

Issue 1 – Definition of the regulatory term, “transfer.” For purposes of the one-transfer rule, should the Council/NMFS modify the regulations to change the definition of the term “transfer”?

Option 1: No Action, Status Quo. At present, a transfer is defined as any change in ownership or change in vessel registration to the permit.

Option 2: Under the one transfer rule, exempt any change in permit ownership that involves conveyance of the permit to a member of the immediate family (spouse, child, sibling, parent).

Option 3: **[Proposed Action]** As it relates to the one transfer rule, define a transfer as occurring only when there is a change in the vessel registered to the permit, not when there is a change in permit holder/owner status

Limited entry permits may not be transferred more than once every 12 months. These transfers include:

- Transferring the permit to a new permit holder, without changing the vessel registered with that permit
- Transferring the permit to a new vessel

Proposed action under Issue 1 would restrict timing of permit transfers ONLY when the permit is transferred to a new VESSEL. This change would end complications when:

- Permit owner adds a spouse or other family member's name to permit ownership
- Permit owner incorporates his/her fishing operation and permit owner name changes from personal name to corporation name
- Permit owning corporation re-organizes without moving the permit to a new vessel

Issue 2 – Change the “one transfer” restriction from limiting permit owners to one transfer every 12 months to one transfer every calendar year.

Option 1: No Action, status quo. Presently, permit owners may transfer only once every 12 months.

Option 2: **[Proposed Action]** Restrict a change in vessel registration on a limited entry permit to once every calendar year.

Option 3: No restriction on the number of transfers in a 12-month period.

Limited entry permits may not be transferred more than once every 12 months. Proposed action would give permit holders more business flexibility without losing the effort constraining effects of original rule. Permit holders would benefit from this action by:

- Starting each fishing year with a “clean slate” on allowed permit transfers
- Having more permit transfer flexibility in a fishery management regime that changes annually
- Having more permit transfer flexibility for unexpected emergencies (i.e. vessel repairs, illness, family issues)

Issue 3 – Clarify, update and streamline existing permit regulations [housekeeping measure]: Add new regulatory language that specifies the documents required for a permit transfer application and clarify when an application must be submitted to assure timely reissuance of the permit.

Option 1: No action, status quo. Current regulations do not provide guidance on when to apply for a vessel change to participate in the desired cumulative limit period and what documentation must be provided to NMFS.

Option 2: **[Proposed Action]** Provide in regulation those items required in a complete application for a change in vessel registration and indicate that complete documentation should be submitted at least 5 working days prior to the first day of the cumulative limit period in which the fisher wishes to participate.

At a minimum, a permit owner who desires a transfer to be effective during the next cumulative limit period, would be required to submit a signed transfer application form and their existing permit prior to the first day of the desired cumulative limit period. The owner may subsequently submit the remaining documentation after the start of the cumulative start date. The reissued permit will be effective on the date it is issued.

Option 3: Require permit owners to submit all documentation required by NMFS prior to the desired effective date (cumulative limit period).

Proposed action would provide more clarity in the permit regulations for permit holders and for NMFS staff. A complete permit transfer application includes:

- Original permit
- NMFS transfer request form (provided by NMFS)
- US Coast Guard 1270 (proof of vessel ownership)
- Marine survey for vessel length

Regulations would also clarify that:

- A permit holder who wishes to participate in a particular cumulative limit period, will be able to do so on the first day of that period if he/she submits a complete transfer application 5 working days before that period.
- To participate in a particular cumulative limit period, the permit holder would need to submit at least the original permit and the transfer request before the start of the cumulative limit period.
- If the original permit and transfer request are received before the start of a cumulative period, NMFS will process that request as quickly as possible. Once NMFS receives all four required documents, the permit will be re-issued for participation in the desired cumulative limit period.
- Permit transfer applications received just after the start of a particular cumulative limit period will not be processed for that cumulative limit period.