

**SUPPORTING STATEMENT
ALASKA REGION BSAI CRAB PERMITS
OMB CONTROL NO. 0648-0514**

This is a resubmission, with the final rule, of a request is for revision of an existing collection to modify Right of First Refusal (ROFR) agreements due to an associated rule [RIN: 0648-BE98]. There were no public comments on the proposed information collection requirements, and there are no changes in this submission.

BACKGROUND

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. The 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](#).

As part of the CR Program, the Council allocated processing shares, including both processor quota shares (PQS) and individual processing quota (IPQ), based on processing histories. To protect community interests, the Council included in the CR Program a provision for community right of first refusal (ROFR) on certain PQS and IPQ transfers. 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 ROFR. Based on the qualifying criteria, eight communities (St. Paul, Akutan, False Pass, King Cove, Kodiak, Port Moller, Unalaska, and St. George) were eligible to have representative community entities receive ROFR in the different CR Program fisheries. The distribution of ROFR differs across fisheries with Akutan, Unalaska, King Cove, St. Paul, and St. George all starting the CR Program with ROFR on approximately 10 percent or more of the PQS in at least one fishery. In six instances, community entities holding the ROFR have acquired PQS subject to the ROFR through a variety of transactions.

INTRODUCTION

NMFS issues a proposed rule to implement Amendment 44 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs and a regulatory amendment that would modify regulations governing the CR Program. With this action, a ROFR may continue with the

current ROFR holder or a new ROFR holder when PQS is transferred and requires PQS holders to make specific certifications regarding ROFR contracts when annually applying for IPQ and when transferring PQS that are subject to a ROFR. In addition, the crab harvesting cooperatives must list the name of each member of the cooperative in its application for IFQ rather than provide NMFS with copies of each member's IFQ application. These actions are necessary to improve available information concerning transfer and use of PQS and IPQ subject to a ROFR, thereby enhancing the ability of eligible crab communities to retain their historical processing interests in the BSAI crab fisheries, and to improve the administration of the CR Program.

A. JUSTIFICATION

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

The CR Program includes several provisions intended to protect specific communities that had historically been active in the processing of king and Tanner crab from adverse impacts that could result from the CR Program. The CR Program established eligibility criteria and regulations at 50 CFR 680.2 that identified the communities that satisfy the eligibility criteria. These communities are referred to as "eligible crab communities" for purposes of the CR Program's community protection measures. Additional detail on the rationale and criteria used to establish the eligible crab communities can be found in the final rule implementing the CR Program (March 2, 2005, 70 FR 10174).

With the exception of Adak, the CR Program provides eligible crab communities, or ECCs, with a ROFR on certain PQS and IPQ transfers. A ROFR provides an eligible crab community with the right to intervene in the sale (i.e., transfer) of PQS, IPQ, and "other goods" (i.e., assets) associated with that community under specific conditions. The regulations at § 680.41(l) require an eligible crab community to identify an entity to represent it for purposes of ROFR. The eligible crab community of Adak is not provided a ROFR for PQS or IPQ associated with that community because the CR Program incorporates other provisions to protect Adak. These provisions are described in the final rule implementing the CR Program (March 2, 2005, 70 FR 10174).

Of the eligible crab communities, four are CDQ communities, and four are non-CDQ communities. In the case of eligible crab communities that are also CDQ communities, the local CDQ group is the entity that can exercise the ROFR on behalf of the community. For the other four non-CDQ eligible crab communities, regulations authorize the governing bodies of these eligible crab communities to identify the entity that can exercise the ROFR on behalf of the community.

Under the ROFR, an eligible crab community entity is provided an opportunity to meet the same terms and conditions being offered to a proposed buyer of a proposed sale of PQS or IPQ. If an eligible crab community entity can meet the terms and conditions of a proposed sale, then the eligible crab community entity receives by transfer the PQS, IPQ, and any other goods instead of the proposed buyer.

The CR Program included a ROFR to provide eligible crab communities an opportunity to retain crab PQS, IPQ, and other goods before they are transferred to another buyer who could then choose to use that PQS, IPQ, and other goods outside of the community. Such a transfer could adversely affect the economic stability of the community. The ROFR is intended to strike a balance between the interest of communities historically reliant on crab processing to retain that processing capacity within their communities, and the interest of PQS or IPQ holders to be able to engage in open market transfers of PQS, IPQ, and other goods.

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

a. Application for annual crab IFQ permit [REVISED]

NMFS issues annual crab IFQ permits to eligible persons who hold quota share (QS). IFQ permits are issued for a combination of fishery harvesting sector, region, and class and may bear multiple fisheries. An IFQ permit authorizes the holders to harvest a specific amount of a crab, under the terms and conditions set out on the permit.

An IFQ permit is valid only during the crab year for which it is issued. Because issuance of the correct amount and type of IFQ is entirely dependent on information provided by QS holders on their annual applications, an application must be received by NMFS no later than June 1.

A cooperative must submit the names of each cooperative member, and the cooperative members are responsible for submitting a signed application for an annual crab IFQ permit.

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

By delivery to: **Room 713, Federal Building
709 West 9th Street
Juneau, AK 99801**

Or, by fax to: **907-586-7354**

NMFS will issue an annual crab IFQ permit only if a person has applied by the stated deadline and paid any fees owed (including Capacity Reduction [Buyback] and Cost Recovery fees), if any, and if there are no other impediments to issuing the permits.

Deadline: June 15. Applications received after June 15 may not be processed and IFQ may not be issued to the applicant.

Applicants for a CVC or CPC IFQ Permit must complete Block D and provide evidence demonstrating participation for all “YES” answers, even if they are currently in, or have in the past joined, a crab harvesting cooperative.

If Applicant has joined a crab harvesting cooperative, applicant must ensure that they are listed on the cooperative’s application(s) for annual crab harvesting cooperative IFQ permit.

Application for annual crab IFQ permit

Block A – Applicant information

Name and NMFS Person ID
Business mailing address, check permanent or temporary
Business telephone number, business fax number and business e-mail address

Block B – Type of Annual IFQ for which Application Is Made

Mark blocks to indicate IFQ fisheries applying for
If applicant intends to join a cooperative, complete Block C

Block C – Cooperative IFQ Assignment

To be completed if some or all of applicant’s IFQ is to be assigned to a crab harvesting cooperative
Enter the name of the cooperative(s) for each crab IFQ fishery
If Applicant has joined the same crab harvesting cooperative for all crab fisheries, list the cooperative name in the row named ALL QS FISHERIES

Block D – CVC/CPC QS Holder Statement of Participation

Indicate if applicant participated in at least one delivery of crab in any CR crab fishery during the crab fishing year immediately preceding the crab fishing year for which you are applying
IF YES, attach acceptable evidence demonstrating this participation
If applicant was an initial recipient of CVC or CPC QS, did he/she participate in a State of Alaska or Alaska Federal commercial fisheries during the crab fishing year immediately preceding the crab fishing year for which you are applying?
IF YES, attach acceptable evidence demonstrating this participation

Acceptable Evidence of Active Participation is required for any “YES” answer. Acceptable evidence includes:

- ◆ an ADF&G fish ticket signed by an applicant and 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.

Note: Starting July 1, 2019, and each crab fishing year thereafter, NMFS will initiate proceedings to revoke all CVC or CPC QS held by an individual who does not meet the above participation requirements for 4 consecutive crab fishing years.

Block E--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, are revealed to the individual level

Block F – Declaration of Affiliation

Check whether applicant is affiliated or not affiliated with any entity that holds PQS or IPQ
IF YES, identify all holders of PQS or IPQ with which it is affiliated. Provide the name, business address, and business telephone number

Block G – Applicant signature

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

Changed number of respondents from 196 to 191 to reflect current numbers.

Application for annual Crab IFQ permit, Respondent	
Number of respondents	191
Total annual responses	191
Frequency of response = 1	
Total burden hours (477.50)	478 hr
Time per response = 150 minutes	
Total personnel cost (\$37/hr x 478)	\$17,686
Total miscellaneous costs (332.60)	\$333
Postage (.45 x 150 = 67.50)	
Photocopy (2pp x .05 x 191 = 19.10)	
Fax (\$6 x 41 = 246)	

Application for Crab IFQ permit, Federal Government	
Number of responses	191
Total burden hours (47.75)	48 hr
Time per response = 15 min	
Total personnel costs (\$37/hr x 48)	\$1,776
Total miscellaneous costs	0

b. Application for crab Individual Processing Quota (IPQ) [REVISED]

NMFS issues annual IPQ permits to eligible persons who hold PQS. IPQ permits are issued for combinations of fishery, region, and ROFR community. An IPQ permit authorizes its holders to process a specific amount of a crab, under the terms and conditions set out on the permit.

An IPQ permit is valid only during the crab year for which it is issued. Because issuance of the correct amount and type of IPQ is entirely dependent on information provided by PQS holders on their annual applications, an application must be received by NMFS no later than June 15.

The IPQ permit may be submitted by mail, by fax, by courier, or online.

NMFS may issue annual permits for the CR Program only if a person has applied timely and paid any fees owed (including Capacity Reduction [Buyback] and Cost Recovery fees) (see OMB 0648-0398), if any, and if there are no other impediments to issuing the permits. NMFS would add a certification notice as new Block D to the IPQ application intended to protect the community’s interest under ROFR. This block would query whether any of the PQS is associated with an ECC; if Yes, whether the PQS holder and ECC have an agreement that establishes the ROFR.

Application for annual crab IPQ permit

Block A – Applicant information

- Name and NMFS Person ID
- Business mailing address; indicate permanent or temporary
- Business telephone number, business fax number and business e-mail address

Block B – Type of Annual IPQ for which Application Is Made

- Indicate the type of annual IPQ requested
- If selecting fisheries, check those boxes that apply
- If selecting all fisheries, check the ALL FISHERIES box

Block C--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 D – ROFR Contract

Indicate if any of the PQS you hold subject to ROFR is associated with an eligible crab community (ECC)

If YES, provide the name of the ECC entity associated with the PQS

If YES, indicate whether the PQS holder and associated ECC identified above have in place at the time of this application, a current ROFR contract that includes all of the ROFR contract terms specified in specified in Chapter 11 section 3.4.4.1.2 of the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs

Block E – Applicant signature

Printed name and signature of applicant and date signed

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

Application for Crab IPQ permit, Respondent	
Number of respondents	105
Total annual responses	105
Frequency of response = 1	
Total burden hours	210 hrs
Time per response = 2 hr	
Total personnel costs (\$37/hr x 210)	\$7,770
Total miscellaneous costs (\$85.50)	\$86
Annual postage (\$0.45 x 100 = \$45)	
Annual fax (\$6 x 5 = \$30)	
Photocopy (2pp x \$0.05 x 105 = \$10.50)	

Application for Crab IPQ permit, Federal Government	
Number of responses	105
Total burden hours (26.25)	26 hrs
Time per response = 15 min.	
Total personnel costs (\$37/hr x 26)	\$962
Total miscellaneous costs	0

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

A crab harvesting cooperative IFQ permit is an annual permit issued to a crab harvesting cooperative. This permit establishes an annual catch limit of crab that is based on the collective QS holdings of the members who contributed to the crab harvesting cooperative. (See <http://alaskafisheries.noaa.gov/ram/daily/coopcontacts.pdf> for list of cooperatives)

The cooperative is no longer responsible to submit annual, signed IFQ applications for all the members of the cooperative. Each member is responsible for separately submitting his or her own application to be received by NMFS by June 15. This change is expected to reduce the reporting responsibility of the cooperative.

A completed application for an annual crab harvesting cooperative IFQ permit must be submitted annually by each crab harvesting cooperative and received by NMFS no later than June 15. Each member of the crab harvesting cooperative must be listed in Block B. Each member of the crab harvesting cooperative is responsible for submitting an Annual Crab Individual Fishing Quota (IFQ) Permit application to NMFS no later than June 15.

If a complete application is not received by NMFS by this date, or postmarked by this date, the crab harvesting cooperative will not receive IFQ for the upcoming crab fishing year. In the event that NMFS has not received a complete and timely application by June 15, NMFS will presume that the application was timely filed if the applicant can provide NMFS with proof of timely filing.

Application for annual crab harvesting cooperative IFQ permit

Block A – Identification of Cooperative

- Name of Cooperative
- Business Mailing Address of Cooperative
- Business Mailing Address of Designated Representative (if different from Cooperative Business Mailing)
- Type of business entity
- State in which the cooperative is legally registered as a business entity
- Business Telephone Number
- Business Fax Number
- Business E-mail Address
- Name and signature of Designated Representative
- Date Signed

Block B – Members of The Cooperative

- Name of QS Holder
- NMFS Person ID

Attachments

- A copy of the Cooperative’s business license
- A copy of the Cooperative’s Articles of Incorporation or Partnership Agreement; and
- A copy of the Cooperative Agreement (if different from Articles)

Application for Annual Crab Harvesting Cooperative IFQ Permit, Respondent	
Total annual respondents	10
Total annual responses	10
Frequency of response = 1	
Total burden hours	25 hr
Time per response = 2.5 hr	
Total personnel costs (\$37/hr x 25)	\$925
Total miscellaneous cost (16.60)	\$17
Postage (.45 x 8 = 3.60)	
Photocopy (2pp x .05 x 10 = 1.00)	
Fax (\$6 x 2 = \$12)	

Application for Annual Crab Harvesting Cooperative IFQ Permit, Federal Government	
Total annual responses	10
Total burden hours	5 hrs
Time per response = 30 minutes	
Total personnel costs (\$37/hr x 5)	\$185
Total miscellaneous costs	0

d. Application for Registered Crab Receiver (RCR) Permit [no changes]

NMFS requires an annual Registered Crab Receiver (RCR) permit for any person receiving CR crab or 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. In addition,

an RCR permit is required for each shore facility or stationary floating processor at which a person receives crab. Only one permit (and one application) is needed for an application with one or more 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

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

Changed number of respondents from 62 to 72 to agree with existing numbers of permits.

Changed personnel cost from \$25 to \$37/hr.

Application for RCR permit, Respondent	
Number of respondents	72
Total annual responses	72
Frequency of response = 1	
Total burden hours	36 hr
Time per response = 30 min	
Total personnel costs (\$37 x 31)	\$1,332
Total miscellaneous costs (172.80)	\$173
Postage (0.45 x 48 = 21.60)	
Fax (\$6 x 24 = \$144)	
Photocopy (2pp x .05 x 72 = 7.20)	
Application for RCR permit, Federal Government	
Number of responses	72
Total burden hours	18
Time per response = 15 min	
Total personnel costs (\$37 x 18)	\$666

Total miscellaneous costs	0
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e. Application for Crab IFQ Hired Master (skipper) Permit [no changes]

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

Changed personnel cost from \$25 to \$37/hr. Changed number of respondents to agree with current numbers, from 141 to 1,614.

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 (\$37 x 565)	\$20,905
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 (\$37 x 404)	\$14,948
Total miscellaneous costs	0

f. Application for Federal crab vessel permit (FCVP) [no changes]

NMFS issues Federal Crab Vessel Permit (FCVP) annually for a crab fishing year (July 1 through June 30). All vessels participating in the CR crab 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

Changed number of respondents from 127 to 72, based on current numbers. Changed personnel costs from \$25 to \$37/hr.

Application for Federal crab vessel permit, Respondent	
Number of respondents	72
Total annual responses	72
Frequency of response = 1	
Total burden hours (25.20)	25 hr
Time per response = 21 min	
Total personnel costs (\$37 x 25)	\$925
Total miscellaneous costs (95.10)	\$95
Postage (0.45 x 62 = 27.90)	
Fax (\$6 x 10 = 60)	
Photocopy (0.05 x 2pp x 72 = 7.20)	

Application for Federal crab vessel permit, Federal Government	
Number of responses	72
Total burden hours (63.5)	36 hr
Time per response = 30 min	
Total personnel costs (\$37 x 36)	\$1,332
Total miscellaneous costs	0

g. Application to transfer crab QS or PQS [Removed]

This application is removed and replaced by two separate applications, one each for QS and PQS.

h. Application to transfer crab QS [REVISED]

The CR Program allows for transfer of all or part of a person’s QS to persons qualified to receive QS by transfer. This application to transfer QS will not be processed between June 15 of any year and the date of issuance of the IFQ in the CR Program fisheries.

This application will not be processed or approved unless it is complete. In addition to providing the information required in the application, a copy of the terms and conditions of the transfer agreement must be attached. Such documentation may consist of a bill of sale, promissory note, or other document(s) that reveal the contractual terms between the parties.

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

Application to transfer crab QS

Block A -- Type of Transfer

Indicate type(s) of quota for which a transfer is requested

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 Alaska Department of Fish and Game (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

Block B – Identification of Transferor (Seller)

Name and NMFS Person ID of transferor

Business mailing address (indicate permanent or temporary)

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

Indicate whether transferor submitted an EDR, if required to do so by § 680.6

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

Block C -- Identification of Transferee

Name and NMFS Person ID of transferee

Business mailing address (indicate permanent or temporary)

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

Indicate whether transferor submitted an EDR, if required to do so by § 680.6

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

Block D -- Eligibility of Transferee

Different eligibility standards pertain to a transferee depending on the type of harvesting QS that is being transferred,

Is transferee applying to receive CVO or CPO QS (with or without IFQ)

If YES, is the transferee 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 1 can be approved.

Block E -- Identification and Cost of Quota to be Transferred

Identification of QS from Report of Quota Holdings

Fishery, sector, region,

Beginning serial number, ending serial number, number of QS units

Note: If transfer of CPO quota, complete following questions

Are any current year IFQ Pounds to transfer with the QS

If **YES**, complete the following

Permit number

Class (A or B)

Pounds

Indicate how the CPO QS is to be designated after the transfer

If transferring CPO QS to be designated as CVO QS, indicate one region for the fishery

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

Price per unit of QS

Block F₁ -- Survey questions for transferor

Indicate reason 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

Indicate price paid in broker fees or percentage of total price of quota

Block F₂ -- 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 primary source of financing for quota to be transferred

Explain "Other" source of financing (if applicable)

Describe how the Quota was located (check all sources that apply)

Describe relationship, if any, between the Transferor and the Transferee

Describe "Other" Relationship (if applicable)

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

Attachments

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

Previously, transfers of QS and PQS were shown as one quantity and were requested on one form. With this action, two applications are used, one for QS transfer and one for PQS transfer, so the number of responses is divided in two. In addition, both the transferor and the transferee must complete parts of the application so changed number of respondents to $2 \times 63 = 126$ respondents.

Application to transfer crab QS, Respondent	
Estimated number of respondents	126
Total annual responses	126
Number of transferors = 63×1	
Number of receivers = 63×1	
Total Time burden	252 hrs
Time per response = 2 hrs	
Total personnel cost ($\$37 \text{ hrs} \times 252$)	\$9,324
Total miscellaneous cost	\$882
Notary ($\$6 \times 126 = 756$)	
Postage ($0.90 \times 126 = 113.40$)	
Photocopy ($0.05 \times 2\text{pp} \times 126 = 12.60$)	

Application to transfer crab QS, Federal Government	
Total annual responses	126
Total Time burden	63 hrs
Time per response (30 mins)	
Total personnel cost (\$37/hrs x 63)	\$1,184
Total miscellaneous cost	0

i. Application to transfer crab PQS [REVISED]

The CR Program allows for transfer of all or part of a person’s PQS to persons qualified to receive PQS by transfer. Transfers may occur anytime except from June 15 until IPQ is issued for a fishery. This application to transfer PQS will not be processed between June 15 of any year and the date of issuance of the IPQ in the CR Program fisheries.

This application will not be processed or approved unless it is complete. In addition to providing the information required in the application, a copy of the terms and conditions of the transfer agreement must be attached. Such documentation may consist of a bill of sale, promissory note, or other document(s) that reveal the contractual terms between the parties.

If requesting transfer of PQS for use outside an ECC that has designated an entity to represent it in exercise of Right of First Refusal (ROFR) under § 680.41(l), 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 pending meeting the criteria set forth in § 680.41(i).

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

Application for transfer of crab PQS

Block A -- Type of Transfer

Is any of the PQS being transferred subject to a ROFR

If NO, proceed to Block B

If YES, answer the remaining questions in Block A

With regard to the transfer of PQS subject to ROFR, will the PQS subject to ROFR be used within the Eligible Crab Community (ECC) with which the PQS is currently associated?

If YES, provide the name of the ECC entity that has the ROFR on the PQS

And attach an affidavit from the transferee (buyer) and the ECC entity certifying that (1) the buyer has completed a ROFR contract with the ECC entity identified above that includes the ROFR contract terms specified in Chapter 11 section 3.4.4.1.2 of the FMP for BSAI King and Tanner Crabs or (2) the ECC entity wishes to permanently waive ROFR for the PQS.

With regard to the transfer of PQS subject to ROFR, will the PQS subject to ROFR be used outside the Crab ECC with which the PQS is currently associated?

If YES, provide the name of the ECC entity that has the ROFR on the PQS:

And attach:

- (1) an affidavit from the transferor (seller) certifying that the seller notified the ECC entity identified above of the transfer at least 90 days prior to the date of this application and that the ECC entity did not exercise its ROFR during that period; and
- (2) an affidavit from the transferee (buyer) certifying that the buyer has completed a ROFR contract that includes the ROFR contract terms specified in Chapter 11 section 3.4.4.1.2 of the FMP for BSAI King and Tanner Crabs with either the ECC entity identified above or an ECC entity eligible to hold a ROFR under § 680.41(l) in the region in which the IPQ must be landed. The affidavit must name the EEC entity that now holds the ROFR.

Block B -- Identification of Transferor

Name and NMFS Person ID of transferor
Business mailing address (indicate whether permanent or temporary)
Business telephone number, business fax number, and business e-mail address
Has transferor submitted an EDR, if required to do so by § 680.6
Indicate whether transferor has paid all fees (see § 680.44)

Block C -- Identification of Transferee

Name and NMFS Person ID of transferee
Business mailing address (indicate whether permanent or temporary)
Business telephone number, business fax number, and business e-mail address
Has transferor submitted an EDR, if required to do so by § 680.6
Indicate whether transferee has paid all fees (see § 680.44)

Block D -- 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 IPQ Pounds are to transfer with the PQS,
Permit number
Pounds
Total price of the PQS, including all fees and other transaction costs
Price per unit of PQS

Block E₁ -- Survey questions for transferor

Why are you proposing to transfer the Quota (check all reasons that apply)
Describe "Other" reason (if applicable)
If a Permit Broker is being used for this transaction
Indicate price paid in broker fees or percentage of total price of quota

Block E₂ -- 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

Block F-- 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 G -- 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

Attachments

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

Previously, transfers of QS and PQS were shown as one quantity and were requested on one form. With this action, two applications are used, one for QS transfer and one for PQS transfer, so the number of responses is divided in two. In addition, both the transferor and the transferee must complete parts of the application so changed number of respondents to $2 \times 63 = 126$ respondents.

Application to transfer crab PQS, Respondent	
Estimated number of respondents	126
Total annual responses	126
Number of transferors = 63 x 1	
Number of receivers = 63 x 1	
Total Time burden	252 hrs
Time per response = 2 hrs	
Total personnel cost (\$37 hrs x 252)	\$9,324
Total miscellaneous cost	\$882
Notary (\$6 x 126 = 756)	
Postage (0.90 x 126 = 113.40)	
Photocopy (0.05 x 2pp x 126 = 12.60)	

Application to transfer crab PQS, Federal Government	
Total annual responses	126
Total Time burden	63 hrs
Time per response (30 mins)	
Total personnel cost (\$37/hrs x 63)	\$2,331
Total miscellaneous cost	0

j. Application for transfer (lease) of crab IFQ [no changes]

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 June 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 of 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

Changed personnel costs from \$25 to \$37/hr.

Application for transfer of crab IFQ, Respondent	
Number of respondents	10
Total annual responses	10
Frequency of response = 1	
Total burden hours	20 hrs
Time per response = 2 hr	
Total personnel costs (\$37 x 20)	\$740
Total miscellaneous costs (\$30.40)	\$30
Postage (\$0.90 x 6 = \$5.40)	
Fax (\$6 x 4 = \$24)	
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 hrs
Time per response = 15 min	
Total personnel cost (\$37 x 3)	\$111
Total miscellaneous costs	0

**k. Application for Transfer of IFQ between Crab Harvesting Cooperatives
[no changes]**

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

Changed personnel costs from \$25 to \$37/hr.

Application for Inter-cooperative Transfer, Respondent	
Number of respondents	10
Total annual responses	550
Frequency of response = 55 transfers/yr	
Total burden hours (572.92)	65 hrs
Time/paper response = 2 hr x 10= 20 hrs	
Time/online response = 5 min x 540 = 45 hrs	
Total personnel costs (\$37 x 65)	\$2,405
Total miscellaneous costs (74.20)	\$74
Online (\$0 x 540 = 0)	
Postage (\$0.90 x 8= 7.20)	
Fax (\$6 x 2= 12)	
Photocopy (2pp x \$0.05 x 550 = \$55)	

Application for Inter-cooperative Transfer, Federal Government	
Number of responses	550
Total burden hours (2.5)	3 hrs
Time/paper response = 15 min x 10 = 2.5	
Time/online response = 0 x 540	
Total personnel costs (\$37 x 69)	\$111
Total miscellaneous costs	0

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

This application may be used by a crab IPQ permit holder to apply for a transfer of all or part of its IPQ to another crab IPQ permit holder 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 payment of all outstanding fees to NMFS on or before July 31. 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 June 15 of any year and the date of issuance of the IPQ in a CR Program fishery.

A PQS holder must notify the ROFR holder of the location where the IPQ are processed.

An application for IPQ transfer may be submitted to NMFS by mail, fax, hand delivery, or online at <https://www.alaskafisheries.noaa.gov>.

Application for transfer of crab IPQ

Block A -- Type of transfer

Will this transfer of IPQ be used within the Eligible Crab Community (ECC) with which the IPQ is currently associated

If YES, provide the name of the current ECC that has the ROFR

Will this transfer of IPQ be used outside an ECC with which the IPQ is currently associated

Was the ECC associated with the IPQ provided notice of the transfer 90 days prior to the date of this application

If YES, select whether

associated ECC chose not to exercise its right and therefore, permanently waive ROFR for the PQS or new PQS holder (transferee) has entered into a new ROFR agreement with the associated ECC that includes the terms enacted under section 313(j) of the Magnuson-Stevens Act and referenced under § 680.40(f)(3).

Block B -- Identification of transferor

Non-electronic submittal

Transferor's name and NMFS Person ID

Date of incorporation

Permanent business mailing address

Temporary business mailing address (*optional*)

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

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

Electronic submittal

Transferor's name and NMFS Person ID

Transfer Key

Block C -- Identification of transferee

Non-electronic submittal

Transferor's name and NMFS Person ID

Date of incorporation

Permanent business mailing address

Temporary business mailing address (*optional*)

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

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

Electronic submittal

Transferor's name and NMFS Person ID

Transfer Key

Block D -- Identification of IPQ to be transferred

IPQ permit number

Crab fishery

Sector of QS

Region

Number of IPQ pounds

Block E -- 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

Block F -- 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, and Transfer Key

Changed cost of fax from \$5 to \$6. Removed cost for online submittal.

Application to transfer crab IPQ, Respondent	
Estimated number of respondents	106
Total annual responses	106
Number of responses per year = 1	
Total Time burden	155 hrs
Time per response, non-electronic	
2 hr x 49 = 98 hrs	
Time per response, electronic	
1 hr x 57 = 57 hrs	
Total personnel cost (\$37/hr x 155)	\$5,735
Total miscellaneous cost (65.95)	\$66
Postage (0.45 x 43 = \$19.35)	
Fax (\$6 x 6 = \$36)	
Online (\$0 x 57)	
Photocopy (0.05 x 2pp x 106 = 10.60)	

Application to transfer crab IPQ, Federal Government	
Total annual responses	106
Total Time burden	53 hrs
Time per response = 30 mins	
Total personnel cost (\$37/hrs x 53)	\$1,961
Total miscellaneous cost	0

m. Annual Application for Crab Converted CP QS and CPO IFQ [no changes]

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.

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 may not exceed 1 million pounds during any calendar year. Only entities listed below may apply for converted CPO QS/IFQ.

- Entity A -- Yardarm Knot, Inc.
- Entity B -- Blue Dutch, LLC
- Entity C -- Trident Seafoods, Inc.

Note: A completed Annual Application for an IFQ/IPQ Permit must be submitted with this application.

In addition, for this application to be considered complete, NMFS must verify that applicant has submitted all required Economic Data Reports and has paid all outstanding fee obligations

Annual Application for Crab Converted CPO QS and CPO IFQ

Block A – Identification of Entity

Indicate below which of the entities is applying for converted catcher/processor CPO QS/IFQ.

Block B1 – Entity Information

- Name of Entity
- NMFS Person ID Number
- Permanent Business Mailing Address
- Temporary Business Mailing Address (if applicable)
- Business Telephone Number
- Business Fax Number
- Business E-mail Address
- For Entity A or B, identify
 - North Region BBR or BSS CVO QS and
 - North Region BBR or BSS PQS
 - initially issued to this person for conversion to CPO QS

Fishery
Sector
Region
Beginning Serial Number
Ending Serial Number
Number of QS/PQS Units

For Entity C, identify

North Region BBR or BSS CVO QS initially issued to this person and
North Region BBR or BSS PQS for conversion to CPO QS

Fishery
Sector
Region
Beginning Serial Number
Ending Serial Number
Number of QS/PQS Units

Block B2 – Affiliate Information For Entity A, B, Or C

Affiliated Person 1

NMFS Person ID Number
Permanent Business Mailing Address
Temporary Business Mailing Address (if applicable)
Business Telephone Number
Business Fax Number
Business E-mail Address

Affiliated Person 2

NMFS Person ID Number
Permanent Business Mailing Address
Temporary Business Mailing Address (if applicable)
Business Telephone Number
Business Fax Number
Business E-mail Address

For persons affiliated with Entity A or B, identify

North Region BBR or BSS CVO QS and
North Region BBR or BSS PQS initially issued to this person for conversion to CPO QS
Person 1 and Person 2

Fishery
Sector
Region
Beginning Serial Number
Ending Serial Number
Number of QS/PQS Units

For Entity C, identify

North Region BBR or BSS CVO QS initially issued to this person and
North Region BBR or BSS PQS for conversion to CPO QS
Person 1 and Person 2

Fishery
Sector
Region
Beginning Serial Number
Ending Serial Number
Number of QS/PQS Units

Block C - Signature of Entity and Affiliates

(each member contributing CVO QS or PQS to this request must sign and date this form)

Signature of Entity

Date

Printed Name of Entity

If completed by an authorized representative, attach authorization

Signature of Affiliate Person 1
 Date
 Printed Name of Affiliate
 If completed by an authorized representative, attach authorization

Changed personnel cost from \$25/hr to \$37/hr.

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 hrs
Time per response = 30 min	
Total personnel cost (\$37 x 2)	\$74
Total miscellaneous costs (\$7.20)	\$7
Postage (\$0.45 x 2 = \$0.90)	
Photocopy (2pp x \$0.05 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 (\$37/hr x 1)	\$37
Total miscellaneous costs	0

n. Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer [no changes]

This application is required to establish an applicant’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.

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

The regulations that govern the BSAI Crab Rationalization Program provide that only persons who meet certain eligibility requirements may receive QS/IFQ or PQS/IPQ by transfer. The following are lists of persons NMFS has determined are currently eligible to receive QS/IFQ and/or PQS/IPQ by transfer. Persons eligible to receive CVC/CPC QS by transfer must also meet additional participation requirements at the 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

Corrected number of respondents based on current numbers. Changed personnel costs from \$25 to \$37/hr.

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer, Respondent	
Number of respondents	2,278
PQS = 1174	
CVO/CPQ QS = 687	
CVC/CPC QS = 107	
Total annual responses	2,278
Frequency of response = 1	
Total burden hours	4,556 hrs
Time per response = 2 hr	
Total personnel costs (\$37 x 4556)	\$168,572
Total miscellaneous costs (7460.45)	\$7,460
Postage (0.45 x 1139 = \$512.55)	
Fax (\$6 x 1139= \$6834)	
Photocopy 1pp x .05 x 2278 = \$113.90)	

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer, Federal Government	
Number of responses	2,278
Total burden hours (569.50)	570 hrs
Time per response = 15 min	
Total personnel costs (\$37 x 570)	\$21,090
Total miscellaneous costs	0

o. Application for Annual Exemption from Western Aleutian Islands Golden King Crab West Region Delivery Requirements (no changes)

Participation in any application to exempt IFQ and IPQ from the West region delivery requirement is voluntary, but is necessary to utilize fully the total allowable catch (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.

Eligible participants 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. 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.

Upon receipt and approval of a completed application, NMFS would grant an exemption to the West regional delivery requirement. 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.

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.

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 hrs
Total personnel cost = \$37/hr x 10 hr	\$370
Total miscellaneous cost (\$42.10) Mail (\$0.90 x 4 = \$3.60) Fax \$6 x 6 = \$36 Photocopy (5 pp x \$0.05 x 10 = \$2.50)	\$42

WAG exemption application Federal Government	
Total annual responses	10
Total burden hours = 1 hr	10 hrs
Total personnel cost (\$37/hr x 10)	\$370
Total miscellaneous costs	0

p. Application for Exemption from CR Crab North or South Region Delivery Requirements [no changes]

Federal regulations require that crab harvested with IFQ designated for delivery to a processor in either the North Region or South Region, must be delivered in that region. Likewise crab purchased with IPQ designated for processing in either the North Region or South Region, must be processed in that region. NMFS provides a voluntary two-step process to obtain an exemption from north or south regional delivery requirements: a preseason application for exemption and an inseason notice of exemption.

This application is for IFQ holders and IPQ holders to request an exemption from these regional delivery requirements for the Bristol Bay red king crab, Bering Sea snow crab, Saint Matthew Island blue king crab, Eastern Aleutian Islands golden king crab, Western Aleutian Islands red king crab, or Pribilof Islands red and blue king crab fisheries. An exemption would mitigate safety risks and economic hardships that arise out of events that prevent compliance with the regional delivery requirements.

Preseason Application

NMFS must receive the preseason application on or before October 15 of the crab fishing year for which the applicants are applying for an exemption. If NMFS does not receive a timely and complete preseason application on or before October 15 of a crab fishing year, NMFS will deny the preseason application; those applicants will not be able to receive an exemption for that crab fishing year. If a preseason application is timely and complete, NMFS will approve the application. If NMFS approves a preseason application for an exemption, the applicants will be able to receive an exemption during the crab fishing year if the applicants comply with the requirements for an inseason notice of exemption. If NMFS denies a preseason application for any reason, the applicants may appeal the denial. NMFS will notify all of the applicants whether NMFS has approved or denied the preseason application.

Inseason Notice of Exemption

The inseason notice is required if the applicants that signed the preseason application want an exemption from regional delivery requirements during the fishing season. Applicants submit the inseason notice to NMFS prior to the day that the exemption is being sought. NMFS must receive the Inseason Notice at least one day before the day intended for the exemption to take effect. NMFS must receive the inseason notice at least one day prior to the day on which the applicants want the exemption to take effect.

NMFS approves an exemption from the regional delivery requirements when both parts of the application are properly provided. All persons applying for an exemption from regional delivery requirements must complete, sign, and submit both parts of the application. The effective date of the exemption is the day after NMFS receives a complete inseason notice of exemption. NMFS prohibits any delivery of IFQ crab or use of IPQ outside of the designated region prior to the effective date of the exemption.

An exemption from regional delivery requirements is valid for the remainder of the crab fishing season during which the inseason notice of exemption was submitted to NMFS. If the inseason

notice of exemption specifies that compensated deliveries will occur in the following crab fishing year, the exemption will remain in effect for the specified IFQ and IPQ in the following crab fishing year.

The two-part application is available on the NMFS Alaska region website (<http://alaskafisheries.noaa.gov>).

NMFS must receive both parts of the application by mail, fax, or delivery.

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

Part I – Preseason Application

Total number of applicants who have signed the preseason application

Identify each applicant

Print name and NMFS Person ID (if authorized representative, **attach** authorization)

Indicate type of applicant (select only one)

Identify the CR crab fishery, IFQ amount, and IPQ amount subject to the framework agreement

Affidavit

Check box to certify and affirm

Signature of applicant and date signed

Part II – Inseason notice of exemption

Total Number of Applicants who have signed this inseason notice

Enter the Preseason Application number assigned by NMFS

Identify each applicant

Print name and NMFS Person ID (if authorized representative, **attach** authorization)

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

Identify the CR crab fishery, IFQ amount, and IPQ amount for which the exemption is requested

Affidavit

Check box to certify and affirm

Signature of applicant and date signed.

Application for N or S Region Exemption, Respondent	
Estimated number of respondents	3
Total annual responses (total for Parts I & II)	3
Response per respondent = 1	
Total burden hours	60 hrs
Time per response = 20 hr total for Parts I & II	
Total personnel cost (\$75/hrs)	\$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 Region Exemption, Federal Government	
Total annual responses	3
Total burden hours = 2 hr	6 hrs
Total personnel cost (\$37/hr)	\$74
Total miscellaneous cost	0

q. North or South Region Delivery Exemption Report [no changes]

The annual North or South Region Delivery Exemption Report provides 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 provides documentation needed by NMFS to evaluate efficacy of privately administered contracts.

Each IFQ holder who signs a preseason application must submit a copy of an annual North or South Region Delivery Exemption Report to NMFS by mail, by fax, or by hand delivery.

- ◆ On or before July 15 to the IPQ holders and community representatives that also signed the preseason application.
- ◆ On or before July 30 to NMFS

North or South Region Delivery Exemption Report

Amount of IFQ, if any, set aside to reduce the need for, and the amount of, an exemption
 Number of times an exemption was requested and used
 Mitigation measures employed before submitting an inseason notice
 Arrangements for any compensatory deliveries, including all compensatory deliveries made during the crab fishing year and any outstanding compensatory delivery obligations for the following crab fishing year
 Whether the exemption was necessary
 Any impacts resulting from the exemption on the fishery participants and communities that signed the preseason application

N or S Region 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)	

No or S Region 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

r. Community Impact Report or IPQ Holder Report (N or S Response Report) [no changes]

In response to the North or South Region Delivery Exemption Report, community entities and IPQ holders may submit a Community Impact Report or IPQ Holder Report. This report, by either title, is voluntary and may take any format. The report is basically a response to the North or South Region Delivery Exemption Report and provides an opportunity to provide NMFS with a contrasting viewpoint. In addition, these reports provide documentation needed by NMFS to evaluate efficacy of privately administered contracts.

N or S 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 = 2hrs	
Total personnel cost (\$75/hr)	\$450
Total miscellaneous costs	0

s. CDQ group notification of community representative [no changes]

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 Western Alaska Community Development Quota (CDQ) entity representing Saint Paul is the Central Bering Sea Fishermen's Association (CBSFA). The CDQ representative for Saint George is the Aleutian Pribilof Island Community Development Association (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.

NMFS notified APICDA and CBSFA of the deadline to designate a community representative and provided instructions for informing NMFS of the community representative. APICDA and CBSFA had 180 days from the effective date of the final rule to inform NMFS in writing that they had 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 hrs
Total personnel cost (25 hr x \$75/hr)	\$1,875
Total miscellaneous costs (\$0.25) Photocopy (\$0.05 x 5 = \$0.25) Email (\$0 x 5 = \$0)	\$1

CDQ Notification of Representative, Federal Government	
Total annual responses	5
Total burden hours = 1 hr	5 hrs
Total personnel cost (\$375/hr)	\$185
Total miscellaneous cost	0

t. Application to become an eligible crab community organization (ECCO) [no changes]

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).

This application is required to establish the non-profit’s eligibility to receive QS, PQS, IFQ, or IPQ by transfer, as an ECCO.

Application to become an eligible crab community organization (ECCO)

Block A - Identification of Applicant

- Name of nonprofit organization and NMFS Person ID
- Permanent business mailing address
- Temporary business mailing address (*optional*)
- Name of contact person
- Business telephone number, business fax number, and business e-mail address
- 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

Changed personnel cost from \$25 to \$37/hr.

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 (\$37x3)	\$111
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 (\$37 x 1)	\$37
Total miscellaneous costs	0

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

An 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), which is a non-profit organization that represents at least one 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 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.

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 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 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

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

Changed personnel cost from \$25 to \$37/hr. Changed cost of notary from \$10 to \$6.

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 hrs
Time per response = 2 hrs	
Total personnel costs (\$37 x 2)	\$74
Total miscellaneous costs (\$7.10)	\$7
Notary (\$6 x 1 = \$6)	
Postage (\$0.90 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 (\$37 x 1)	\$37
Total miscellaneous costs	0

v. ECCO Annual Report [no changes]

The ECCO must submit a complete annual report to the Regional Administrator on its crab activity for the prior crab fishing year for each Eligible Crab Community which the ECCO represents by June 30 of the crab fishing year. The ECCO annual report must detail the use of the crab quota share (QS) and individual fishing quota (IFQ) and is intended to ensure that the ECCO maintains that the QS and IFQ will benefit residents of eligible communities. The ECCO must submit a copy of the annual report to the governing body of each ECC represented by the ECCO.

Current records show only one ECCO exists. No net change would occur from this revision, as the information still is required from the same participants, only in a different collection. The cost, burden, and responses of this collection will increase by the same amount that OMB Control No. 0648-0570 will decrease. The change to OMB Control No. 0648-0570 has been incorporated into the pending extension of that collection.

ECCO annual report (not a form)

Name, ADF&G vessel registration number, USCG documentation number, and Federal crab vessel permit of each vessel from which the crab IFQ was harvested.

Name and business addresses of individuals employed as crew members when fishing the crab IFQ.

Criteria used by the ECCO to distribute IFQ leases among eligible community residents.

Description of efforts made to ensure that IFQ lessees employ crew members who are eligible community residents of the ECC aboard vessels on which IFQ derived from QS held by an ECCO is being fished.

Description of the process used to solicit lease applications from eligible community residents of the ECC on whose behalf the ECCO is holding QS.

Names and business addresses and amount of IFQ requested by each individual applying to receive IFQ from the ECCO.

Any changes in the bylaws of the ECCO, board of directors, or other key management personnel.

Attachments

Copies of 1minutes, bylaw changes, motions, and other relevant decision-making documents from ECCO Board meetings.

Changed personnel costs from \$25 to \$37/hr.

ECCO Annual Report, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	4 hr
Time per response = 4 hrs	
Total personnel costs (\$37 x 4)	\$148
Total miscellaneous costs (\$0.90)	\$1
Postage: \$0.90	

ECCO Annual Report, Federal Government	
Number of responses	1
Total burden hours	2 hrs
Time per response = 2 hrs	
Total personnel cost (\$37 x 2)	\$74
Total miscellaneous costs	0

w. Right of First Refusal Provisions (ROFR) [REMOVED and REPLACED by text in Application for PQS and IPQ transfers]

x. BSAI Crab Rationalization Program Quota Share (QS) Beneficiary Designation Form [no changes]

Individuals who hold QS in the CR Program may provide NMFS with the name of a designated beneficiary to receive survivorship transfer privileges in the event of the QS holder’s death. Use this form to designate the surviving spouse, or in the absence of a surviving spouse, an immediate family member to be the beneficiary for these purposes. NMFS will allow the transfer of IFQ only (lease) resulting from the QS transferred to the beneficiary by right of survivorship, for a period of 3 years following the death of the original QS holder.

If the QS holder does not have a surviving spouse, he/she may name an immediate family member to be the beneficiary. NMFS may approve an application to transfer QS to the surviving spouse or designated beneficiary, unless a contrary intent is expressed by the decedent in a Will and provided that sufficient evidence has been provided to verify the death of the individual.

BSAI Crab QS/IFQ can only be held by a U.S. citizen.

BSAI Crab Rationalization Program QS Beneficiary Designation Form

Block A - Identification of QS Holder

- Name and NMFS Person ID
- Business Mailing Address
- Business Telephone Number, Business Fax Number, Business E-mail Address

Block B – Identification of Beneficiary

- Name and NMFS Person ID
- Business Mailing Address:
- Business Telephone Number, Business Fax Number, Business E-mail Address

Block C - Relationship of Beneficiary to QS Holder

Indicate if the beneficiary named on this form is the spouse of the QS holder

If NO, explain the family relationship of the beneficiary to the QS holder:

Block D -- Signature

Signature, printed name of QS holder, and date signed

If completed by representative, **attach** authorization

Name of Notary Public, date commission expires, and Notary Stamp or Seal

Changed personnel cost from \$25 to \$37/hr.

Beneficiary Designation Form, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours (30 mins)	1 hr
Time per response = 30 mins	
Total personnel costs (\$37 x 1)	\$37
Total miscellaneous costs (\$6.55)	\$7
Notary (\$6 x 1 = \$6)	
Postage (\$0.45 x 1 = \$0.45)	
Photocopy (2pp x \$0.05 x 1 = \$0.10)	

Beneficiary Designation Form, Federal Government	
Number of responses	1
Total burden hours	1
Time per response = 15 min	
Total personnel costs (\$37 x 1)	\$37
Total miscellaneous costs	0

y. File an Appeal to NMFS Decisions [no changes]

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

Appeals must be in writing and must be submitted

By mail to National Marine Fisheries Service
Office of Administrative Appeals (OAA)
P. O. Box 21668,
Juneau, AK 99802-1668

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

Applicants must 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 do not occur that would alter their allocation or the ratio of QS to IFQ for that year.

Changed number of respondents to 1. Changed personnel costs from \$25 to \$37/hr.

File an Appeal on NMFS Decisions, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	4 hr
Time per response = 4 hrs	
Total personnel costs (\$37 x 4)	\$148
Total miscellaneous costs (\$1.65)	\$2
Postage (\$1.35 x 1 = \$1.35)	
Photocopy (6pp x 1 x 0.05 = \$0.30)	

File an Appeal on NMFS Decisions, Federal Government	
Total annual responses	1
Frequency of response = 1	
Total burden hours	4 hr
Time per response = 4 hrs	
Total personnel costs (\$37 x 4)	\$148
Total miscellaneous costs	\$0

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

QS may now be received only by transfer from another QS holder. 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.

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.

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 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.

This action directly regulates holders of PQS and community entities holding the ROFR under the CR Program. Estimates of small entities holding PQS are based on the number of employees of PQS holding entities. Currently, 21 entities hold PQS (now or previously) subject to ROFR.

Estimates of large entities were made, based on available records of employment and analysts' knowledge of foreign ownership of processing companies. Of these 21 entities, 10 are estimated to be large entities and 11 are deemed to be small. Five community entities hold ROFR on behalf of eight communities. The community entities are directly regulated by all three of the proposed actions.

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

The unique relationship established by community ROFR agreements and their co-dependence between specific crab-dependent communities and their shore-based processors is a significant feature of the CR Program. If the changes proposed in this action are not conducted or are conducted less frequently, the limited time period a community has to exercise and perform under the ROFR may diminish the value of the ROFR. Lack of notifications to the ROFR holder and NMFS when transactions are taking place or when a ROFR agreement lapses are of great concern.

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 published a proposed rule to implement Amendment 44 and the regulatory amendments on October 22, 2015 (80 FR 63950). The comment period on the proposed rule ended on November 23, 2015. NMFS received no comments on proposed Amendment 44 or the proposed rule.

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: 1,993 (191 IFQ permit holders; 105 IPQ permit holders; 10 Cooperative IFQ permit holders; 72 Registered crab receiver permit holders; 1,614 IFQ hired master permit holders; 1 ECCO), increased from 515. Estimated total responses: 5,742, increased from 1,472. Estimated total burden: 7,726 hrs, increased from 1,621 hrs. Estimated total personnel costs: \$272,434, increased from \$65,704.

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: \$13,841, increased from \$8,135.

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

Estimated total responses: 5,292, increased from 931. Estimated total burden: 1,341 hrs, increased from 391 hrs. Estimated total personnel costs: \$48,946, increased from \$16,023.

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

Program Change

Right of First Refusal (ROFR) Waiver and Contracts Removed and added to Applications

- a decrease of 2 respondents and responses, 0 instead of 2
- a decrease of 3 hours burden, 0 instead of 3
- a decrease of \$50 personnel costs, 0 instead of \$50
- a decrease of \$6,000 miscellaneous costs, 0 instead of \$6,000

Removed and Divided Application to transfer crab QS or PQS into two separate applications

- a decrease of 126 respondents and responses, 0 instead of 126
- a decrease of 252 hours burden, 0 instead of 252
- a decrease of \$9,324 personnel costs, 0 instead of \$9,324
- a decrease of \$882 miscellaneous costs, 0 instead of \$882

Application to transfer Crab Quota Share (QS) [new]

- an increase of 126 respondents and responses, 126 instead of 0
- an increase of 252 hours burden, 252 instead of 0
- an increase of \$9,324 personnel costs, \$9,324 instead of 0

an increase of \$882 miscellaneous costs, \$882 instead of 0

Application to transfer Crab Processor Quota Share (PQS) [new]

an increase of 126 respondents and responses, 126 instead of 0

an increase of 252 hours burden, 252 instead of 0

an increase of \$9,324 personnel costs, \$9,324 instead of 0

an increase of \$882 miscellaneous costs, \$882 instead of 0

Net program changes: Increase of 124 responses, 250 hours and decrease of \$5,118 miscellaneous costs.

Adjustments

◆ Removed “date of birth or incorporation” from forms because it does not apply.

◆ Changed personnel cost from \$25/hr to \$37/hr.

Application for IFQ permit

a decrease of 5 respondents and responses, 191 instead of 196

a decrease of 12 hours burden, 478 instead of 490

a decrease of \$444 personnel costs, \$17,686 instead of \$18,130

a decrease of \$30 miscellaneous costs, \$333 instead of \$363

Application for IPQ permit

a decrease of 53 hours burden, 210 instead of 263

a decrease of \$1,961 personnel costs, \$7,770 instead of \$9,731

Application for Registered Crab Receiver

an increase of 10 respondents and responses, 72 instead of 62

an increase of 5 hours burden, 36 instead of 31

an increase of \$185 personnel costs, \$1,332 instead of \$1,147

an increase of \$28 miscellaneous costs, \$173 instead of \$145

Application for Crab IFQ Hired Master

an increase of 1,473 respondents and responses, 1,614 instead of 141

an increase of 516 hours burden, 565 instead of 49

an increase of \$19,092 personnel costs, \$20,905 instead of \$1,813

an increase of \$3,552 miscellaneous costs, \$3,663 instead of \$111

Application for Federal Crab Vessel Permit

a decrease of 42 respondents and responses, 72 instead of 114

a decrease of 15 hours burden, 25 instead of 40

a decrease of \$555 personnel costs, \$925 instead of \$1,480

a decrease of 134 miscellaneous costs, \$95 instead of \$229

Application to transfer crab IFQ

an increase of \$2 miscellaneous costs, \$30 instead of \$28

Application to transfer crab IPQ

an increase of \$3 miscellaneous costs, \$66 instead of \$63

Application to transfer cooperative IFQ

an increase of \$780 personnel costs, \$2,405 instead of \$1,625

Application for Converted CPO QS and CPO IFQ

an increase of \$24 personnel costs, \$74 instead of \$50

Application for Eligibility to Receive Crab QS/IFQ or PQS/IPQ by transfer

an increase of 2,713 responses, 2,728 instead of 15

an increase of 5,426 hours burden, 5,456 instead of 30 hr

an increase of \$200,762 personnel costs, \$201,572 instead of \$1,110

an increase of \$7,436 miscellaneous costs, \$7,460 instead of \$24

Letter of Appeal, any Application

a decrease of 3 respondents and responses, 1 instead of 4

a decrease of 12 hours burden, 4 instead of 16

a decrease of \$444 personnel costs, \$148 instead of \$592

a decrease of \$5 miscellaneous costs, \$2 instead of \$7

Net adjustments: Increase of 4,146 responses, increase of 5,855 hours and increase of \$10,824 miscellaneous costs.

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

There are no plans for tabulation and publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.