



APPLICATION TO TRANSFER OR CONVERT ANNUAL CATCH ENTITLEMENT (ACE)

Provide all information requested

SUBMIT TO
NE MULTISPECIES ACE TRANSFER PROGRAM
US DEPARTMENT OF COMMERCE, NOAA
NATIONAL MARINE FISHERIES SERVICE
55 GREAT REPUBLIC DRIVE, GLOUCESTER, MA 01930

ACE TRANSFERS BETWEEN SECTORS

Sector Transferring ACE:

Sector Name: _____

Sector Receiving ACE:

Sector Name: _____

Amount (in pounds) of ACE to be transferred, by stock:

- | | |
|------------------------------------|--------------------------------|
| _____ : Eastern GB Cod | _____ : American Plaice |
| _____ : Western GB Cod | _____ : Witch Flounder |
| _____ : GOM Cod | _____ : GB Winter Flounder |
| _____ : Eastern GB Haddock | _____ : GOM Winter Flounder |
| _____ : Western GB Haddock | _____ : SNE/MA Winter Flounder |
| _____ : GOM Haddock | _____ : Redfish |
| _____ : GB Yellowtail Flounder | _____ : White Hake |
| _____ : SNE/MA Yellowtail Flounder | _____ : Pollock |
| _____ : CC/GOM Yellowtail Flounder | |

Total Price Paid for ACE Transfer: _____

Signed: _____
(Transferring Sector Manager)

Dated: _____

Signed: _____
(Receiving Sector Manager)

Dated: _____

ACE CONVERSION WITHIN A SECTOR

Sector Name: _____

Amount (in pounds) of ACE to be converted:

- _____ : Eastern GB Cod to Western GB Cod
- _____ : Eastern GB Haddock to Western GB Haddock

Signed: _____
(Sector Manager)

Dated: _____

Applications must be received by close of business April 30 of the fishing year.

ACE may be transferred/converted only through the end of the current fishing year and two weeks after the fishing year ends and must be used in accordance with the regulations at 50 CFR 648.87(b)(1)(i)(B)(2) and 648.87(b)(1)(viii). Please see a summary of conditions and restrictions on the reverse side of this form.

NOTE: If the sector's ACE is exceeded, the sector must cease operations in that stock area until it can acquire additional ACE through a transfer to balance the catch. A sector can resume fishing in the stock area if it acquires more ACE.

This form is required to obtain approval for the transferring of ACE under 50 CFR 648.87(b)(1)(viii) and to monitor ACE allocation and usage for each sector. Signature of this form certifies that sectors comply with limited access permit requirements specified in 50 CFR 648.4, and that the information provided on this form is true, complete and correct to the best of their knowledge, and made in good faith (18 U.S.C. 1001). Making a false statement on this form is punishable by law.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden estimate or any other aspect of this collection of information to NMFS, 55 Great Republic Drive, Gloucester MA 01930.

OMB Approval No. 0648-0605
Expires 05/31/2022

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., the High Seas Fishing Compliance Act, the Tuna Conventions Act of 1950, the Antarctic Marine Living Resources Convention Act, the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA; 16 U.S.C. 6901 *et seq.*), the Marine Mammal Protection Act, the Endangered Species Act and the Fur Seal Act. The authority for the mandatory collection of the Tax Identification Number (TIN) is 31 U.S.C. 7701.

Purpose: In order to manage U.S. fisheries, the NOAA National Marine Fisheries Service (NMFS) requires the use of permits or registrations by participants in the United States. Information on NOAA Fisheries permit applicants and renewing holders includes vessel owner contact information, date of birth, TIN and vessel descriptive information. Permit holder information may be used as sampling frames for surveys, as part of Fishery Management Council (FMC) analysis to support FMC decisions.

Routine Uses: The Department will use this information to determine permit eligibility and to identify fishery participants. Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. Section 552a), to be shared within NMFS offices, in order to coordinate monitoring and management of sustainability of fisheries and protected resources, as well as with the applicable State or Regional Marine Fisheries Commissions and International Organizations. Disclosure of this information is also subject to all of the published routine uses as 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 voluntary; however, failure to provide complete and accurate information will prevent the determination of eligibility for a permit.

Federal Regulations

648.87(b)(1)(i)(B)(2) **Re-allocation of haddock or cod ACE.** A sector may re-allocate all, or a portion, of its haddock or cod ACE specified to the Eastern U.S./Canada Area, pursuant to paragraph (b)(1)(i)(B)(1) of this section, to the Western U.S./Canada Area at any time during the fishing year, and up to 2 weeks into the following fishing year (*i.e.*, through May 14), unless otherwise instructed by NMFS, to cover any overages during the previous fishing year. Re-allocation of any ACE only becomes effective upon approval by NMFS, as specified in paragraphs (b)(1)(i)(B)(2)(i) through (iii) of this section. Re-allocation of haddock or cod ACE may only be made within a sector, and not between sectors. For example, if 100 mt of a sector's GB haddock ACE is specified to the Eastern U.S./Canada Area, the sector could re-allocate up to 100 mt of that ACE to the Western U.S./Canada Area.

(i) **Application to re-allocate ACE.** GB haddock or GB cod ACE specified to the Eastern U.S./Canada Area may be re-allocated to the Western U.S./Canada Area through written request to the Regional Administrator. This request must include the name of the sector, the amount of ACE to be re-allocated, and the fishing year in which the ACE re-allocation applies, as instructed by the Regional Administrator.

(ii) **Approval of request to re-allocate ACE.** NMFS shall approve or disapprove a request to re-allocate GB haddock or GB cod ACE provided the sector, and its participating vessels, are in compliance with the reporting requirements specified in this part. The Regional Administrator shall inform the sector in writing, within 2 weeks of the receipt of the sector's request, whether the request to re-allocate ACE has been approved.

(iii) **Duration of ACE re-allocation.** GB haddock or GB cod ACE that has been re-allocated to the Western U.S./Canada Area pursuant to this paragraph (b)(1)(i)(B)(2) is only valid for the fishing year in which the re-allocation is approved, with the exception of any requests that are submitted up to 2 weeks into the subsequent fishing year to address any potential ACE overages from the previous fishing year, as provided in paragraph (b)(1)(iii) of this section, unless otherwise instructed by NMFS.

648.87(b)(1)(viii) **ACE transfers.** All or a portion of a sector's ACE for any NE multispecies stock may be transferred to another sector at any time during the fishing year and up to 2 weeks into the following fishing year (*i.e.*, through May 14), unless otherwise instructed by NMFS, to cover any overages during the previous fishing year. A sector is not required to transfer ACE to another sector. An ACE transfer only becomes effective upon approval by NMFS, as specified in paragraph (b)(1)(viii)(B) of this section.

(A) **Application to transfer ACE.** ACE may be transferred from one sector to another through written request to the Regional Administrator. This request must include the name of the sectors involved, the amount of each ACE to be transferred, the fishing year in which the ACE transfer applies, and the amount of compensation received for any ACE transferred, as instructed by the Regional Administrator.

(B) **Approval of an ACE transfer request.** NMFS shall approve/disapprove a request to transfer ACE based upon compliance by each sector and its participating vessels with the reporting requirements specified in this part. The Regional Administrator shall inform both sectors in writing whether the ACE transfer request has been approved within 2 weeks of the receipt of the ACE transfer request.

(C) **Duration of transfer.** Notwithstanding ACE carried over into the next fishing year pursuant to paragraph (b)(1)(i)(C) of this section, ACE transferred pursuant to this paragraph (b)(1)(viii) is only valid for the fishing year in which the transfer is approved, with the exception of ACE transfer requests that are submitted up to 2 weeks into the subsequent fishing year to address any potential ACE overages from the previous fishing year, as provided in paragraph (b)(1)(iii) of this section, unless otherwise instructed by NMFS.