


<b>CHARTER HALIBUT LIMITED ACCESS PROGRAM</b>	<b>Application for ANNUAL REGISTRATION OF CHARTER HALIBUT PERMIT (CHP)</b>	U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management Program (RAM) P.O. Box 21668 Juneau, AK 99802-1668 (800) 304-4846 toll free / 586-7202 in Juneau (907) 586-7354 fax	
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<b>BLOCK A - REQUIRED DOCUMENTATION</b>				
Use this block to determine which forms and other information must be included with your registration. Please check each applicable box below to ensure that your application is complete and can be processed in a timely manner.				
<table style="width:100%;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Completed Application</td> <td style="width: 50%;"><input type="checkbox"/> Ownership and Affiliation information</td> </tr> <tr> <td><input type="checkbox"/> Power of Attorney <i>(if applicable)</i></td> <td></td> </tr> </table>	<input type="checkbox"/> Completed Application	<input type="checkbox"/> Ownership and Affiliation information	<input type="checkbox"/> Power of Attorney <i>(if applicable)</i>	
<input type="checkbox"/> Completed Application	<input type="checkbox"/> Ownership and Affiliation information			
<input type="checkbox"/> Power of Attorney <i>(if applicable)</i>				

<b>BLOCK B - PERMIT HOLDER INFORMATION</b>		
1. Name of Permit Holder <i>(as it appears on the CHP)</i> :	2. NMFS Person ID(s):	
3. Name of Business <i>(as it appears on the CHP)</i> :		
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address <i>(if applicable)</i> :	
6. Business Telephone Number:	7. Business Fax Number:	8. Business E-mail Address:

<b>BLOCK C - IDENTIFICATION OF CHARTER HALIBUT PERMITS TO BE REGISTERED</b>	
List the charter halibut permit(s) being registered that are held by the permit holder listed in Block B, and answer the following question for each permit: During the <b>previous fishing year</b> , was financial compensation received for allowing another person to use the permit? For example, leasing a CHP to another guide for payment would qualify as receiving financial compensation. This question <b>does not</b> refer to receiving payment from clients that the CHP holder has guided.	
<b>NOTE: Only CHPs with the same owner(s), ownership percentage(s), affiliate(s), and interest percentage(s) can be registered on the same registration form. Please complete separate registration forms for each CHP with unique ownership or affiliation information.</b>	
Charter Halibut Permit Number:	<b>Financial Compensation Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
Charter Halibut Permit Number:	<b>Financial Compensation Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>Charter Halibut Permit Number:</b>	<b>Financial Compensation Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Charter Halibut Permit Number:</b>	<b>Financial Compensation Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Charter Halibut Permit Number:</b>	<b>Financial Compensation Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Charter Halibut Permit Number:</b>	<b>Financial Compensation Received?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>

***BLOCK D – OWNERSHIP DOCUMENTATION***

Provide the names and percentage ownership of each person or entity that holds in the Charter Halibut Permit(s) identified in Block C. List the “first level Owners” and, if any of those owners are themselves businesses, list each business and all its owners, and so on down each “level,” until all individuals in the ownership “chain” are identified. Attach additional sheets if necessary. See instructions for example.

**NOTE: If ownership of a CHP has changed, then an Application for Transfer of Charter Halibut Permit form must be completed and submitted to NMFS prior to registration. For example, CHP ownership changes if a new owner is added. See Federal regulations at 50 CFR 300.67 for complete permit ownership limitations and transfer considerations.**

Name	% Ownership	Name	% Ownership

**BLOCK E – IDENTIFICATION OF AFFILIATION**

Indicate whether the CHP holder is affiliated with an individual, business, or other entity **not listed in Block D** at a 10 percent or greater level of ownership or control. Information regarding affiliation is required to enforce CHP ownership caps for entities that may directly or indirectly control the use of CHPs through subsidiaries or other means.

**Affiliation** means a relationship between two or more entities in which one directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, another; or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both. See instructions for the full definition.

**Control** may include:

- ◆ Ownership of more than 10% of the entity;
- ◆ The right to direct the business of the entity;
- ◆ The right to limit the actions of or replace the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity;
- ◆ The responsibility to procure insurance or assume liability for the entity; or
- ◆ The right to direct the operation of the CHP holder’s business.

The term "control" **does not include** the right to simply participate in the above actions.

Having read and understood “Affiliation” as defined at 50 CFR 679.2, the applicant declares as follows:

- YES, the permit holder **is affiliated** with one or more entities.
- NO, the permit holder is **not affiliated** with any other entities.

If **YES**, provide the names of the persons or entities that the permit holder is affiliated with at a 10 percent or greater level of ownership or control and their percentage of interest. Names already provided in Block D do not need to be repeated.

If **NO**, the remainder of Block E can be left blank.

Duplicate this block as necessary to display all of the persons affiliated with the permit holder listed in Block B.

Name of Affiliate	% Interest	Name of Affiliate	% Interest

***BLOCK F – SIGNATURE AND DECLARATION OF PERMIT HOLDER***

Under penalty of perjury, I hereby declare that I have examined this application, and the information presented herein is true, accurate, and complete to the best of my knowledge and belief.

1. Signature of Permit Holder or Authorized Representative:	2. Date:
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3. Printed Name of Permit Holder or Authorized Representative:
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**Instructions For  
APPLICATION FOR ANNUAL REGISTRATION OF CHARTER HALIBUT PERMIT (CHP)**

***GENERAL INFORMATION***

To be valid for use, Charter Halibut Permits must be registered annually.

When completed, submit application and attachments

- ◆ By mail to: **NMFS Alaska Region  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, Alaska 99802-1668**
- ◆ or deliver to: **709 West 9<sup>th</sup> Street, Room 713  
Juneau, AK 99801**
- ◆ or facsimile to: **(907) 586-7354**

**Please allow at least ten working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery.

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

***COMPLETING THE APPLICATION***

**BLOCK A - REQUIRED DOCUMENTATION**

Use this list as a guide to make sure you have included all the necessary items in the mailing of your application. This will ensure timely processing of your registration application.

**BLOCK B – PERMIT HOLDER INFORMATION**

1. Enter the full name of current CHP holder as appears on the CHP.
2. Enter NMFS Person ID of the CHP holder.
3. Enter the name of the charter halibut business as it appears on the CHP
4. Enter the permanent business mailing address (*including city, state, and zip code*).
5. Enter the temporary business mailing address (*include city, state, and zip code*), if you would like your permits sent somewhere other than to your permanent address.
- 6–7. Enter the business telephone and fax numbers, including area code.
8. Enter the business e-mail address.

### **BLOCK C – IDENTIFICATION OF CHARTER HALIBUT PERMIT(S) TO BE REGISTERED**

Identify the Charter Halibut Permit(s) being registered held by the permit holder listed in Block B. Answer the following question for each permit: During the previous fishing year, was financial compensation received for allowing another person to use the permit? YES or NO. For example, receiving financial compensation typically refers to leasing the CHP to another guide, or a similar arrangement. This question does not refer to receiving payment from charter fishing clients.

If payment was received for allowing someone to use the listed CHP(s), then indicate “YES” that financial compensation was received. If the CHP holder used the permit, employees of the entity holding the CHP used the permit, or no type of payment was received for use of the CHP(s), then indicate “NO” that financial compensation was not received.

**Note:** If a CHP has different owners or affiliates, and/or different percentages of ownership or interest, then a separate registration application must be completed for that permit.

### **BLOCK D – OWNERSHIP DOCUMENTATION**

List the names of all persons and the percentage ownership of each person or entity that holds the CHP(s) listed in Block D. List the “first level owners” of the permits. If any of those owners are themselves businesses, list each business and all its owners, and so on down each “level,” until all individuals in the ownership “chain” are identified. **Attach** additional sheets if necessary.

Information should be provided to the individual level. See example below:

<b>Name of Owner</b>	<b>% Interest</b>
Joe Charter	25%
Alice Charter	25%
CHP Family Holdings, Inc.	50%
A. Jim Chinook	25% (of 50%)
B. Sally Coho	25% (of 50%)
C. David Trout	25% (of 50%)
D. Mary Sculpin	25% (of 50%)

### **BLOCK E – IDENTIFICATION OF AFFILIATION**

Indicate whether the CHP holder is affiliated with an individual, business, or other entity **not listed in Block D** at a 10 percent or greater level of ownership or control. Information regarding affiliation is required to enforce CHP ownership caps for entities that may directly or indirectly control the use of CHP(s) through subsidiaries or other means.

After reading the definition of affiliation listed on page 7, answer whether the permit holder is affiliated with one or more entities.

If NO affiliations exist, leave the remainder of Block E blank.

If YES, provide the names of the persons or entities that the permit holder is affiliated at a 10 percent or greater level of ownership or control and their percentage of interest. You do not need to repeat owner names already provided in Block D.

Duplicate this block as necessary to display all of the persons or entities with whom the permit holder is affiliated.

**Excerpt of regulatory definition from 50 CFR § 679.2 – Definitions:**

**“Affiliation ...** means a relationship between two or more individuals, corporations, or other business concerns, except CDQ groups, in which one concern directly or indirectly owns a 10 percent or greater interest in another, exerts control over another, or has the power to exert control over another; or a third individual, corporation, or other business concern directly or indirectly owns a 10 percent or greater interest in both, exerts control over both, or has the power to exert control over both.

(1) What is 10 percent or greater ownership? For the purpose of determining affiliation, 10 percent or greater ownership is deemed to exist if an individual, corporation, or other business concern directly or indirectly owns 10 percent or greater interest in a second corporation or other business concern.

(2) What is an indirect interest? An indirect interest is one that passes through one or more intermediate entities. An entity's percentage of indirect interest in a second entity is equal to the entity's percentage of direct interest in an intermediate entity multiplied by the intermediate entity's direct or indirect interest in the second entity.

(3) What is control? For the purpose of determining affiliation, control is deemed to exist if an individual, corporation, or other business concern has any of the following relationships or forms of control over another individual, corporation, or other business concern:

(i) Controls 10 percent or more of the voting stock of another corporation or business concern;

(ii) Has the authority to direct the business of the entity that owns the fishing vessel or processor. The authority to direct the business of the entity does not include the right to simply participate in the direction of the business activities of an entity that owns a fishing vessel or processor;

(iii) Has the authority in the ordinary course of business to limit the actions of or to replace the chief executive officer, a majority of the board of directors, any general partner or any person serving in a management capacity of an entity that holds 10 percent or greater interest in a fishing vessel or processor. Standard rights of minority shareholders to restrict the actions of the entity are not included in this definition of control provided they are unrelated to day-to-day business activities. These rights include provisions to require the consent of the minority shareholder to sell all or substantially all the assets, to enter into a different business, to contract with the major investors or their affiliates, or to guarantee the obligations of majority investors or their affiliates;

(iv) Has the authority to direct the transfer, operation, or manning of a fishing vessel or processor. The authority to direct the transfer, operation, or manning of a vessel or processor does not include the right to simply participate in such activities;

(v) Has the authority to control the management of or to be a controlling factor in the entity that holds 10 percent or greater interest in a fishing vessel or processor;

(vi) Absorbs all the costs and normal business risks associated with ownership and operation of a fishing vessel or processor;

(vii) Has the responsibility to procure insurance on the fishing vessel or processor, or assumes any liability in excess of insurance coverage;

(viii) Has the authority to control a fishery cooperative through 10 percent or greater ownership or control over a majority of the vessels in the cooperative, has the authority to appoint, remove, or limit the actions of or replace the chief executive officer of the cooperative, or has the authority to appoint, remove, or limit the actions of a majority of the board of directors of the cooperative. In such instance, all members of the cooperative are considered affiliates of the individual, corporation, or other business concern that exerts control over the cooperative; or

(ix) Has the ability through any other means whatsoever to control the entity that holds 10 percent or greater interest in a fishing vessel or processor.”

## BLOCK F – SIGNATURE AND DECLARATION OF PERMIT HOLDER

Certify with signature and enter printed name and date signed. If completed by authorized representative, **attach** authorization.

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### Paperwork Reduction Act Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0575. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are required to obtain benefits. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Assistant Regional Administrator, Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

### Privacy Act Statement

**Authority:** The collection of this information is authorized under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801, *et seq*, and the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c.

**Purpose:** NMFS is collecting this information to manage the Charter Halibut Limited Access Program.

**Routine Uses:** NMFS will use this information to register CHP(s). Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. Section 552a) to be shared among authorized staff for work-related purposes. Disclosure of this information is also subject to the published routine uses identified in the Privacy Act System of Records Notice [COMMERCE/NOAA-19, Permits and Registrations for the United States Federally Regulated Fisheries](#).

**Disclosure:** Furnishing this information is required to obtain or retain benefits. Failure to provide complete and accurate information may delay or prevent the registration of CHP(s).

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