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| CHARTER HALIBUT PROGRAM | Application For Charter Halibut Permit | U.S. Department of Commerce NOAA National Marine Fisheries Service Restricted Access Management P.O. Box 21668 Juneau, AK 99802-1668 Fax: 907-586-7354 Telephone: 800-304-4646 toll Free or 907-586-7202 in Juneau |  |
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Applications must be received by XX XX, 2009
LATE APPLICATIONS WILL BE DENIED

Charter Halibut permits will be issued to persons who meet the following eligibility criteria:

- ◆ Makes timely application during the application period.
- ◆ Non-transferable permit. NMFS will issue a non-transferable charter halibut permit to a person who: the ADF&G issued the ADF&G Business Owner Licenses that authorized logbook fishing trips during the applicable time periods; reported five bottomfish logbook fishing trips or more during one year of the qualifying period; and reported five halibut logbook fishing trips or more during the recent participation period.
- ◆ Transferable permit. NMFS will issue a transferable charter halibut permit to a person who: the ADF&G issued one or more ADF&G Business Owner Licenses that authorized logbook fishing trips during the applicable time periods; reported 15 bottomfish logbook fishing trips or more during one year of the qualifying period; and reported 15 halibut logbook fishing trips or more during the recent participation period.

Exemptions under unavoidable circumstance and military service provisions may be allowed if required regulatory criteria are met by the applicant. See **Block D** and instructions for more information. Refer to 50 CFR Part 300.67 for specific regulatory criteria.

BLOCK A – APPLICANT INFORMATION

| | | |
|--|-------------------------|--|
| 1. Applicant’s Name(s): | | |
| 2. Business Mailing Address (Street or P.O. Box, City, State, Zip Code): | | |
| 3. Business Telephone Number: | 4. Business Fax Number: | 5. Business E-mail Address: |
| 6. Is the applicant an individual U.S. Citizen? YES [] NO [] If YES, enter date of birth: | | 7. Is the applicant a U.S. Corporation, partnership, association, or other business entity? YES [] NO [] If YES, enter the date of incorporation: |
| 8. Is the applicant a successor-in-interest to a deceased individual or to a dissolved non-individual? YES [] NO [] If YES, attach evidence of death or dissolution and evidence supporting successor-in-interest status. | | |

**BLOCK B -- SELECTION OF BEST YEAR FOR DETERMINATION
OF CHARTER HALIBUT PERMIT ALLOCATIONS**

I have reviewed the Official Charter Halibut Record summary sent me by NMFS.

For Area 2C: I am selecting **2004** **2005** as my "best year."
Area 3A: I am selecting **2004** **2005** as my "best year."

Only one year (2004 or 2005) may be selected for each Area. List any claims you may have to change the charter halibut official record summary in **Block C**. Proceed to **Block E** and **Block F**.

I did not receive an Official Charter Halibut Record summary.

Area 2C: I am selecting **2004** **2005** as my "best year."
Area 3A: I am selecting **2004** **2005** as my "best year."

Only one year (2004 or 2005) may be selected for each Area. Complete **Block C** and **Block D**.
Provide evidence to support your claims to one or more charter halibut permits. Complete **Block E**.
Sign and date the application in **Block F**.

I am claiming eligibility for one or more charter halibut permits on the basis of an unavoidable circumstance.
Complete **Blocks C, D, and E**. Sign and date the application in **Block F**.

BLOCK C₁ -- CLAIMS

Please indicate the nature of your claim that the charter halibut permit official record is incorrect:

I do not agree with the area(s) listed on my summary. My permits should be endorsed for area(s):

2C 3A Both

I do not agree with the transfer status the summary shows my permits will have.

I should have _____ number of transferable permits and _____ number of non-transferable permits

I do not agree with the number of anglers the summary shows my permits will be endorsed for.

My permits should have _____ number of angler Endorsements.

I do not agree you have given me credit for all charter halibut fishing businesses I owned and/or all vessels operated by charter halibut fishing businesses I have owned.

Complete Blocks C₂ and C₃ as appropriate.

I purchased the entire qualifying history of a charter halibut guide business.

Complete Blocks C and D listing the charter halibut fishing business you purchased.

I am claiming eligibility based an unavoidable circumstance that occurred in 2004 or 2005.

Complete Block D.

**C₃-- VESSELS OPERATED BY CHARTER HALIBUT FISHING BUSINESS(ES)
YOU OWNED IN 2004, 2005 AND 2007**

| Vessel Name | ADF&G Vessel Registration No. | USCG Documentation No. | Saltwater Charter Vessel Logbook No. | Year of Operation (check all that apply) | Number of Trips (per year) |
|-------------|--|------------------------------|--|---|-------------------------------------|
| | | | 2004: _____ 2005: _____ 2007: _____ | 2004 [] 2005 [] 2007 [] | 2004 ____ 2005 ____ 2007 ____ |
| | | | 2004: _____ 2005: _____ 2007: _____ | 2004 [] 2005 [] 2007 [] | 2004 ____ 2005 ____ 2007 ____ |
| | | | 2004: _____ 2005: _____ 2007: _____ | 2004 [] 2005 [] 2007 [] | 2004 ____ 2005 ____ 2007 ____ |
| | | | 2004: _____ 2005: _____ 2007: _____ | 2004 [] 2005 [] 2007 [] | 2004 ____ 2005 ____ 2007 ____ |
| | | | 2004: _____ 2005: _____ 2007: _____ | 2004 [] 2005 [] 2007 [] | 2004 ____ 2005 ____ 2007 ____ |
| | | | 2004: _____ 2005: _____ 2007: _____ | 2004 [] 2005 [] 2007 [] | 2004 ____ 2005 ____ 2007 ____ |
| | | | 2004: _____ 2005: _____ 2007: _____ | 2004 [] 2005 [] 2007 [] | 2004 ____ 2005 ____ 2007 ____ |

BLOCK D₁ – UNAVOIDABLE CIRCUMSTANCE CLAIM

[] I am applying for a charter halibut permit based on an unavoidable circumstance that occurred in 2004 or 2005. **You must provide documentation in support of your claim.**

I certify that to the best of my knowledge I do not otherwise qualify for a charter halibut permit.

I owned a charter halibut fishing business that met the participation requirements (a minimum of five bottomfish logbook trips) in 2007.

I have attached documentation that demonstrates:

- ◆ I had a specific intent to operate a charter halibut business that would participate in the charter halibut in 2004 or 2005.
- ◆ My intent was thwarted by a circumstance that was:
 - Unavoidable;
 - Unique to the owner of the charter halibut business, or unique to the charter halibut vessel; and
 - Unforeseen and reasonably unforeseeable to the owner of the charter halibut business;
- ◆ The circumstance that prevented the owner from operating a charter halibut business that participated in the charter halibut fishery actually occurred;
- ◆ Under the circumstances, the owner of the charter halibut business took all reasonable steps to overcome the circumstance that prevented the applicant from operating a charter halibut business in the charter halibut fishery in 2004 or 2005.

[] I am applying for a charter halibut permit based on an unavoidable circumstance that occurred in the recent participation year. **You must provide documentation in support of your claim.**

I certify that to the best of my knowledge I do not otherwise qualify for a charter halibut permit.

I owned a charter halibut fishing business that met the participation requirements (a minimum of five bottomfish logbook trips) in 2004 or 2005.

I have attached documentation that demonstrates:

- ◆ I had a specific intent to operate a charter halibut business that would participate in the charter halibut fishery in the recent participation year;
- ◆ My intent was thwarted by a circumstance that was:
 - Unavoidable;
 - Unique to the owner of the charter halibut business, or unique to the charter halibut vessel; and
 - Unforeseen and reasonably unforeseeable to the owner of the charter halibut business;
- ◆ The circumstance that prevented the owner from operating a charter halibut business that participated in the charter halibut fishery actually occurred;
- ◆ Under the circumstances, the owner of the charter halibut business took all reasonable steps to overcome the circumstance that prevented the applicant from operating a charter halibut business in the charter halibut fishery in the recent participation year.

Signature

Date Signed

PUBLIC REPORTING BURDEN STATEMENT

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

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the Charter Halibut Vessel Program for IPHC Regulatory Areas 2C or 3A; 3) Federal law and regulations require and authorize NMFS to manage charter halibut programs in Alaska; 4) Submission of this information is mandatory for any entity participating in charter halibut fishing; 5) This information is used to monitor the charter vessel program under the Northern Pacific Halibut Act of 1982; 6) Responses to this information request are not confidential.

Instructions
APPLICATION FOR CHARTER HALIBUT PERMIT(S)
FOR IPHC REGULATORY AREAS 2C OR 3A

**Applications must be received by (MON) (DAY), 2009.
LATE APPLICATIONS WILL BE DENIED.**

General Permit Requirements

Charter halibut permit. In addition to other applicable permit and licensing requirements, any charter vessel operator with one or more charter vessel anglers catching and retaining Pacific halibut onboard the charter vessel must have onboard the vessel a valid charter halibut permit or permits endorsed for the regulatory area in which the vessel is operating and endorsed for the number of charter vessel anglers catching and retaining Pacific halibut.

Area endorsement. A charter halibut permit is valid only in the International Pacific Halibut Commission regulatory area for which it is endorsed. Regulatory areas are defined in the annual management measures published pursuant to § 300.62.

Charter vessel angler endorsement. A charter halibut permit is valid only for the maximum number of charter vessel anglers for which the charter halibut permit is endorsed.

Charter Halibut permits will be issued to persons who meet the following eligibility criteria:

- ◆ Makes timely application during the application period.
- ◆ Non-transferable permit. NMFS will issue a non-transferable charter halibut permit to a person who: the ADF&G issued the ADF&G Business Owner Licenses that authorized logbook fishing trips during the applicable time periods; reported five bottomfish logbook fishing trips or more during one year of the qualifying period; and reported five halibut logbook fishing trips or more during the recent participation period.
- ◆ Transferable permit. NMFS will issue a transferable charter halibut permit to a person who: the ADF&G issued one or more ADF&G Business Owner Licenses that authorized logbook fishing trips during the applicable time periods; reported 15 bottomfish logbook fishing trips or more during one year of the qualifying period; and reported 15 halibut logbook fishing trips or more during the recent participation period.

Exemptions under unavoidable circumstance and military service provisions may be allowed if required regulatory criteria are met by the applicant. See **Block D** and instructions for more information. Refer to 50 CFR Part 300.67 for specific regulatory criteria.

Application forms are available from the National Marine Fisheries Service (NMFS) offices and on the NMFS, Alaska Region, website at <http://alaskafisheries.noaa.gov>.

An application period of no less than 60 days will be specified by notice in the *Federal Register* during which any person may apply for a charter vessel permit. Any application that is submitted by mail and postmarked, or submitted by hand delivery or facsimile, after the last day of the application period will be denied.

- ◆ When completed, mail the application to:

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

or deliver to:

**709 West 9th Street Suite 713
Juneau, Alaska 99801**

or fax to:

907-586-7354

- ◆ It is important that all blocks are completed and attachments provided. Failure to answer any of the questions or provide any of the required documents could result in delays in the processing of your request for a transfer.
- ◆ Direct any questions you may have to NMFS, RAM at 1-800-304-4846 (option 2) or 907-586-7202 (option 2).

BLOCK A – APPLICANT INFORMATION

1. Enter Applicant Name(s)
2. Enter business mailing address (street or P.O. Box, City, State, Zip Code)
- 3-5. Enter the business telephone number, business fax number, and business e-mail address
6. Indicate whether applicant is an individual U.S. Citizen. **If YES**, enter date of birth.
7. Indicate whether applicant is a U.S. Corporation, partnership, association or other business entity. Answer YES, if 75% U.S. owned. **If YES**, enter date of incorporation. Answer NO, if less than 75% U.S. owned or is not a U.S. corporation, partnership or other business entity.
8. Indicate whether the applicant is a successor-in-interest to a deceased individual or to a dissolved non-individual entity. **If YES**, attach documentation of death or dissolution and evidence supporting successor-in-interest status
NOTE: You cannot claim successor-in-interest status for an individual or entity that still exists.

BLOCK B -- SELECTION OF “BEST YEAR” FOR DETERMINATION OF CHARTER HALIBUT PERMIT ALLOCATIONS

If you reviewed the Official Charter Halibut Permit Summary sent to you by NMFS, select either 2004 or 2005 as your “best year” For each Area (2C or 3A) identified on the summary. Only one year (2004 or 2005) may be selected per Area. List any claims you may have to change the charter halibut official record summary in **Block C**. Proceed to **Block E** and **Block F**.

If you did not receive an Official Charter Halibut Permit Summary, indicate the “best year” you are selecting 2004 or 2005, for each Area for which you are claiming a Charter Halibut Permit. Only one year (2004 or 2005) may be selected per Area. Complete **Block C** and **Block D**. Provide evidence to support your claims to one or more charter halibut permits. Complete **Block E**. Sign and date the application in **Block F**.

If you are claiming eligibility for one or more charter halibut permits on the basis of an unavoidable circumstance, complete **Block C**, **Block D**, and **Block E**. Sign and date the application in **Block F**.

BLOCK C₁ -- CLAIMS

Describe any claims you may have to change charter halibut official records.

- Check the box that best describes the nature of your claims that the charter halibut permit official record is inaccurate.
- If “other”, describe the nature of your claims.
- Provide documentation to support all claims.

BLOCK C₂ -- CHARTER HALIBUT FISHING BUSINESS(ES) OWNED IN 2004, 2005 AND 2007

Provide the following information for all charter halibut guide businesses you owned in 2004, 2005 and 2007 that you believe qualify you for charter halibut permit(s). Use one line per business (attach additional pages if necessary).

Name of Business
Year(s) of Operation (2004, 2005 or 2007)
State of Alaska Business License Number
Charter halibut Guide License Number

BLOCK C₃-- VESSELS OPERATED BY CHARTER HALIBUT FISHING BUSINESS(ES) YOU OWNED IN 2004, 2005 AND 2007

List the following information for all vessels operated by charter halibut guide business(es) you owned in 2004, 2005 and 2007. Use one row per vessel.

Vessel name
ADF&G vessel registration number.
United States Coast Guard (USCG) Documentation number.
Saltwater Charter Logbook number (by year)
Year of Operation (2004, 2005, and 2007) (check all that apply)
Number of Trips per year (check all that apply)

BLOCK D₁ – UNAVOIDABLE CIRCUMSTANCE CLAIM

Make a check mark if you are applying for a charter halibut permit based on an unavoidable circumstance that occurred in 2004 or 2005 or the recent participation year. You must provide documentation in support of your claim.

Signature
Date signed

BLOCK D₂ – ACTIVE DUTY MILITARY SERVICE CLAIM

Make a check mark if you are applying for a charter halibut permit based on active duty military service in the National Guard or military reserves that occurred in 2004 or 2005. You must provide documentation, such as a copy of the orders you received from the National Guard or military serves, in support of your claim.

Note: You cannot claim both unavoidable circumstances and activity duty military service.

Signature
Date signed

BLOCK E₁ – IDENTIFICATION OF OWNERSHIP

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

| Name of Owner | % Interest |
|-------------------------------|--------------|
| Joe Charter | 25% |
| Alice Charter | 25% |
| Charter Family Holdings, Inc. | 50% |
| A. Charterholder | 25% (of 50%) |
| B. Charterholder | 25% (of 50%) |
| C. Charterholder | 25% (of 50%) |
| D. Charterholder | 25% (of 50%) |

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

BLOCK E₂ -- IDENTIFICATION OF AFFILIATION

Provide the names of the persons with whom the applicant is affiliated and percent interest.

- ◆ *Affiliation* means a relationship between two or more entities in which one directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, another, or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both.
- ◆ An *indirect interest* is one that passes through one or more intermediate entities. An entity's percentage of indirect interest is equal to the entity's percentage of direct interest in an intermediate entity multiplied by the intermediate entity's percentage of direct, or indirect, interest in the applicant.
- ◆ The term *control* includes:
 - Ownership of more than 10% of the entity;
 - The right to direct the business of the entity;
 - The right to limit the actions of or replace the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity; or
 - The right to direct the operation of the applicant’s business.The term "control" does not include the right to simply participate in the above actions.

BLOCK F – APPLICANT SIGNATURE

Applicant must print name, sign and date the application. If completed by an authorized representative, attach authorization.