMFS must receive the Inseason Application at least one day prior to the day on which the applicants want the exemption to take effect. The exemption would be effective the day after NMFS receives a complete Inseason Application.

Once an exemption is effective, NMFS would allow crab harvested with the IFQ specified on the application to be delivered, and processed with the IPQ specified on the application, outside of the designated region during the rest of the fishing season. There is no limit to the number of times in a crab fishing season that applicants to a Preseason Application can apply for an inseason exemption.

The completed application may be submitted to NMFS by mail, by fax, or by hand delivery or carrier:

- ◆ Mail: NMFS Regional Administrator
c/o Restricted Access Management Program
P.O. Box 21668
Juneau, AK 99802-1668
- ◆ Fax: [907-586-7354](tel:907-586-7354);
- ◆ Hand delivery or carrier:
NMFS
Room 713, 709 West 9th Street
Juneau, AK 99801

Application for Exemption from CR Crab North or South Regional Delivery Requirements

Make a check mark to indicate Part I –Preseason Application or
Part II – Inseason Application

Part I – Preseason Application for Exemption

Total number of applicants who have signed this preseason application

Identify each applicant

Printed name and NMFS Person ID

Indicate type of applicant (select only one)

Preseason affidavit

Check both boxes to affirm that

applicant has signed a Framework Agreement that specifies all required elements
all information is true, correct, and complete

Signature of applicant and date signed

Duplicate this form as needed for each applicant

Attachments

If completed by an authorized representative, **attach** documentation of authorization

Part II – Inseason application for an exemption

Total Number of Applicants who have signed this Inseason Application

Identify the Preseason Application number assigned by NMFS

Identify each applicant

Printed name and NMFS Person ID

Indicate type of applicant (IFQ, IPQ, or community entity)

For each regional delivery exemption sought, identify

CR crab fishery

IFQ amount

Total amount of IFQ

Inseason affidavit

Check both boxes to affirm that

applicant has signed an Exemption Contract that specifies all required elements
all information is true, correct, and complete

Signature of applicant and date signed

Duplicate this form as needed for each applicant

Attachments

If completed by authorized representative, **attach** authorization documentation

Multiple parties may apply for an exemption; however, a complete application must be submitted by a minimum of one Class A IFQ holder, one IPQ holder, and one affected community representative. During the 2009-2010 fishing season, nine entities held IFQ, 22 entities held IPQ, and six small community entities were subject to regional exemption. The estimated number of respondents could be as much as five per year or as

few as one, if participants organize. The medium number, three, is used in this analysis. Normally, a rate of \$25 per hour is used to estimate personnel costs. However, a person of a higher pay grade or rate would be required to prepare the applications.

Application for N or S Regional Exemption , Respondent	
Estimated number of respondents	3
Total annual responses (total for Parts I & II)	3
Response per respondent = 1	
Total burden hours	60 hr
Time per response = 20 hr total for Parts I & II	
Total personnel cost (\$75/hr)	\$4,500
Total miscellaneous costs (4.95)	\$5
Photocopy (0.05 x 15 pp x 3 = 2.25)	
Postage (0.90 x 3 = 2.70)	

Application for N or S Regional Exemption, Federal Government	
Total annual responses	3
Total burden hours = 2 hr	6 hr
Total personnel cost (\$25/hr)	\$150
Total miscellaneous cost	0

b. CDQ group notification of community representative [NEW]

NMFS issued a portion of the PQS for the Bering Sea snow crab fishery and the Saint Matthew Island blue king crab fishery without a ROFR designation (non-ROFR PQS). Saint Paul and Saint George are the only two communities in the North Region that have historically received and processed Bering Sea snow crab and Saint Matthew Island blue king crab; therefore, they would be the affected communities for the purposes of an exemption from the regional delivery requirements.

The CDQ entity representing Saint Paul is the Central Bering Sea Fishermen's Association or CBSFA. The CDQ representative for Saint George is the Aleutian Pribilof Island Community Development Association or APICDA. The CDQ entity must designate to NMFS a single entity as the regional representative for these two communities. The two CDQ groups could choose a different entity for each specific fishery.

After publication of the final rule, NMFS would notify APICDA and CBSFA of the deadline to designate a community representative and provide instructions for informing NMFS of the community representative. APICDA and CBSFA would have 180 days from the effective date of the final rule to inform NMFS in writing that they have designated a single community representative responsible for signing the framework agreement, the Preseason Application, the exemption contract, and the Inseason Application. The 180-day window should provide adequate time for the two CDQ entities to coordinate their recommendation but not create an undue delay.

The notification of a representative is estimated at 5 hours, which includes the time to choose a representative.

CDQ Notification of Representative, Respondent	
Estimated number of respondents 1 of 2 CDQ groups	1
Total annual responses 5 crab fisheries x 1 response	5
Total burden hours Time per response = 5 hr	25 hr
Total personnel cost (25 hr x \$75/hr)	\$1,875
Total miscellaneous costs (0.50) Photocopy (0.05 x 5 = 0.25) Email (0.05 x 5 = 0.25)	\$1

CDQ Notification of Representative, Federal Government	
Total annual responses	5
Total burden hours = 1 hr	5 hr
Total personnel cost (\$25/hr)	\$125
Total miscellaneous cost	0

c. Annual North or South Regional Delivery Exemption Report [NEW]

The annual North or South Regional Delivery Exemption Report would provide NMFS with the means to assess how the industry is exercising the exemption opportunity and whether implementing regulations are sufficient to meet the Council’s Statement of Intent for Amendment 41. This report would provide documentation needed by NMFS to evaluate efficacy of privately administered contracts.

If an IFQ holder submits a Preseason Application, the IFQ holder must submit an annual North or South Regional Delivery Exemption Report to IPQ holders and community representatives that also signed the Preseason Application by June 15.

On or before June 30, IFQ holders must submit the North or south Regional Delivery Exemption Report to NMFS by mail, by fax, or by hand delivery or carrier.

North or South Regional Delivery Exemption Report

- Amount of IFQ set aside to reduce the need for, and the extent of, the exemption
- Number of times an exemption was requested and used
- Mitigation measures employed before submitting an Inseason Application
- Whether the exemption was necessary
- Impacts resulting from the exemption on participants
- Compensation provided for lost revenues resulting from exercising the exemption
- Consistency of the framework agreement with the Council’s stated intent as to the contents of those agreements

Regional Delivery Exemption Report, Respondent	
Estimated number of respondents	3
Total annual responses	3
Response per respondent = 1	
Total burden hours	60 hr
Time per response = 20 hr	
Total personnel cost (\$75/hr)	\$4,500
Total miscellaneous costs (4.20)	\$4
Photocopy (0.05 x 10 pp x 3 = 1.50)	
Postage (0.90 x 3 = 2.70)	
Regional Delivery Exemption Report , Federal Government	
Total annual responses	3
Total burden hours = 4 hr	12 hr
Total personnel cost (\$75/hr)	\$900
Total miscellaneous cost	0

d. Community Impact Report or IPQ Holder Report (Response Report) [NEW]

In response to the Regional Delivery Exemption Report, community entities and IPQ holders may submit a Community Impact Report or IPQ Holder Report. This report, by either title, is not required and may take any format. The report is basically a response to the Regional Delivery Exemption Report (created by the IFQ holders). The response report offers an opportunity to provide NMFS with a contrasting viewpoint to the Regional Delivery Exemption Report. These reports will provide documentation needed by NMFS to evaluate efficacy of privately administered contracts.

Response Report , Respondent	
Estimated number of respondents	3
Total annual responses	3
Response per respondent = 1	
Total burden hours	6 hr
Time per response = 2 hr	
Total personnel cost (\$75/hr)	\$450
Total miscellaneous costs (3.45)	\$3
Photocopy (0.05 x 5 pp x 3 = 0.75)	
Postage (0.90 x 3 = 2.70)	

Response Report, Federal Government	
Total annual responses	3
Total burden hours	6 hr
Time per response = 2hr	
Total personnel cost (\$75/hr)	\$450
Total miscellaneous cost	0

e. Western Aleutian Islands golden king crab (WAG) exemption (NO CHANGES)

In Amendment 37 to the BSAI FMP, NMFS established provisions for specified participants to apply for an exemption to the West region delivery requirement. Such an exemption enables all West designated QS holders, PQS holders, and municipalities to deliver WAG to processing facilities outside of the West region. Participation in any application to exempt IFQ and IPQ from the West region delivery requirement is voluntary, but is necessary to utilize fully the TAC in seasons when in-region processing facilities cannot meet the capacity requirements of the fishery. An exemption from West region delivery requirements is valid only for the remainder of the crab fishing year during which the application was received by and approved by NMFS.

Amendment 37 would limit the QS holders, PQS holders, and municipalities necessary to apply for an exemption from the West region landing requirements, as follows:

- ◆ Any person or company that holds in excess of 20 percent of the West designated WAG QS
- ◆ Any person or company that holds in excess of 20 percent of the West designated WAG PQS
- ◆ The municipalities of Adak and Atka.

By limiting the number of parties to those substantially invested in the fishery, this action enables fishery participants to respond quickly to a lack of in-region processing capacity. The participation criteria are intended to balance the interest of WAG fishery QS and PQS holders with the communities intended to benefit from the West region landing requirement.

The designated representatives would need to give unanimous approval to exempt the WAG Class A IFQ from the West region delivery requirements. Eligible participants would complete and submit to NMFS an application requesting this exemption including an affidavit describing how eligible signatories meet the requirements. All eligible signatories, or their authorized representatives, must sign and date an affidavit affirming that all information provided on the application is true, correct, and complete to the best of his or her knowledge and belief. Upon receipt and approval of a completed application, NMFS would grant an exemption to the West regional delivery requirement.

Due to the complexities associated with responding quickly to unforeseen disruption of processing capacity and the remote nature of the fishery, it may be necessary for authorized representatives to sign for the designated person, company, or municipality as long as documentation of that authority is demonstrated on the application. Similarly, all authorized representatives must clearly identify the eligible contract signatories they are signing on behalf of on the application and attach documentation supporting that authority.

The recordkeeping and reporting requirements are expected to be minimal because all eligible signatories must work together to apply, thereby sharing the cost of developing and submitting an application. The time and cost involved in developing and submitting an application would be less per eligible signatory than it would be if each signatory developed an application individually.

Upon receiving a completed application, NMFS will process it within 10 calendar days. Once received by NMFS, the approval process would include verification that:

- ◆ Each signatory to the affidavit meets the required criteria proposed at § 680.4(o)(2)(i).
- ◆ All eligible participants provided written support for the exemption.
- ◆ All application fields are accurately filled in.

This program is designed to be flexible and contains no deadlines for submission or limits on the number of times applications could be submitted to NMFS. Therefore, if denied, eligible contract signatories could reapply at any time during a crab fishing year.

To expedite an exemption from the delivery requirements, NMFS would establish the effective date of the exemption as the date the completed application was received by NMFS. Upon approval of an application, the effective date would be applied retroactively to the date the application was received by NMFS. Due to the remote geographic location of the WAG fishery, it may be necessary for IFQ and IPQ holders to arrange alternative deliveries and payments with processing facilities east of 174° W. long. prior to the approval date. The establishment in regulation of a retroactively effective date would allow stakeholders to prosecute the fishery with minimal disruption.

The application is available on the NMFS Alaska region website at <http://alaskafisheries.noaa.gov>. The completed application may be submitted to NMFS using any one of the following methods: mail, fax, or hand delivery or carrier.

WAG exemption application, Respondent	
Estimated number of respondents 4 QS holders, 4 PSQ holders, and 2 municipalities	10
Total annual responses 1 response per year	10
Total burden hours @ 2 hr	20 hr
Total personnel cost @ \$25/hr	\$500
Total miscellaneous cost (52.30) Mail (0.90 x 2 = 1.80) Fax \$6 x 8 = \$48 Photocopy (5 pp x 0.05 x 10 = 2.50)	\$52

WAG exemption application Federal Government	
Total annual responses	10
Total burden hours @ 1 hr	10 hr
Total personnel cost @ \$25	\$250
Total miscellaneous costs	0

f. Application for Crab Quota Share (QS) or Processor Quota Share (PQS) [INACTIVE]

Quota Share (QS) represents a long-term privilege to harvest a percentage of the crab fishery. QS was issued initially either to:

- ◆ Holders of permanent License Limitation Program (LLP) licenses for which the original LLP qualifying vessel had eligible crab landings; or
- ◆ Crew members who, in the crab qualifying years, held a State of Alaska Interim Use Permit and made landings with that permit.

NMFS issued QS to qualified LLP holder or crew member applicants who submitted an application BEFORE the application deadline. Applications were accepted from April 4, 2005, until 5:00 p.m. Alaska local time on June 3, 2005. The deadline to apply for QS has passed. All applications received after the deadline are deemed untimely and are not eligible for QS. QS may now be received only by transfer from another QS holder.

Initial issues holding QS or PQS continued to exit the fisheries (from 511 to 413) but the total number of all quota holders increased from 511 to 522, surpassing the numbers of initial quota holders in 2005 by 11.

g. Application for crab IFQ and crab IPQ permit [REVISED]

NMFS issues annual Individual Fishing Quota (IFQ) and Individual Processing Quota (IPQ) permits to eligible persons who hold QS or processor quota share (PQS). IFQ permits are issued for a combination of fishery harvesting sector, region, and class and may bear multiple fisheries. IPQ permits are issued for combinations of fishery, region, and right-of-first-refusal community. IFQ and IPQ permits authorize their holders to harvest or process a specific amount of a crab, under the terms and conditions set out on the permit. The same form may be used to apply for either an IFQ crab permit or an IPQ permit. IFQ and IPQ permits are valid only during the crab year for which they are issued. Because issuance of the correct amount and type of IFQ and IPQ is entirely dependent on information provided by QS and PQS holders on their annual applications, an application must be received by NMFS no later than August 1.

IFQ that is held outside a crab cooperative is not transferable, except in limited circumstances such as emergency medical conditions, that require extensive documentation be submitted with the application that could not be provided on-line. IPQ and IFQ held by a cooperative can be transferred on-line because this is a temporary transfer between two parties that doesn't require supporting documentation to be verified by NMFS in order for approval of the transfer.

NMFS may issue annual permits for the CR Program only if a person has applied timely, paid any fees owed (including Capacity Reduction [Buyback] and Cost Recovery fees) (see OMB 0648-0398), fulfilled crab Economic Data Report (EDR) requirements (see OMB 0648-0518), if any, and if there are no other impediments to issuing the permits.

Application for crab IFQ/IPQ permit

Block A – Applicant information

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

Block B – Type Of Annual Quota For Which Application Is Made

Mark all blocks that pertain to IPQ

Mark all blocks that pertain to IFQ

If applicant intends to join a cooperative, complete Block C

Block C –Cooperative IFQ Assignment

For each crab fishery (provided) enter name of cooperative to which crab fishery IFQ is to be assigned

Block D--Identification of ownership interests

To be completed if applicant is not an individual (i.e. is a corporation, partnership or some other entity)

Enter the name(s) of all owners of the Applicant and the percent of ownership

If a listed owner is not an individual, provide the same information for each such owner until all owners, and their percent of ownership, is revealed to the individual level

Block E – Declaration of Affiliation (To be completed for IFQ)

If applicant is “affiliated” with an entity that holds PQS or IPQ, identify all holders of PQS or IPQ with which affiliated by name, business address, and telephone number

Block F – Applicant signature

Printed name and signature of applicant and date signed

If completed by an authorized representative, **attach** authorization

Issuance of IFQ permits has declined in recent years. In 2005/06 -- 576 IFQ permits. In 2006/07 -- 464 IFQ permits. In 2007/08 -- 373 IFQ permits. In 2009/10 -- 199 IFQ permits. In 2010/11 -- 131 IFQ permits. The average number, 150 permits, is used in this analysis.

Application for Crab IFQ permit, Respondent	
Number of respondents	150
Total annual responses	150
Frequency of response = 1	
Total burden hours	375 hr
Time per response = 150 min	
Total personnel cost (\$25 x 375)	\$9,375
Total miscellaneous costs (221.25)	\$221
Annual postage (.45 x 125 = 56.25)	
Annual photocopy (2pp x .05 x 150 = 15)	
Annual fax (\$6 x 25 = 150)	

Application for Crab IFQ permit, Federal Government	
Number of responses	150
Total burden hours (37.50)	38 hr
Time per response = 15 min	
Total personnel costs (\$25 x 38)	\$950
Total miscellaneous costs	0

IPQ permits also have declined in recent years. In 2005/06, 77 IPQ permits.

In 2006/07, 107 IPQ permits. In 2007/08, 106 IPQ permits. In 2008/09, 116 IPQ permits.

In 2009/10, 115 IPQ permits. In 2010/11, 89 IPQ permits. The average number 100 permits is used in this analysis.

Application for Crab IPQ permit, Respondent	
Number of respondents	100
Total annual responses	100
Frequency of response = 1	
Total burden hours	250 hr
Time per response = 2.5 hr	
Total personnel costs (\$25 x 250)	\$6,250
Total miscellaneous costs (48.75)	\$49
Annual postage (.45 x 10 = 4.50)	
Annual fax (\$6 x 5 = \$30)	
Online (0.05 x 85 = 4.25)	
Photocopy (2pp x .05 x 100 = 10)	

Application for Crab IPQ permit, Federal Government	
Number of responses	100
Total burden hours (25.25)	25 hr
Time per response = 15 min.	
Total personnel costs (\$25 x 25)	\$625
Total miscellaneous costs	0

h. Application for an annual crab harvesting cooperative IFQ permit [REVISED]

NMFS requires a cooperative to form as a legal business entity registered under the laws of one of the 50 states or the District of Columbia. The cooperative must organize according to the requirements of the 1934 Fisherman's Collective Marketing Act (FCMA) (15 U.S.C. 521). The intent of the FCMA is to provide fishermen, acting through fishery cooperatives, an opportunity to compete on the same basis as an individual corporation. There is no waiver of antitrust laws in the Magnuson-Stevens Act. The only exemption from antitrust law for fishing cooperatives is provided by the FCMA. Crab-harvesting cooperatives are required to be organized and operate in a manner that is consistent with requirements of the FCMA.

The FCMA allows fishermen to jointly harvest, market, and price their product without being in violation of antitrust laws. Using cooperatives allows harvesting with fewer vessels and allows cost and revenue sharing. A cooperative negotiates crab prices with crab processors on behalf of its vessel members. Crab harvesting cooperatives are free to associate with one or more processors to the extent allowed by antitrust law. Each cooperative must have four or more distinct QS holders (not affiliated with the other members in that cooperative).

All QS holders in the CR Program fisheries are eligible for membership in a cooperative. QS holders can voluntarily form a crab harvesting cooperative for the purpose of applying for and fishing under a crab harvesting cooperative IFQ permit issued by NMFS. A QS holder may only join one cooperative per crab fishery. When a QS holder joins a crab-harvesting cooperative at the start of the crab-fishing year, all of his or her IFQ for that fishery is assigned to the crab-harvesting cooperative.

Crab-harvesting cooperatives do not hold QS; they hold and use only the IFQ assigned to the cooperative by members. NMFS issues each cooperative a separate IFQ permit for each type of QS held by its members. A cooperative that has cooperative IFQ is not allowed to hold QS

directly because it is necessary to maintain the regulatory distinctions between individually-held IFQ and cooperative IFQ.

Because cooperatives are required to apply annually for each year's cooperative IFQ permit, any changes in cooperative membership that occur between fishing seasons must be submitted to NMFS on the following year's cooperative IFQ permit application. If the change to cooperative membership is approved, NMFS issues an amended IFQ permit application to the cooperative. In addition, an application must be submitted to NMFS in the event that a member dies (in the case of an individual), or dissolves (in the case of a business entity).

Each crab-harvesting cooperative must appoint a designated representative to act on the cooperative's behalf and to serve as contact point for questions regarding the cooperative operation. The designated representative may be a member of the cooperative or some other individual authorized by the cooperative to act on its behalf.

Crab-harvesting cooperatives must annually apply by August 1 to NMFS to receive a crab harvesting cooperative IFQ permit. All of the signed annual applications for crab IFQ/IPQ permit forms of all the members of the crab-harvesting cooperative must be attached to the application.

Application for annual crab harvesting cooperative IFQ permit

Block A – Identification of Cooperative

- Name of cooperative
- Date of incorporation
- Permanent business address
- Permanent business address of designated representative, if different
- Type of business entity under which the cooperative is organized
- State in which the cooperative is legally registered as a business entity
- Business telephone number, business fax number, and business e-mail address (if available)
- Name and signature of the cooperative's designated representative
- Date signed.

Block B – Members of the cooperative

- Name and NMFS Person ID for each QS holder

Attachments

- IFQ application from every member of the Cooperative
- Cooperative's business license
- Cooperative's Articles of Incorporation or Partnership Agreement
- Cooperative agreement, if different from Articles of Incorporation or Partnership Agreement

IFQ cooperative permits have declined in recent years. In 2005/06, 15 Coop IFQ permits. In 2006/07, 20 Coop IFQ permits. In 2007/08, 19 Coop IFQ permits. In 2008/09, 19 Coop IFQ permits. In 2009/10, 11 Coop IFQ permits. In 2010/11, 9 Coop IFQ permits. The average number 16 is used in this analysis.

Application for Crab Harvesting Cooperative IFQ Permit, Respondent	
Total annual respondents	16
Total annual responses	16
Frequency of response = 1	
Total burden hours	40
Time per response = 2.5 hr	
Total personnel costs (\$25 x 40)	\$1,000
Total miscellaneous cost (53.24)	\$53
Annual postage (.45 x 12 = 3.64)	
Annual photocopy (2pp x .05 x 16 = 1.60)	
Annual fax (\$6 x 4 = \$48)	

Application for Annual Crab Harvesting Cooperative IFQ Permit, Federal Government	
Total annual responses	16
Total burden hours	16
Time per response = 1 hr	
Total personnel costs (\$25 x 16)	\$400
Total miscellaneous costs	0

i. Annual Application for Crab Converted CPO QS and CPO IFQ [NO CHANGE]

An eligible entity and its commonly owned affiliates may combine North PQS and North catcher vessel owner quota share (CVO QS) and exchange these shares for newly created converted catcher/processor owner quota shares (CPO QS). Allowing entities to convert PQS and CVO QS to CPO QS allows them to harvest and process crab onboard a catcher/processor. Electing to exercise this provision could reduce each eligible entity’s operating costs associated with purchasing crab, processing crab on land or in a stationary floating processor (SFP), and complying with the CR Program’s arbitration system.

Eligible entities would receive one unit of North CPO QS in exchange for one unit of North CVO QS and 0.9 units of North PQS. The amount of converted CPO QS issued to each entity could not exceed 1 million pounds during any calendar year.

According to the NMFS Official Record, three individual entities are eligible for these provisions. Yardarm Knot, LLC, and its commonly owned affiliates, and Blue Dutch, LLC, and its commonly owned affiliates, are eligible for the first type of conversion. Trident Seafoods, and its commonly owned affiliates, are eligible for the second type of conversion. NMFS cannot predict the annual amount of converted CPO QS to be issued, because the participants would annually elect to exercise this provision and need not request conversion of all CVO QS and PQS held.

While the statutory language does not specifically define which fisheries are subject to this provision, NMFS created CPO QS for the snow crab and Bristol Bay red king crab fisheries, because these were the only fisheries for which the eligible entities were initially issued North PQS and North CVO QS.

Application for Crab Converted CPO QS and CPO IFQ, Respondent	
Number of respondents	3
Total annual responses	3
Frequency of response = 1	
Total burden hours (1.50)	2 hr
Time per response = 30 min	
Total personnel cost (\$25 x 2)	\$50
Total miscellaneous costs (7.20)	\$7
Postage (.45 x 2 = 90)	
Photocopy (2pp x .05 x 3= 0.30)	
Fax (\$6 x 1 = 6)	

Application for Crab Converted CPO QS and CPO IFQ, Federal Government	
Number of responses	3
Total burden hours (0.75)	1 hr
Time per response = 15 min.	
Total personnel costs (\$25 x 1)	\$25
Total miscellaneous costs	0

j. Application for Registered Crab Receiver (RCR) Permit [REVISED]

NMFS requires an annual RCR permit for any person receiving unprocessed crab from the harvester, the owner/operator of a vessel that processes crab at sea, any person holding IPQ, and any person required to submit a departure report. An RCR permit is required for each shore facility, or stationary floating processor at which a person receives crab.

RCR permits are needed to receive CR crab. More permits than actual participants are typically issued as a result of businesses using multiple facilities/platforms to receive crab. In 2010/11 the percentage of issued RCR permits that were used decreased by four percent.

An annual RCR permit is required to receive CR crab fisheries. CR crab fisheries include IFQ/IPQ fisheries, CDQ fisheries except Norton Sound king crab, and the golden king crab allocation to Adak. A share of most BSAI king and Tanner crab fisheries is allocated to the CDQ Program. The Adak Community Allocation is 10 percent of the WAG fishery total allowable catch (TAC). An annual RCR permit is required from:

- ◆ The harvester;
- ◆ The owner/operator of a vessel that processes CR crab at sea,
- ◆ Any person holding IPQ, and
- ◆ Any person that is required to submit a Departure Report.

For shoreside operations, an RCR permit is required for each shore facility.

A separate permit is required, and a separate application must be submitted, for each Shoreside Processor and each Stationary Floating Crab Processor operated by a processor. Only one permit (and one application) is needed for any number of the applicant’s catcher/processors.

The applicant must submit all required Economic Data Reports and pay all outstanding fee obligations before NMFS will issue a new, revised, or renewed permit.

Application for Registered Crab Receiver (RCR) permit

Block A – Nature of the RCR for which you are applying

Indicate whether requesting new RCR permit, renewal of existing RCR Permit, or amendment to existing RCR Permit

If application is a renewal or an amended application, provide current RCR permit number

Block B – Applicant identification

Name and NMFS Person ID

Name of contact person for the applicant, if a company, partnership, or other business entity

Permanent business mailing address

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

Block C – Type of activity (facility or vessel identification)

Select type of RCR operation

Identity of Crab Receiver Operation

If a shoreside processor

Name

Physical Location

If a stationary floating crab processor

Name of Vessel

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

United States Coast Guard (USCG) documentation number

Block D – Individual responsible for submission of crab EDR

Name of designated representative

Business mailing address

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

Block E – Applicant Signature

Printed name and signature of applicant and date signed.

If completed by an authorized representative, **attach** proof of authorization

More permits than actual participants are typically issued as a result of businesses using multiple facilities/platforms to receive crab. In 2010/11 the percentage of issued RCR permits that was used decreased by four percent.

The issuance of RCR permits has held steady. In 2005/06, 55 RCR permits. In 2006/07, 66 RCR permits. In 2007/08, 72 RCR permits. In 2008/09, 57 RCR permits. In 2009/10, 64 RCR permits. In 2010/11, 62 RCR permits. The average number, 62, is used in this analysis.

Application for RCR permit, Respondent	
Number of respondents	62
Total annual responses	62
Frequency of response = 1	
Total burden hours	31 hr
Time per response = 30 min	
Total personnel costs (\$25 x 31)	\$775
Total miscellaneous costs (145.10)	\$145
Postage (0.45 x 42 = 18.90)	
Fax (\$6 x 20 = \$120)	
Photocopy (2pp x .05 x 62 = 6.20)	

Application for RCR permit, Federal Government	
Number of responses	62
Total burden hours (15.50) Time per response = 15 min	16
Total personnel costs (\$25 x 16)	\$400
Total miscellaneous costs	0

k. Registered Crab Receiver (RCR) Fee Submission Form [REMOVED]

This information collection was moved to OMB Control Number 0648-0570 in a change request approved by OMB in 2012.

Each year, NMFS calculates and publishes in the Federal Register a notification of the fee percentage for cost recovery according to the factors and methodology described at § 680.44(c)(2) so holders of crab allocations may calculate the required payment for cost recovery fees.

A crab allocation holder generally incurs a cost recovery fee liability for every pound of crab landed in the crab fisheries. The crab allocations include IFQ, Crew IFQ, IPQ, CDQ, and the Adak community allocation. The RCR permit holder must collect the fee liability from the crab allocation holder who is landing crab and must self-collect any fee liability for all crab landed at that facility. The RCR permit holder is responsible for submitting this payment to NMFS on or before the due date of July 31, in the year following the crab fishing year in which landings of crab were made. Payment is made payable to NMFS.

l. Application for crab IFQ hired master (skipper) permit [REVISED]

Cooperatives and non-individual IFQ permit holders must hire a master to fish their IFQ. Individual persons may hire a master for owner permits but must fish crew permits themselves. Both Hired Masters and IFQ permit holders use a vessel on a given trip, and both may participate in the same landing. Hiring a master requires that the IFQ permit-holder maintains at least a 10 percent interest in the vessel to be fished by the Hired Master; in the case of a cooperative, that requirement may be satisfied by any member. Hired Masters are licensed by year and authorized to fish by IFQ permit, not fishery.

This application is submitted annually by IFQ permit holders, including cooperatives, to authorize an IFQ Hired Master to fish their IFQ. It may also be used to delete such authorization. This permit authorizes the individual identified on the permit to harvest and land IFQ crab for debit against a specified crab IFQ permit. A separate form must be submitted for each vessel upon which the applicant’s IFQ permit(s) is to be fished by the hired master(s).

Application for crab IFQ hired master permit

Block A – Purpose of application

Indicate whether applying to add or delete a hired master

Crab IFQ permit(s) for which this authorization applies

Block B – IFQ permit holder (applicant) information

Name and NMFS person ID of IFQ permit holder
 Name and NMFS person ID of cooperative, if applicable
 Name of cooperative's authorized representative, if applicable
 Business mailing address; indicate whether permanent or temporary
 Business telephone number, fax number and e-mail address (if available)

Block C – Vessel upon which crab IFQ will be harvested

Vessel name, ADF&G vessel registration number, and USCG documentation number
 If an IFQ permit holder, indicate whether hold an ownership interest of at least 10% in the named vessel
 If YES, enter name of that member and **attach** USCG Abstract of Title or Certificate of Documentation
 If a Crab Harvesting Cooperative, indicate whether a member holds an ownership interest of at least 10% in the named vessel
 Enter name of that member
Attach a contemporary USCG Abstract of Title or Certificate of Documentation

Block D – Identification of IFQ hired master

Name and NMFS person ID of hired master
 Business mailing address; indicate whether permanent or temporary
 Business telephone number, business fax number, and business e-mail address (if available)

Block E – Applicant signature

Printed name and signature of applicant and date signed
 If authorized representative, **attach** authorization

In 2011, hired masters landed 99.9 percent of all IFQ crab landed and participated in 828 of 832 (99.5%) total IFQ vessel landings.

The issuance of crab IFQ hired master permits has remained steady. In 2005/06, 1,861 permits. In 2006/07, 1,702 permits. In 2007/08, 1,448 permits. In 2008/09, 1,520 permits. In 2009/10, 1,618 permits. In 2010/11, 1,536 permits. The average number, 1,614, will be used in this analysis.

Application for crab IFQ hired master, Respondent	
Number of respondents	1,614
Total annual responses	1,614
Frequency of response = 1	
Total burden hours (564.9)	565 hr
Time per response = 21 min	
Total personnel cost (\$25 x 565)	\$14,125
Total miscellaneous costs (3,662.70)	\$3,663
Postage (.45 x 1,114 = 501.3)	
Photocopy (2pp x .05 x 1,614 = 161.40)	
Fax (\$6 x 500 = 3,000)	

Application for crab IFQ hired master, Federal Government	
Number of responses	1,614
Total burden hours (403.50)	404 hr
Time per response 15 min	
Total personnel costs (\$25 x 325)	\$10,100
Total miscellaneous costs	0

m. Application for Federal crab vessel permit (FCVP) [REVISED]

NMFS issues Federal Crab Vessel Permit (FCVP) annually for a crab fishing year (July 1 through June 30). All vessels participating in the Bering Sea/Aleutian Island CR fisheries must have a valid FCVP on board at all times. CR crab includes IFQ/IPQ fisheries; CDQ fisheries except Norton Sound king crab; and the golden king crab allocation to Adak. Operation type endorsements for the FCVP are: SFP; catcher/processor; and catcher vessel.

A person issued a FCVP must use the Vessel Monitoring System (VMS) (OMB 0648-0445) and logbook reporting (OMB 0648-0213 or -0515). In addition, a crab Economic Data Report (OMB 0648-0518) is required from any owner or leaseholder of a vessel or processing plant that harvested or processed crab in specified CR Program crab fisheries during the prior calendar year.

Also, for the FCVP to be issued, all fees required by NMFS must be paid. All CR allocation holders and RCR permit holders are subject to a fee liability for any CR crab debited from a CR allocation during a crab fishing year, except for crab designated as personal use or deadloss, or crab confiscated by NMFS or the State of Alaska.

If a change occurs in the permit information, the FCVP holder must submit an amended FCVP application within 10 days of the date of change.

Application for Federal crab vessel permit (FCVP)

Block A--Nature of application

Indicate whether requesting a new permit, an amended permit, or a renewal

If an amendment or renewal, provide current FCVP number

If a new permit (or amends an existing permit by changing the owner(s), **attach** a copy of the USCG Abstract of Title or the Certificate of Documentation

Block B -- Vessel Information

Vessel name

ADF&G vessel registration number

ADF&G Processor Code (if any)

USCG Documentation number

Home port (city and state)

Must be a vessel of the United States

Vessel's length overall (LOA) in feet and registered length in feet

Gross tonnage (U.S. tons) and net tonnage (U.S. tons)

Shaft horsepower

Type of Vessel Operation

Block C – Vessel Owner Information

Primary owner's name

Primary owner's business permanent mailing address

Contact owner's temporary business mailing address (if any)

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

Name of managing company (if any)

Block C₁ – Additional Vessel Owner Information

Complete for each Vessel Owner

Name of additional owner

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

Block D – Designated Representative for EDR

Name

Business mailing address

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

Block E – Certification

Printed name and signature of applicant and date signed.

If completed by representative, **attach** authorization

The issuance of Federal Crab Vessel permits has remained steady, except for 2007/08. In 2005/06, 127 FCVP. In 2006/07, 144 FCVP. In 2007/08, 107 FCVP. In 2008/09, 32 FCVP. In 2009/10, 134 FCVP. In 2010/11, 123 FCVP. The average number, 127 (without outlier, 32), is used in this analysis.

Application for Federal crab vessel permit, Respondent	
Number of respondents	127
Total annual responses	127
Frequency of response = 1	
Total burden hours (44.45)	44 hr
Time per response = 21 min	
Total personnel costs (\$25 x 44)	\$1,100
Total miscellaneous costs (275.00)	\$275
Postage (0.45 x 90 = 40.50)	
Fax (\$6 x 37 = 222)	
Photocopy (0.05 x 2pp x 127 = 12.70)	

Application for Federal crab vessel permit, Federal Government	
Number of responses	127
Total burden hours (63.5)	64
Time per response = 30 min	
Total personnel costs (\$25 x 64)	\$1,600
Total miscellaneous costs	0

n. Application to become an eligible crab community organization (ECCO)

[NO CHANGES except for adjustment of recordkeeping/reporting cost from \$2 to \$1]

An eligible crab community (ECC) is an Alaskan non-CDQ community in which 3 percent or more of any CR crab fishery was historically processed. An ECC can form a nonprofit entity to receive QS, IFQ, PQS and IPQ transfers on behalf of the community. The nonprofit entity is called an eligible crab community organization (ECCO). An eligible crab community (ECC) may form a nonprofit entity to receive QS, IFQ, PQS and IPQ transfers on behalf of that community. Crab may be transferred to or from an ECCO. The ECCO may then lease IFQ to community residents. The specific communities are:

CDQ Communities	Non-CDQ Communities
Akutan	Unalaska/Dutch Harbor
False Pass	Kodiak
St. George	King Cove
St. Paul	Port Moller
	Adak

Prior to initially receiving QS or IFQ by transfer on behalf of a specific ECC, a non-profit organization that intends to represent an ECC as an ECCO must first be approved by NMFS. This application is required to establish that person's eligibility to receive QS, PQS, IFQ, or IPQ by transfer, as an ECCO. To date, one ECCO has formed.

Application to become an eligible crab community organization (ECCO)

Block A - Identification of Applicant

- Name of nonprofit organization and NMFS Person ID
- Permanent and temporary (if applicable) business mailing address
- Name of contact person
- Business telephone number, business fax number, and business e-mail address (if available)
- Name of community represented by non-profit
- Name of contact person for the community governing body

Attachments

- Articles of incorporation under the laws of the State of Alaska for non-profit
- A statement indicating the ECC(s) represented by the non-profit for purposes of holding QS
- Bylaws of the non-profit
- A list of key personnel of the management organization including, but not limited to, the board of directors, officers, representatives, and any managers
- Additional contact information of the managing personnel for the non-profit and resumes of management personnel
- Describe how the non-profit is qualified to manage QS on behalf of the ECC it is designated to represent, and a demonstration that the non-profit has the management skills and technical expertise to manage QS and IFQ
- Describe procedures that will be used to determine the distribution of IFQ to residents of the ECC by the nonprofit, including:
 - Procedures used to solicit requests from residents to lease IFQ
 - Criteria used to determine the distribution of IFQ leases among qualified community residents
 - Relative weighting of those criteria

Block C – Applicant certification

- Printed name and signature of applicant or authorized agent and date signed
- If authorized agent, **attach** authorization
- Notary signature, date when commission expires, and notary seal or stamp

Since 2005, one ECCO permit was issued. The number 1 is used in this analysis for number of anticipated new respondents.

Application to become an ECCO, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	3 hr
Time per response = 2.5 hr	
Total personnel costs (\$25x3)	\$75
Total miscellaneous costs (1.00)	\$1
Postage (0.90 x 1 = 0.90)	
Photocopy (0.05 x 2pp x 1 = 0.10)	

Application to become an ECCO, Federal Government	
Number of responses	1
Total burden hours	1
Time per response = 15 min	
Total personnel costs (\$25 x 1)	\$25
Total miscellaneous costs	0

o. Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer [REVISED]

This application is required to establish a person’s eligibility to receive QS, PQS, IFQ, or IPQ by transfer, if the person is not an ECCO.

Eligibility to receive harvester QS/IFQ by transfer depends in part on the type of quota. In general, to be eligible to receive QS or IFQ, a person must be a U.S. citizen, or a U.S. company or other non-individual business entity. Owner QS may be received by initial QS recipients, by others who meet sea time requirements, and by CDQ groups and eligible crab community entities. In addition, crew type QS/IFQ may be received by transfer only by individuals who can demonstrate “recent participation” in the crab fisheries before each transfer.

Quota Share (QS) and Processor Quota Share (PQS) were initially issued in 2005 to eligible applicants. QS and PQS may now be obtained only by transfer from a QS holder or PQS holder, respectively. QS yields IFQ, the number of pounds of crab that QS yields each year. PQS yields IPQ, the number of pounds of crab that PQS yields each year.

Once approved, a person is eligible to receive crab thereafter, without reapplying, except for the two types of crew QS. Even after a person becomes initially eligible, he or she must show recent participation within the last 365 days in the CR fishery each time they apply to receive that type of QS.

The following table provides standards for eligibility to receive CR Program quota by transfer:

Quota Type	Eligible Person	Eligibility Standards
PQS	Any Person	No other requirements
IPQ	Any Person	No other requirements
CVO or CPO QS	A person who received QS by initial issuance	No other requirements
	An Individual	Who is a U.S. citizen and who has at least 150 days experience as part of the harvesting crew in any U.S. commercial fishery
	A corporation, partnership, association or other non-individual entity	That has at least one individual member (owner) who is a U.S. citizen and who owns at least 20% of the entity, and has at least 150 days experience as part of the harvesting crew in any U.S. commercial fishery
	An ECCO	That meets other regulatory requirements
	A CDQ Group	No other requirements
CVC or CPC QS	An Individual	Who is a U.S. citizen and who has at least 150 days experience as part of the harvesting crew in any U.S. commercial fishery and recent participation in a BSAI CR fishery in the 365 days prior to submitting an application for eligibility, and at time of transfer

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer

Block A – Purpose of application

Indicate type of quota for which the applicant seeks eligibility

Block B - Applicant Information

Must be a U.S. Citizen or a U.S. Corporation, Partnership, or Association

Name, NMFS Person ID, and date of birth

Permanent or temporary business mailing address

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

Block C – Eligibility to Receive CVC or CPC QS/IFQ

If application purpose is to obtain authority to receive crew shares (CVC or CPC or associated IFQ) by transfer, **attach**

A signed ADF&G fish ticket imprinted with the applicant's CFEC permit card

An affidavit indicating date of landing of crab species from the owner of a vessel upon which fishing was done, or

A signed receipt for an IFQ crab landing on which the applicant was serving as a hired master for an IFQ permit holder

Block D – U.S. Corporations, partnerships, or other business entities

If submitted by or on behalf of a CDQ Group, go to Block F

If submitted by or on behalf of a Corporation, Partnership or other business entity

at least one member/owner of the entity must document an ownership interest of at least 20% of the entity and must demonstrate that s/he participated for a minimum of 150 days as a member of a harvesting crew in any U.S. fishery. Verification of the 150 days of participation can be provided by submitting the individual's Transfer Eligibility Certificate (TEC) for the Halibut and Sablefish IFQ program, for the CR Program, or by completing Block E

If Block E is completed, and this application is approved, the individual will automatically qualify for a TEC for the halibut/sablefish IFQ fisheries

Identity of individual business owner with required experience participating in one or more U.S. fishery

Name and NMFS person ID

Business mailing address

Business telephone number and business fax number

Must be a U.S. citizen

Block E – Individual Commercial Fishing Experience

If the individual is not the Applicant, the individual must co-sign this application in Block F

Species

Gear type

Location

Starting date and ending date of claimed fishing period (MMYY)

Number of actual days spent harvesting fish

Duties performed while directly involved in the fishing activity (be specific)

Name and ADF&G vessel registration number or USCG documentation number of the vessel

Name of vessel owner

Name of vessel operator

Reference name

Reference's relationship to applicant

Reference's business mailing address and business telephone number

Block F - Applicant Certification

Printed name and signature of applicant and date signed.

If authorized representative, attach authorization

The count of transfers is corrected to include both QS/IFQ and PQS/IPQ transfers. Past counts were of QS/IFQ transfers only.

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer, Respondent	
Number of respondents QS/IFQ = 53 PQS/IPQ = 10	63
Total annual responses Frequency of response = one time only per year	63
Total burden hours Time per response = 2 hr	126 hr
Total personnel costs (\$25 x 126)	\$3,150
Total miscellaneous costs (110.85) Postage (0.90 x 53 = \$47.70) Fax (\$6 x 10 = \$60) Photocopy 1pp x .05 x 63 = \$3.15)	\$111

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer, Federal Government	
Number of responses	63
Total burden hours (15.75) Time per response = 15 min	16
Total personnel costs (\$25 x 16)	\$400
Total miscellaneous costs	0

Quota and Allocation Transfers

If qualified, new quota holders can enter the CR Program by receiving quota in transfers. An application is required to transfer any amount of QS, PQS, IFQ, or IPQ. Transfers may take the form of either permanent quota transfers (with or without annual IFQ/IPQ) or annual IFQ/IPQ leases. Transfer recipients of PQS and IPQ may be any person, whether or not a U.S. citizen.

Total number of transferors and transferees are not additive across fisheries; the same unique person could be involved in multiple transfers. The same QS and IFQ units and pounds may have transferred multiple times within the crab year but are counted for each transfer.

Transfer of crab QS, PQS, IFQ, or IPQ means any transaction, approved by NMFS, requiring QS or PQS, or the use thereof in the form of IFQ or IPQ, to pass from one person to another, permanently or for a fixed period of time, except that:

- ◆ A crab IFQ hired master permit issued by NMFS, as described in § 680.4, is not a transfer of crab QS or IFQ; and
- ◆ The use of IFQ assigned to a crab harvesting cooperative and used within that cooperative is not a transfer of IFQ, but is considered a lease.

Transfers can occur anytime of the fishing year, except from August 1 until NMFS issues the IFQ for a fishery.

NMFS must approve all transfers, and approval is subject to the following criteria:

- ◆ Proposed receiver's eligibility to receive quota
- ◆ Community protection measures (for PQS/IPQ)
- ◆ Whether or not the parties to the transfer are cooperatives (cooperatives may only hold IFQ and may only engage in inter-cooperative transfers)
- ◆ Use caps (including quota assigned to members of a receiving cooperative in inter-cooperative transfers)

The CR Program also includes several transfer provisions for special circumstances.

- ◆ In the event of a hardship. A holder of CVC or CPC QS may lease the IFQ for the term of the hardship. A hardship may be
 - A medical condition of the QS holder,
 - A medical condition involving an individual who requires the QS holder's care, or
 - The total loss of a vessel.
- ◆ For some surviving heirs. On the death of an individual who holds QS or PQS, NMFS will approve a transfer three calendar years after the date of the individual's death.

p. Application to transfer crab QS and PQS [REVISED]

The CR Program allows for transfer of QS/IFQ and PQS/IPO, either by sale or lease, subject to recipient eligibility, use caps, and limits on leasing provisions. PQS or QS may be transferred, with approval of the Regional Administrator, to persons qualified to receive PQS or QS by transfer. A crab QS or PQS permit holder may transfer all or part of his or her QS or PQS to another crab QS or PQS permit holder. Transfers may occur anytime except from August 1 until IFQ is issued for a fishery.

This application cannot be processed or approved unless both parties to the proposed transfer have met all the requirements and conditions of the CR Program, including (as appropriate) submittal of a crab EDR and payment of all outstanding fees to NMFS on or before July 31. The crab EDR is focused on collecting production, cost, earnings, and employment information from harvesting and processing sectors of crab fisheries to evaluate effects of the CR Program over time.

The survey questions are used to analyze and report on CR Program performance. All information provided on this survey is confidential under the Privacy Act and will not be publicly released except as aggregated data such that the identity of the submitter cannot be determined.

An application for transfer of QS or PQS may be submitted to NMFS only by mail or courier because the application requires an original signature and notary.

Application to transfer crab QS and PQS

Attach a copy of the terms and conditions of the transfer agreement, e.g., bill of sale, promissory note, or other document that reveals the contract terms between the parties

Type of Transfer

Indicate type(s) of QS or PQS transfer

If CVC or CPC QS transfer

Attach proof of at least one delivery of a crab species in any CR crab fishery in the 365 days prior to submission to NMFS of this application

Proof of this landing is:

Applicant signature on an ADF&G Fish Ticket or

An affidavit from the vessel owner attesting to that individual's participation as a member of a fish harvesting crew on board a vessel during a landing of a crab QS species within the 365 days prior to submission of this application

If PQS transfer

If PQS will be used within the ECC with which the PQS is currently associated, provide name of the current ECC that has the ROFR

Attach an affidavit stating that the ECC wishes to permanently waive ROFR for the PQS or that the proposed recipient of the PQS has completed a ROFR contract with the ECC for the PQS that includes the terms enacted under section 313(j) of the Magnuson-Stevens Act

Indicate whether the PQS will be used outside the ECC with which the PQS is currently associated.

Identification of Transferor

Name and NMFS Person ID of transferor

Date of Incorporation

Permanent business mailing address and any temporary business mailing address

Business telephone number, business fax number, and business e-mail address

Indicate whether transferor has submitted an EDR (see § 680.6)

Indicate whether transferor has paid all fees (see § 680.44)

Identification of Transferee

Name and NMFS Person ID of transferee

Date of Incorporation

Permanent business mailing address and any temporary business mailing address (if applicable)

Business telephone number, business fax number, and business e-mail address

Indicate whether transferee has submitted an EDR (see § 680.6)

Indicate whether transferee has paid all fees (see § 680.44)

Indicate the relationship, if any, between the Transferor and the Transferee; describe any "Other" relationship.

Eligibility of Transferee

(Does not pertain to those seeking to receive PQS)

If transferee is applying to receive CVO or CPO QS (with or without IFQ), indicate whether the transferee is an eligible recipient of QS or IFQ

If transferee is applying to receive CVC or CPC QS (with or without IFQ), indicate whether the transferee is an eligible recipient of QS or IFQ

If NO, an Application for BSAI Crab Eligibility to Receive QS/PQS or IFQ/IPQ by Transfer must be completed, submitted, and approved before this Application for Transfer of QS or PQS can be approved.

Identification and Cost of Quota to be Transferred

Fishery, sector, region, beginning serial number, ending serial number, number of QS units

If any current year IFQ/IPQ Pounds are to transfer with the QS/PQS,

IFQ or IPQ permit number

IFQ Class (A, B, R, or U)

Pounds

If transferring CPO quota, indicate how the CPO QS is to be designated after the transfer

If transferring CPO quota to be designated as CVO QS and PQS, indicate the one region for the resulting QS and PQS

Total price of the QS or PQS, including all fees and other transaction costs

Price per unit of QS or PQS

Survey questions for transferor

Why are you proposing to transfer the Quota (check all reasons that apply)

Describe "Hardship" or "Other" reason (if applicable)

If a Permit Broker is being used for this transaction

how much is being paid in broker fees or

Percentage of total price of quota

Survey Questions For Transferee

If the quota to be transferred is to be used as collateral for a loan, identify party with an interest in the quota

Indicate your primary source of financing for quota to be transferred

Explain "Other" source of financing

How was the Quota located (check all sources that apply)?

What is the relationship, if any, between the Transferor and the Transferee

Describe "Other" Relationship

Certification of Transferor

Printed name and signature of transferor and date signed

If authorized representative, **attach** authorization.

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

Certification of Transferee

Printed name and signature of transferee and date signed

If authorized representative, **attach** authorization

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

The issuance of QS and PQS transfers was inconsistent over time. In 2005/2006, 199 QS + 7 PQS = 206. In 2006/2007, 329 QS + 7 PQS = 336. In 2007/2008, 292 QS + 12 PQS = 304. In 2008/2009, 209 QS + 42 PQS = 251. In 2009/2010, 222 QS + 4 PQS = 226. In 2010/2011, 192 QS + 0 PQS = 192. The average number, 253, will be used in this analysis.

Under this information collection, we are requesting approval for a new form, a Quota Beneficiary Designation form. Previously, in order to transfer quota to a beneficiary, a letter needed to be sent to NMFS. This information collection had been authorized under [50 CFR 680.41\(g\)](#) Survivorship transfer privileges: (1) On the death of an individual who holds QS or PQS, the surviving spouse or, in the absence of a surviving spouse, a beneficiary designated pursuant to paragraph (g)(3) of this section, receives all QS, PQS and IFQ or IPQ held by the decedent by right of survivorship, unless a contrary intent was expressed by the decedent in a will. The Regional Administrator will approve an application for transfer to the surviving spouse or designated beneficiary when sufficient evidence has been provided to verify the death of the individual. Respondent under OMB Control No. 0648-0514 had requested that there be a form, instead of the letter requirement, and we are now adding this form to this collection.

The form is a shorter version of the regular transfer application, with the only sections being Identification of quota share holder, identification of beneficiary, relationship of quota share holder to beneficiary and notarized signature of the quota share holder. The burden would be half an hour, as opposed to the current transfer request. At this time we are not adding public burden or cost, expecting that the few requests will be covered under the current transfer burden and cost, which also requires a notary. There have been fewer than six beneficiary requests since the Crab Rationalization Program was approved in 2005.

Application to transfer crab QS and PQS, Respondent	
Estimated number of respondents	253
Total annual responses	253
Number of responses per year = 1	
Total Time burden	506 hr
Time per response = 2 hr	
Total personnel cost (\$25 x 506)	\$12,650
Total miscellaneous cost (2777.94)	\$2,783
Notary (\$10 x 253 = 2,530)	
Postage (0.90 x 253 = 227.70)	
Photocopy (0.05 x 2pp x 253 = 25.30)	

Application to transfer crab QS and PQS, Federal Government	
Total annual responses	253
Total Time burden (126.50)	127 hr
Time per response (30 min)	
Total personnel cost (\$25 x 127)	\$3,175
Total miscellaneous cost	0

q. Right of First Refusal Provisions (ROFR) [REVISED]

Right of First Refusal (ROFR) is a civil contract with provisions set forth under section 313(j) of the Magnuson-Stevens Act. This contract is between PQS and IPQ holders and Eligible Crab Community (ECC) entities, other than Adak, Alaska. ECCs, except for Adak, have a ROFR on the transfer of PQS and IPQ originating from processing history in the community if the transfer would result in relocation of the shares outside the community. Adak is not eligible for the ROFR provision because Adak receives a direct allocation of Western Aleutian Islands golden king crab. ROFR rights expire if waived or used (that is, if the ECC buys or leases the PQS). A community group or CDQ group can waive any right of first refusal.

The right of first refusal will apply to sales of PQS and IPQ, if more than 20 percent of a PQS holder’s community based IPQ (on a fishery by fishery basis) has been processed outside the community of origin by another company in three of the preceding five years. The City of Kodiak and the Kodiak Island Borough in the GOA have a ROFR on the transfer of PQS and IPQ from communities in the GOA north of 56°20’ N. longitude. PQS and IPQ issued for the EBT, WBT, WAG, or WAI crab QS fisheries are exempt from ROFR provisions.

For an application for transfer of PQS or IPQ for use outside an ECC, the Regional Administrator will not act upon the application for a period of 10 days. At the end of that time period, the application will be approved if the criteria are met.

For an application for transfer of PQS for use within the ECC, the participant must attach an affidavit stating that the ECC wishes to permanently waive ROFR for the PQS for use within an ECC. Or, the proposed recipient of the PQS must provide an affidavit affirming the completion

of a contract for ROFR that includes the terms enacted under section 313(j) of the Magnuson-Stevens Act.

Participants submitted contracts, if applicable, with the request for initial issuance of PQS at the beginning of the CR Program. Since then, very seldom is a contract sent to NMFS – one in every three years. This is true, also, of the waiver.

ROFR Contracts for PQS, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	1 hr
Time per response = 1 hr	
Total personnel costs (50 x 1)	\$50
Submit ROFR contract	
Total miscellaneous costs	\$6,000
Contractor prepare ROFR (\$150 x 40 hr x 1 = 6,000)	

ROFR Contracts for PQS, Federal Government	
Total responses	1
Total burden hours	2 hr
Total personnel costs (\$25 x 2)	\$50
Total miscellaneous costs	0

ROFR Waivers for PQS, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	1 hr
Time per response = 1 hr	
Total personnel costs (25 x 1)	\$25
Submit ROFR waiver	
Total miscellaneous costs	\$0

ROFR Waivers for PQS, Federal Government	
Total responses	0
Total burden hours	0
Total personnel costs (\$25 x 1)	0
Total miscellaneous costs	0

r. Application for transfer (lease) of crab IFQ [REVISED]

A crab IFQ permit holder may transfer all or part of his or her IFQ to another crab IFQ permit holder. The lease of crab IFQ from one individual to another for the current crab fishing year currently is authorized only for Catcher Vessel Crew (CVC) and/or Catcher/Processor Crew (CPC) due to a hardship). In addition, applications to transfer (lease) annual IFQ will not be processed between August 1 of any year and the date of issuance of the IFQ in a CR Program.

An application for IFQ transfer may be submitted to NMFS by U.S. mail, by fax, or hand delivery.

Application for transfer of crab IFQ

Block A – Type of Transfer

If this is a CVC or CPC IFQ transfer, **attach** proof of at least one delivery of a crab species in any CR crab fishery in the 365 days prior to submission to NMFS of this application.

Proof of a landing:

Applicant signature on an ADF&G fish ticket

An affidavit from the vessel owner attesting to that individual's participation as a member of a fish harvesting crew onboard a vessel during a landing of a crab QS species within the 365 days prior to submission of this application

If NO, Stop here. This form used only to transfer CVC/CPC IFQ

If this is a CVC or CPC IFQ transfer due to a hardship (see § 680.41(e)(3))

Indicate type of hardship and **attach** documentation

Medical condition of QS holder

Medical condition involving an individual who requires a QS holder's care

Total or constructive physical loss of a vessel

If NO, Stop here. CVC/CPC IFQ can only be transferred as a result of a hardship

Block B – Identification of transferor

Name and NMFS Person ID

Date of birth if an individual; date of incorporation if a non-individual entity

Permanent and temporary business mailing address

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

Indicate whether transferor submitted an EDR (see §680.6)

Indicate whether transferor paid all fees (see §680.44)

Block C – Identification of transferee

Name and NMFS Person ID

Date of birth if an individual; date of incorporation if a non-individual entity

Permanent and temporary business mailing address

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

Indicate whether transferee submitted an EDR (see §680.6)

Indicate whether transferee paid all fees (see §680.44)

Block D -- Identification o IFQ to be transferred (leased)

Permit Number

Crab fishery

Sector

Region

IFQ Class (Class A, B, R, or U)

Pounds

Block E – Certification of transferor

Printed name and signature of transferor and date signed

If authorized representative, **attach** authorization to the application

Block F – Certification of transferee

Printed name and signature of transferee and date signed

If authorized representative, **attach** authorization to the application

The issuance of IFQ non-coop transfers appears to be declining. In 2005/2006, 113 IFQ non-coop lease. In 2006/2007, 39 IFQ non-coop lease. In 2007/2008, 16 IFQ non-coop lease. In 2008/2009, 0 IFQ non-coop lease. In 2009/2010, 0 IFQ non-coop lease. The number 10 will be used as number of respondents. Because the frequency of transfer per individual permit is not known, the transfer frequency of 1 will be used.

Application for transfer of crab IFQ, Respondent	
Number of respondents	10
Total annual responses	10
Frequency of response = 1	
Total burden hours	20 hr
Time per response = 2 hr	
Total personnel costs (\$25 x 20)	\$500
Total miscellaneous costs (36.40)	\$36
Postage (0.90x 6 = 5.40)	
Fax (\$6 x 4 = 30)	
Photocopy (2pp x 0.05 x 10 = 1)	

Application for transfer of crab IFQ, Federal Government	
Number of responses	10
Total burden hours (2.5)	3
Time per response = 15 min	
Total personnel cost (\$25 x 3)	\$75
Total miscellaneous costs	0

s. Application for Transfer (Lease) of Crab IPQ [REVISED]

A crab IPQ permit holder may transfer all or part of its IPQ to another crab IPQ permit holder. This application is to be used to apply for a transfer of IPQ for the current crab fishing year.

This application cannot be processed or approved unless both parties to the proposed transfer have met all the requirements and conditions of the CR Program, including (as appropriate) submittal of a Crab Economic Data Report (EDR) and payment of all outstanding fees to NMFS on or before July 31. The EDR program is focused on collecting production, cost, earnings, and employment information from harvesting and processing sectors of crab fisheries to evaluate effects of the Program over time. NMFS will notify the transferor and transferee once the application has been received and approved. A transfer of IPQ is not effective until approved by NMFS.

This application will not be processed between August 1 of any year and the date of issuance of the IPQ in a CR Program fishery.

In November of 2009, final rule 74 FR 51515, October 7, 2009 provided harvesting cooperatives, crab processing quota share holders, and CDQ groups with the option to make intercooperative transfers, IPQ transfers, and intergroup transfers through an automated, web-based process. In 2007 all IPQ transfers were completed by NMFS staff, but during fishing year 2010/11 almost all transfers were completed online. An application for IPQ transfer may be submitted to NMFS online at <https://www.alaskafisheries.noaa.gov>, by U.S. mail, by fax, by hand delivery, or online.

Application for transfer of crab IPQ

Type of transfer

If this transfer of IPQ is to be used within the Eligible Crab Community (ECC) with which the IPQ is currently associated, provide the name of the current ECC that has the Right of First Refusal (ROFR)

Indicate if this transfer of IPQ is to be used outside an ECC with which the IPQ is currently associated.

Identification of transferor

Non-electronic submittal

- Transferor's name and NMFS Person ID
- Date of incorporation
- Permanent business mailing address and temporary business mailing address (if applicable)
- Business telephone number, business fax number, and business e-mail address (if available)
- Indicate whether transferor submitted an EDR (see § 680.6)
- Indicate whether transferor has paid all fees (see § 680.44)

Electronic submittal

- Transferor's name and NMFS Person ID
- Transfer Key

Identification of transferee

Non-electronic submittal

- Transferor's name and NMFS Person ID
- Date of incorporation
- Permanent business mailing address and temporary business mailing address (if applicable)
- Business telephone number, business fax number, and business e-mail address (if available)
- Indicate whether transferor submitted an EDR (see § 680.6)
- Indicate whether transferor has paid all fees (see § 680.44)

Electronic submittal

- Transferor's name and NMFS Person ID
- Transfer Key

Identification of IPQ to be transferred

- IPQ permit number
- Crab fishery
- Sector of QS
- Region
- Number of IPQ pounds

Certification of transferor

Non-Electronic submittal

- Printed name and signature of transferor or authorized representative and date signed
- If authorized representative, **attach** authorization

Electronic submittal

- Transferor's NMFS ID
- Password
- Transfer Key

Certification of transferee

Non-Electronic submittal

- Printed name and signature of transferee or authorized representative and date signed
- If authorized representative, **attach** authorization

Electronic submittal

- Transferee's NMFS ID
- Password
- Transfer Key

The issuance of IPQ transfers appears to be steady. In 2005/2006, 40 PQS lease. In 2006/2007, 39 PQS lease. In 2007/2008, 32 PQS lease. In 2008/2009, 45 PQS lease. In 2009/2010, 31 PQS lease. The average number, 37, will be used as number of respondents. Because the frequency of transfer per individual permit is not known, the transfer frequency of 1 will be used.

Application to transfer crab IPQ, Respondent	
Estimated number of respondents	37
Total annual responses	37
Number of responses per year = 1	
Total Time burden	54 hr
Time per response, non-electronic 2 hr x 19 = 38 hr	
Time per response, electronic 1 hr x 16 = 16 hr	
Total personnel cost (\$25 x 54 =	\$1,350
Total miscellaneous cost (39.90)	\$40
Postage (0.45 x 12 = \$5.40)	
Fax (\$5 x 6 = \$30)	
Online (\$0.05 x 19 = \$0.8)	
Photocopy (0.05 x 2pp x 37 = 3.70)	

Application to transfer crab IPQ, Federal Government	
Total annual responses	37
Total Time burden (18.5)	19 hr
Time per response = 30 min	
Total personnel cost (\$25 x 19)	\$475
Total miscellaneous cost	0

t. Application for Transfer of IFQ between Crab Harvesting Cooperatives [REVISED]

A crab harvesting cooperative is formed for the purpose of applying for and fishing under a crab harvesting cooperative IFQ permit and is permitted to transfer its IFQ only to another crab harvesting cooperative. Once a cooperative has an IFQ permit, the members of that cooperative cannot transfer away IFQ, because they hold no IFQ of their own. When a QS holder joins a cooperative, all of his or her QS are converted to cooperative IFQ that is held in common by the cooperative. Only the cooperative may transfer cooperative IFQ following the requirements for the transfer of cooperative IFQ. A person who joins a crab-harvesting cooperative assigns his or her IFQ to the cooperative at the beginning of the crab-fishing year. In this case, all IFQ pounds appear on the annual IFQ permit issued to the cooperative.

Application for Transfer of IFQ Between Crab Harvesting Cooperatives

Block A – Identification of Transferor (Lessor)

- Name and NMFS Person ID of Transferor
- Date of incorporation
- Name of Transferor’s representative
- Permanent and temporary business mailing address
- Business telephone number, business fax number, and business e-mail address

Block B – Identification of Transferee (Lessee)

- Name and NMFS Person ID of Transferee
- Date of incorporation
- Name of Transferee’s representative
- Permanent and temporary business mailing address
- Business telephone number, business fax number, and business e-mail address

Block C¹ – Signature of Transferor

- Printed name and signature of transferor and date signed.
- If authorized representative, **attach** authorization

Block C² – Signature of Transferee

Printed name and signature of transferee and date signed

If authorized representative, **attach** authorization

Block D¹ – Identification of IFQ to be Transferred (Lease) to Cooperative Members

(to be completed by Transferor)

Permit Number

Fishery and sector

Region Class (A, B, R, or U)

IFQ Pounds

Block D² – Identification of Cooperative’s Member(s)

(to be completed by Transferee)

Name and NMFS Person ID of Qualifying Member

Amount of IFQ

Application for Inter-cooperative Transfer, Respondent	
Number of respondents	11
Total annual responses	605
Frequency of response = 55 transfers/yr	
Total burden hours	11 hr
Time/paper response = 2 hr x 5 = 10 hr	
Time/online response = 5 min x 600 = 50 min	
Total personnel costs (\$25 x 1210)	\$275
Total miscellaneous costs (105.20)	\$105
Online (.05 x 600 = 30)	
Postage (\$0.90 x 3 = 2.70)	
Fax (\$6 x 2 = 12)	
Photocopy (2pp x 0.05 x 605 = 60.50)	

Application for Inter-cooperative Transfer, Federal Government	
Number of responses	11
Total burden hours (11.25)	11
Time/paper response = 15 min x 5 = 1.25	
Time/online response = 1 min x 600 = 10	
Total personnel costs (\$25 x 11)	\$275
Total miscellaneous costs	0

u. Application for transfer of BSAI crab QS/IFQ to or from an ECCO [NO CHANGES]

An eligible crab community (ECC) may form a nonprofit entity to receive QS, IFQ, PQS and IPQ transfers on behalf of that community. Crab may be transferred to or from an eligible crab community organization (ECCO). The ECCO may then lease IFQ to community residents.

Eligible crab community organization (ECCO) means a non-profit organization that represents at least one eligible crab community (ECC). The ECCO must be approved by the Regional Administrator to obtain by transfer and hold crab QS and to lease IFQ resulting from the crab QS on behalf of an ECC. This application is required to transfer any amount of QS or IFQ to or from an ECCO.

This form may only be used if an ECCO is the proposed transferor or the proposed transferee of the QS or IFQ. The party to whom an ECCO is seeking to transfer the QS/IFQ must be eligible to receive QS/IFQ by transfer. If the ECCO is applying to permanently transfer QS, a representative of the community on whose behalf the QS is held must sign the application.

Application for transfer of BSAI crab QS/IFQ to or from an ECCO

Block A – General Requirements

Block B – Transferor (seller) information

Name and NMFS Person ID

If transferor is an ECCO, name of community represented by the ECCO

Permanent and temporary business mailing address

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

Block C – Transferee (buyer) information

Name and NMFS Person ID

If transferee is an ECCO, name of community represented by the ECCO

Permanent and temporary business mailing address

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

Block D – Identification of QS/IFQ to Be Transferred

QS species and type

Number of QS or IFQ units to be transferred

Total QS units

Number of IFQ pounds

Range of serial numbers to be transferred, numbered to and from

Name of community to which QS are currently assigned

Indicate (YES or NO) whether all remaining IFQ pounds for the current fishing year should be transferred

If NO, specify the number of pounds to be transferred

Transfer of IFQ only

IFQ permit number and year of permit

Actual number of IFQ pounds to be transferred

Reason for transfer (check all that apply)

Block E – Price paid for QS, PQS and/or IFQ, IPQ (transferor)

Indicate (YES or NO) whether a broker was used for this transaction

If YES, enter dollar amount paid in brokerage fees or percentage of the total price

Enter total amount paid for the QS/IFQ in this transaction, including all fees

Price per unit of QS and the price per pound of IFQ

Indicate reasons (check all that apply) for transferring QS/IFQ

Block F - Method of financing for the QS, PQS and/or IFQ, IPQ (transferee)

If QS/IFQ purchase will have a lien attached, enter name of lien holder

Indicate one primary source of financing for this transfer

Indicate how the QS/IFQ was located

Indicate the relationship, if any, between the transferor and the transferee

If an agreement exists to return the QS or IFQ to the transferor or any other person, or with a condition placed on resale, explain

Attach

Terms of agreement for the transfer

Bill of sale for QS, or

Lease agreement for IFQ

Block G--Certification of Transferor

Printed name and signature of transferor and date signed

If authorized representative, **attach** authorization

Signature of Notary Public, date commission expires, and notary seal or stamp

Block H--Certification of Transferee

Printed name and signature of transferee and date signed.

If authorized representative, **attach** authorization

Signature of Notary Public, date commission expires, and notary seal or stamp

Block I--Certification of ECCO community representative

Printed name and signature of ECCO community representative and date signed.

Signature of Notary Public, date commission expires, and notary seal or stamp.

Other conditions to be met

Indicate whether the person applying to make or receive the transfer submitted an EDR, if required and paid all fees

Attachments

Terms of agreement for the transfer

Bill of sale for QS or PQS, or

Lease agreement for IFQ or IPQ

An affirmation that the individual receiving IFQ from an ECCO has been a permanent resident in the ECC for a period of 12 months prior to the submission of the Application for transfer QS/IFQ to or from an ECCO on whose behalf the ECCO holds QS

Since 2005, no ECCO permits have been issued; therefore no ECCO transfer permits have been issued. The number 1 is used in this analysis.

Application for transfer of crab QS/IFQ to or from an ECCO, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	2 hr
Time per response = 2 hr	
Total personnel costs (\$25 x 2)	\$50
Total miscellaneous costs (11.10)	\$11
Notary (\$10 x 1 = 10)	
Postage (\$.90 x 1 = 0.90)	
Photocopy (2pp x 0.10 x 1 = 0.2)	

Application for transfer of crab QS/IFQ to or from an ECCO, Federal Government	
Number of responses	1
Total burden hours	1
Time per response = 15 min	
Total personnel costs (\$25 x 1)	\$25
Total miscellaneous costs	0

v. File an Appeal to NMFS Decisions [REVISED]

The CR Program provides for appeal on decisions made by NMFS through the National Appeals Office (NAO, formerly known as the Office of Administrative Appeals [OAA]).

Any person whose interest is directly and adversely affected by an initial administrative determination (IAD) may file a written appeal. Such persons will be referred to as “applicant” or “appellant.”

Appeals must be in writing and must be mailed to the
 National Marine Fisheries Service
 Office of Administrative Appeals (OAA)
 P. O. Box 21668,
 Juneau, AK 99802-1668

or delivered to

National Marine Fisheries Service
Attention: Appeals (OAA)
709 West 9th St., Room 453
Juneau, AK 99801

If an applicant appeals an initial administrative determination, the appeal must be filed not later than 60 days after the date the determination is issued.

Applicants must timely submit a full written statement in support of the appeal, including a concise statement of the reasons the IAD has a direct and adverse effect on the applicant and should be reversed or modified. If the applicant requests a hearing on any issue presented in the appeal, such request for hearing must be accompanied by a concise written statement raising genuine and substantial issues of adjudicative fact for resolution and a list of available and specifically identified reliable evidence upon which the factual issues can be resolved. The appellate officer will limit his/her review to the issues stated in the appeal; all issues not set out in the appeal will be waived. The appellate officer will review the applicant's appeal and request for hearing.

The appellate officer will close the record and issue a decision after determining there is sufficient information to render a decision on the record of the proceedings and that all procedural requirements have been met. The decision must be based solely on the record of the proceedings. An appellate officer's decision takes effect 30 days after it is issued and, upon taking effect, is the final agency action for purposes of judicial review.

If appeals result in a positive action after IFQ has been issued for that fishery, the person would not receive IFQ until the following year. This single annual issuance is required for administrative purposes so that mid-year adjustments to other IFQ holders does not occur that would alter their allocation or the ratio of QS to IFQ for that year.

To date, twenty-eight applications denied by RAM for initial issuance of quota or for annual allocation of IFQ or IPQ were appealed to the OAA; to date, eighteen cases related to eligibility for initial QS or PQS and ten related to other issues. The CR Program is seven years old; dividing 28 appeals by 7 years results in approximately 4 respondents per year.

File an Appeal on NMFS Decisions, Respondent	
Number of respondents	4
Total annual responses	4
Frequency of response = 1	
Total burden hours	16 hr
Time per response = 4 hr	
Total personnel costs (\$25 x 16)	\$400
Total miscellaneous costs (6.60)	\$7
Postage (1.35 x 4 = 5.40)	
Photocopy (6pp x 4 x 0.05 = 1.20)	

File an Appeal on NMFS Decisions, Federal Government	
Number of responses	4
Total burden hours	16 hr
Time per response = 4 hr	
Total personnel cost (\$75 x 16= 1200)	\$1,200
Total miscellaneous costs	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

NEW REQUIREMENTS: The application for north or south regional delivery requirements exemption is available on the NMFS Alaska region website (<http://alaskafisheries.noaa.gov>). The application is a fillable adobe form which requires original signatures and thus may only be submitted by mail or delivery. The other new requirements -- CDQ notify for community representative, N or S Regional Delivery Exemption Report, and N or S Response Report may be submitted by courier, mail, fax, or email.

EXISTING REQUIREMENTS: The Crab Inter-Cooperative IFQ Transfer form and the Transfer of Crab IPQ may be submitted online at www.alaskafisheries.noaa.gov. The remainder of the applications may be completed on the computer screen by the participant, downloaded, printed, and faxed or submitted by e-mail. NMFS is pursuing an Internet method in the future whereby all of the information will be entered online and submitted directly and automatically into a database.

4. Describe efforts to identify duplication.

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

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

Approximately 238 small entities own crab harvest vessels or crab catcher/processors. This information collection does not impose a significant impact on small entities.

Estimates of the number of small entities are based on estimates of gross revenues. During the 2009-2010 fishing season, nine entities held IFQ subject to North or South regional delivery requirements. Three of these IFQ holders were small entities. In that same season, 14 of the 22 entities that held IPQ subject to North or South regional delivery requirements were small entities. Six small community entities, including two CDQ entities, would be directly regulated by this new action.

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

If the collection were not conducted or is conducted less frequently, the sustained participation of communities intended to benefit from the regional delivery requirements would decrease or even stop. Natural or man-made catastrophes could result in adverse economic impacts of harvesting and processing and therefore lost revenue to processors and communities. Unforeseen regional delivery delays could require harvesters and processors to operate later in the fishing season than would otherwise be required for a given TAC catch level. Such changes in fishing behavior could result in unused IPQ, increased processing cost, loss of market share, and loss of revenue to remote communities dependent on CR processing.

All of the directly regulated entities are expected to benefit from this action. Amendment 41 would allow crab to be landed and processed outside the designated region if a circumstance occurs that the directly regulated entities agreed in advance prevents compliance with regional delivery requirements. Allowing for the exemption would potentially reduce deadloss, promote full utilization of the TAC, and improve safety at sea. It is unlikely that any party to the exemption would benefit more than any other because all applicants would have agreed, before the season, to the terms of mitigation and compensation.

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

No special circumstances exist.

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.

NMFS Alaska Region will submit a proposed rule (RIN 0648-BA82) coincident with this submission, requesting comments from the public.

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

No payment or gift is provided under this program.

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

As stated on the forms, this information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j). Responses to this information request are not confidential.

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

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

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

Estimated total respondents: 1,943, increased from 1,920. Estimated total responses: 3,072, increased from 2,912. Estimated total burden: 2,257 hr, decreased from 4,472 hr. Estimated total personnel costs: \$63,975, decreased from \$113,050.

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

Estimated total miscellaneous costs: \$4,920, decreased from \$12,425.

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

Estimated total responses: 2,477, decreased from 2,683. Estimated total burden: 799 hr, increased from 798. Estimated total personnel costs: \$21,675, decreased from \$21,939.

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

Program Changes

Net changes: 19 fewer unduplicated respondents, 11 fewer responses, 138 additional hours and \$5 more in recordkeeping/reporting costs.

Application for North or South Regional Exemption is added
an increase of 3 respondents and responses, 3 instead of 0
an increase of 60 hours burden, 60 instead of 0

an increase of \$4,500 personnel costs, \$4,500 instead of \$0
an increase of \$5 miscellaneous costs, \$5 instead of \$0

CDQ notification of community representative is added

an increase of 1 respondent, 1 instead of 0
an increase of 5 responses, 5 instead of 0
an increase of 25 hours burden, 25 instead of 0
an increase of \$1,875 personnel costs, \$1,875 instead of \$0
an increase of \$1 miscellaneous costs, \$1 instead of \$0

North or South Regional delivery exemption report is added

an increase of 3 respondents and responses, 3 instead of 0
an increase of 60 hours burden, 60 instead of 0 hours
an increase of \$4,500 personnel costs, \$4,500 instead of \$0
an increase of \$4 miscellaneous costs, \$4 instead of \$0

North or South Response report is added

an increase of 3 respondents and responses, 3 instead of 0
an increase of 6 hours burden, 6 instead of 0 hours
an increase of \$450 personnel costs, \$450 instead of \$0
an increase of \$3 miscellaneous costs, \$3 instead of \$0

RCR Fee submission form is removed

a decrease of 25 respondents and responses, 0 instead of 25
a decrease of 13 hours burden, 0 instead of 13 hours
a decrease of \$300 personnel costs, \$0 instead of \$300
a decrease of \$8 miscellaneous costs, \$0 instead of \$8

Crab Quota Share Beneficiary form is added, with burden and cost at this time expected to be covered by the QS/PQS transfer burden and cost.

Adjustments

Net changes: 42 additional unduplicated respondents, 171 additional responses, 2,353 fewer hours and \$7,510 less in recordkeeping/reporting costs.

WAG exemption application

an increase of \$8 miscellaneous costs, \$52 instead of \$44

Application for IFQ permit is corrected using actual permits issued and accounting for more mailings than previously, vs. faxing

a decrease of 240 respondents and responses, 150 instead of 390
a decrease of 600 hours burden, 375 instead of 975 hours
a decrease of \$15,000 personnel costs, \$9,375 instead of \$24,375
a decrease of \$1,974 miscellaneous costs, \$221 instead of \$2,195

Application for IPQ permit is corrected using actual permits issued and accounting for most of submissions being online

- a decrease of 10 respondents and responses, 100 instead of 110
- a decrease of 25 hours burden, 250 instead of 275 hours
- a decrease of \$625 personnel costs, \$6,250 instead of \$6,875
- a decrease of \$577 miscellaneous costs, \$49 instead of 626

Application for Annual Crab Harvesting Cooperative IFQ Permit is corrected using actual permits issued and accounting for most of submissions being mailed rather than faxed

- a decrease of 3 respondents and responses, 16 instead of 19
- a decrease of 8 hours burden, 40 instead of 48
- a decrease of \$200 personnel costs, \$1,000 instead of \$1,200
- a decrease of \$43 miscellaneous costs, \$53 instead of \$96

Application for Registered Crab Receiver permit is corrected using actual permits issued

- a decrease of 38 respondents and responses, 62 instead of 100
- a decrease of 19 hours burden, 31 instead of 50 hours
- a decrease of \$475 personnel costs, \$775 instead of \$1,250
- a decrease of \$269 miscellaneous costs, \$145 instead of \$414

Application for crab IFQ hired master permit is corrected using actual permits issued and accounting for most of submissions being mailed rather than faxed

- an increase of 314 respondents and responses, 1614 instead of 1300
- an increase of 110 hours burden, 565 instead of 455 hours
- an increase of \$2,950 personnel costs, \$14,325 instead of \$11,375
- a decrease of \$2,720 miscellaneous costs, \$3,663 instead of \$6,383

Application for Federal crab vessel permit is corrected using actual permits issued and accounting for most of submissions being mailed rather than faxed

- a decrease of 6 respondents and responses, 127 instead of 133
- a decrease of 3 hours burden, 44 instead of 47 hours
- a decrease of \$553 personnel costs, \$1,100 instead of \$1,175
- a decrease of \$477 miscellaneous costs, \$275 instead of \$752

Application to become an ECCO

- a decrease of \$1 miscellaneous costs, \$1 instead of \$2

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer is corrected using actual permits issued

- a decrease of 30 respondents and responses, 63 instead of 93
- a decrease of 60 hours burden, 126 instead of 186 hours

a decrease of \$625 personnel costs, \$3,150 instead of \$4,650
a decrease of \$13 miscellaneous costs, \$111 instead of \$124

Application to transfer crab QS and PQS is corrected using actual transfers issued and adding notary costs (an inadvertent omission in previous years did not include the notary fees, although the forms have included the fees).

an increase of 160 respondents and responses, 253 instead of 93
an increase of 320 hours burden, 506 instead of 186 hours
an increase of \$2,735 miscellaneous cost, \$2,783 instead of \$48
an increase of \$8,000 personnel costs, \$12,650 instead of \$4,650

Application to transfer crab IFQ is corrected using actual transfers issued

a decrease of 363 respondents and responses, 10 instead of 373
a decrease of 726 hours burden, 20 instead of 746 hours
a decrease of \$18,150 personnel costs, \$500 instead of \$18,650
a decrease of \$1,569 miscellaneous costs, \$36 instead of \$1,605

Application to transfer crab IPQ is corrected using actual transfers issued and accounting for increase of online submission as the chosen option

an increase of 5 respondents and responses, 37 instead of 32
an increase of 6 hours burden, 54 instead of 48 hours
an increase of \$150 personnel costs, \$1,350 instead of \$1,200
a decrease of \$7 miscellaneous costs, \$40 instead of \$47

Application for inter-cooperative IFQ transfer is revised; number of transfers per coop is corrected using actual transfers issued and overall response time due to mainly online submissions, reduced

a decrease of 150 respondents, 11 instead of 161
an increase of 444 responses, 605 instead of 161
a decrease of 158 hours burden, 11 instead of 169 hours
a decrease of \$3,950 personnel costs, \$275 instead of \$4,225
an increase of \$53 miscellaneous costs, \$105 instead of \$52

Right of First refusal (ROFR) contract is corrected using actual number of contracts and the cost of a contractor

a decrease of 29 respondents and responses, 1 instead of 30
a decrease of 1,150 hours burden, 1 instead of 1,200 hours
a decrease of \$24,900 personnel costs, \$50 instead of \$30,900
an increase of \$6,000 miscellaneous costs, \$6,000 instead of \$0

Right of First Refusal Waiver is corrected using actual number of waivers

a decrease of 29 respondents and responses, 1 instead of 30
a decrease of 14 hours burden, 1 instead of 15 hours
a decrease of \$725 personnel costs, \$25 instead of \$750

Letter of appeal is corrected using actual number of appeals
a decrease of 4 respondents and responses, 4 instead of 8
a decrease of 16 hours burden, 16 instead of 32 hours
a decrease of \$400 personnel costs, \$400 instead of \$800
a decrease of \$4 miscellaneous costs, \$7 instead of \$11.

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

NMFS will post a Public Notice of the Exemption containing the effective date of an exemption and the Regional Delivery Exemption Reports on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov>).

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.