

AMENDMENT 20 & 21 (Trawl Rationalization and ISA) –DEEMING round 1

NMFS is developing regulations to implement the groundfish trawl rationalization program (program) based on our ongoing review of recommendations from the Council. The Council has developed the trawl rationalization program through two amendments to the Pacific Coast Groundfish Fishery Management Plan (FMP): (1) Amendment 20, the trawl rationalization program, and (2) Amendment 21, intersector allocation. Amendment 20 would create the structure and management details of the trawl rationalization program while Amendment 21 would allocate the groundfish stocks between trawl and non-trawl fisheries. The Council took initial action on Amendment 20 at its November 2008 meeting, with subsequent actions at its March and April 2009 meetings, culminating in a final recommendation to NMFS at the June 2009 meeting. The Council took final action on Amendment 21 at its April 2009 meeting but revised its recommendation on Pacific halibut at its June 2009 meeting. These amendments have not yet been formally transmitted from the Council to NMFS, but are scheduled for transmission in the spring of 2010.

To prepare for transmission of these amendments, NMFS is working on the following:

- A schedule of actions
- A rulemaking to collection ownership information for the program
- An outline of the regulatory structure for the program
- The initial issuance and appeals process

For the November Council meeting, NMFS plans to continue working on elements of the trawl rationalization program and bring further detail concerning the regulations forward for deeming by the Council. NMFS also plans to bring forward any issues which may need further clarification.

Draft Schedule

NMFS announced a draft schedule for implementation at the June PFMC meeting under Agenda item E.10. This schedule reiterates that announcement.

- NMFS intends to combine review and, pending approval, implementation of AM 20 & 21. NMFS and Council staff will work together to set a transmittal day for both FMP Amendments, likely spring 2010.
- Subject to review and approval, NMFS intends to implement the trawl rationalization program through three or more rulemakings beginning in the fall of 2009.
 1. Ownership data rule
 2. AM 20 & 21 FMP and “grand framework” rule
 3. Follow-up rule

- The ownership data rule is explained below and will allow NMFS to begin collecting ownership information for the trawl rationalization program. It will also announce the databases NMFS intends to use to determine initial QS (PacFIN & NorPac).
 - proposed rule to be published in September 2009
 - ownership information collected from industry beginning in early 2010
- If the AM 20 & 21 DEISs are published in November 2009, review of AM 20 & 21 and rulemaking for the main program components is scheduled for the summer/fall of 2010. The initial issuance and appeals process is scheduled to begin in late 2010.
- NMFS expects that there will be a need to do beta testing of tracking and monitoring components over the summer of 2010.
- NMFS believes there will be a need for a follow-up rule that will implement further program details possibly including additional tracking and monitoring requirements and cost recovery.

Ownership Data Proposed Rule

In September 2009, NMFS plans to publish a proposed rule to collect ownership interest information from potential participants in the trawl rationalization program (a draft of the proposed rule is provided under this agenda item). In order to prepare for implementation of the accumulation limits, this rule would allow NMFS to begin collecting ownership information from potential participants in the program, including the at-sea fleet (whiting motherships, whiting mothership catcher vessels, and whiting catcher/processors), the shore-based fleet (whiting and non-whiting permit owners and vessel owners) and the whiting shore-based processors. Similar to current requirements to collect ownership information from the limited entry fixed gear sablefish fleet, the primary purpose of collecting ownership interest information from the trawl fleet is to allow NMFS to monitor control of the groundfish resource in the trawl fishery to ensure participants remain within the accumulation limits recommended by the Council in Amendment 20 to the FMP. Initially, NMFS would use the ownership information collected as the first step in the application process to determine which potential quota share holders might be over their accumulation limits as an individual or as a member of a business entity. By collecting ownership information from potential participants in advance of the FMP amendment approval process, NMFS would expedite the quota share initial issuance process which is expected to take place in the fall of 2010. After ownership interest forms from this rulemaking are completed early in 2010, NMFS could provide partially pre-completed ownership interest forms with the initial issuance package in the fall of 2010, reducing the burden on potential participants and shortening the application process. If the ownership information requested as part of this rulemaking is not completed, it may delay implementation of the trawl rationalization program or issuance of an eligible participant's quota share.

NMFS would collect ownership information through a Trawl Identification of Ownership Interest Form (a draft form is provided under this agenda item) mailed out to potential participants in the program. This rule would establish a onetime mailing requesting this information. Failure to return the completed form and any required supplemental documentation

may result in the entity not receiving an initial allocation of QS, should the future trawl rationalization program be implemented. In the future and if the trawl program is implemented under Amendment 20, the form would likely be required during the permit or QS renewal process and during any permit or QS transfers.

This action would also announce that NMFS intends to use landings data from the Pacific States Marine Fisheries Commission's PacFIN and the NMFS, Northwest Fisheries Science Center's Pacific whiting observer (NORPAC) databases to determine initial allocations of quota share for the program. This action urges potential quota share owners to go directly to the source where fisheries data is entered in to these databases to get it corrected before NMFS extracts the data for initial issuance of quota share.

The public comment period is expected to be sometime between September and October 2009.

Draft Regulatory Structure

In reviewing the existing groundfish regulatory structure to plan for the trawl rationalization program, NMFS sees the opportunity to reorganize the entire groundfish regulations to make them easier to follow on a program by program basis. The trawl rationalization program will add regulatory complexity to the existing groundfish regulations. In an effort to make Federal regulations easier to follow and to prevent program-specific regulations, like the trawl rationalization program, from becoming too compartmentalized in the existing regulations, NMFS is reorganizing the groundfish regulations in to multiple subparts within the Code of Federal Regulation (CFR). Current groundfish regulations are found at 50 CFR part 660, subpart G. The reorganized groundfish regulations would be found at 50 CFR part 660, subparts C through G. An outline of the current and draft regulatory structure follows.

CURRENT

50 CFR CHAPTER VI
PART 660—FISHERIES OFF WEST COAST AND WESTERN PACIFIC STATES

Subpart A—General

- 660.1 Purpose and scope.
- 660.2 Relation to other laws.
- 660.3 Reporting and recordkeeping.

Subpart B-F [Reserved]

Subpart G—West Coast Groundfish Fisheries

- 660.301 Purpose and scope.
- 660.302 Definitions.
- 660.303 Reporting and recordkeeping.
- 660.305 Vessel identification.
- 660.306 Prohibitions.
- 660.312 Vessel Monitoring Program (VMS) requirements.
- 660.314 Groundfish observer program.
- 660.320 Allocations.
- 660.321 Black rockfish harvest guideline.
- 660.322 Sablefish allocations.
- 660.323 Pacific whiting allocations, allocation attainment, and inseason allocation reapportionment.
- 660.324 Pacific Coast treaty Indian fisheries.
- 660.331 Limited entry and open access fisheries--general.
- 660.333 Limited entry fishery--eligibility and registration.
- 660.334 Limited entry permits--endorsements.
- 660.335 Limited entry permits--renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.
- 660.336 Pacific whiting vessel licenses.
- 660.337 [Reserved]
- 660.338 Limited entry permits--small fleet.
- 660.339 Limited entry permit and Pacific whiting vessel license fees.
- 660.340 Limited entry permit appeals.
- 660.341 Limited entry permit sanctions.
- 660.350 Compensation with fish for collecting resource information--exempted fishing permits.
- 660.365 Overfished species rebuilding plans.
- 660.370 Specifications and management measures.
- 660.371 Black rockfish fishery management.
- 660.372 Fixed gear sablefish fishery management.
- 660.373 Pacific whiting (whiting) fishery management.
- 660.380 Groundfish harvest specifications.
- 660.381 Limited entry trawl fishery management measures.
- 660.382 Limited entry fixed gear fishery management measures.
- 660.383 Open access fishery management measures.
- 660.384 Recreational fishery management measures.
- 660.385 Washington coastal tribal fisheries management measures.
- 660.390 Groundfish conservation areas.
- 660.391 Latitude/longitude coordinates defining the 27 fm (49 m) through 40 fm (73 m) depth contours.
- 660.392 Latitude/longitude coordinates defining the 50 fm (91 m) through 75 fm (137 m) depth contours.
- 660.393 Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours.
- 660.394 Latitude/longitude coordinates defining the 180 fm (329 m) through 250 fm (457 m) depth contours.
- 660.395 Essential Fish Habitat (EFH).
- 660.396 EFH Conservation Areas.
- 660.397 EFH Conservation Areas off the Coast of Washington.
- 660.398 EFH Conservation Areas off the Coast of Oregon.
- 660.399 EFH Conservation Areas off the Coast of California.

monitoring

allocations

LE program

special programs

spec & mgmt measures

closed areas

TABLES: Tables (1a), OY tables (1b), Allocation tables (1c), Tables 2a, 2b, and 2c, Tables 3-5 North and South (Trip Limit Tables), and Figure 1, and Table 2 to Part 660 (Vessel Capacity Ratings)

REORGANIZED

Subpart A—General (stays same)

Subpart B [Reserved]

Subpart C – West Coast Groundfish Fisheries – General (660.10-660.99)

- Purpose and Scope
- Definitions
- Prohibitions
- Recordkeeping and reporting
- Vessel Monitoring System (VMS) Program requirements.
- Groundfish observer program.
- Vessel and Gear Identification
- Permits and Fees – limited entry permits
- Compensation with fish for collecting resource information - EFPs
- Overfished species rebuilding plans
- Pacific Coast Treaty Indian fisheries
- Allocations (include sablefish, whiting, black rockfish)
- Specifications and management measures.
- Groundfish harvest specifications.
- Closed Area - GCA's and EFH
- * ABC/OY Tables - Tables 1a-c & 2a-c
- * Vessel Capacity Rating Table - Table 2 to Part 660

Subpart D – West Coast Groundfish – Trawl Fisheries (660.100-660.199)

- IFQ Program – Shore-based Trawl Fishery
 - IFQ Species and Allocations
 - QS permits and accounts
 - Vessel QP accounts
 - Processor Permit
 - Observers/Compliance monitors/cameras (?)
 - Retention requirements (whiting and non-whiting vessels)
 - Gear Switching (?)
 - Adaptive Management Program
- Mothership (MS) Co-op Program – Whiting At-sea Trawl Fishery
 - MS Co-op Program Species and Allocations
 - Co-op Permit (Agreement)
 - Mothership Permit
 - Catcher Vessel Mothership (CV/MS) endorsement
 - Inter-Co-op Agreements
 - Co-op accounts
 - Non-Co-op Fishery
 - Observers/cameras (?)
 - Retention requirements
- Catcher-Processor (C/P) Co-op Program - Whiting At-sea Trawl Fishery
 - C/P Co-op Program Species and Allocations
 - Co-op Permit (Agreement)
 - C/P endorsement
 - Observers
 - Retention requirements

- Crossover provisions – Areas, Gears (?), Trawl Fisheries
- Limited entry trawl fishery management measures.
- * Figure 1 & Trip Limit Tables - Table 3 North and South

Subpart E – West Coast Groundfish - Fixed Gear Fisheries (660.200-660.299)

- Fixed gear sablefish fishery management.
- Limited entry fixed gear fishery management measures.
- * Trip Limit Tables - Table 4 North and South

Subpart F – West Coast Groundfish - Open Access Fisheries (660.300-.349)

- Open access fishery management measures.
- * Trip Limit Tables - Table 5 North and South

Subpart G – West Coast Groundfish – Recreational Fisheries (660.350-.399)

Initial Issuance and Appeals

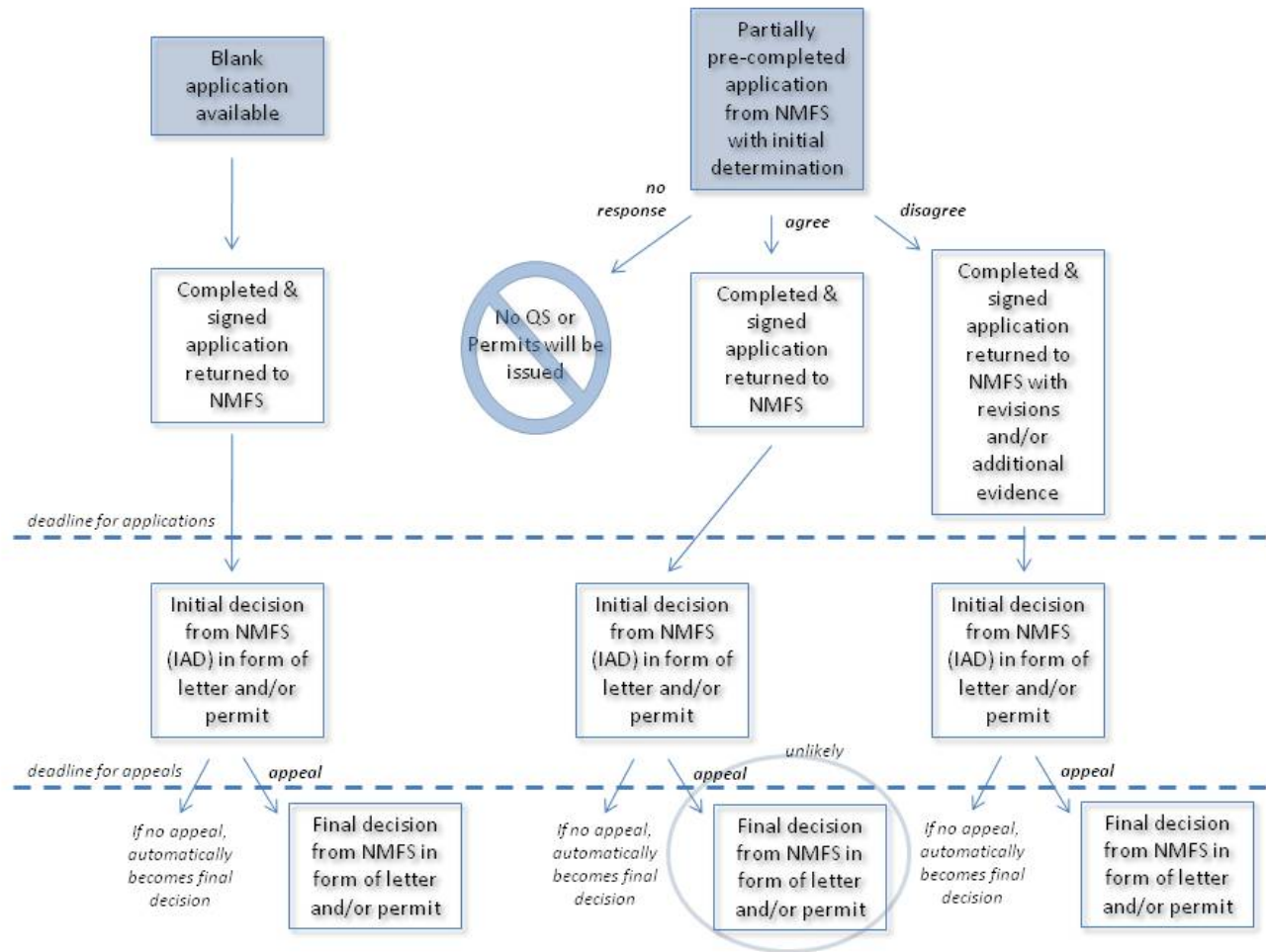
NMFS is still developing an initial issuance and appeals process. The draft implementation schedule provides NMFS only four months to go through the initial issuance and appeals process. Therefore, NMFS is making an effort to streamline that process via the ownership data rulemaking and providing partially pre-completed applications. Currently, NMFS intends to mail out partially pre-completed applications to participants NMFS determines are eligible to qualify for the following: IFQ QS, co-op mothership permits, co-op mothership/catcher vessel endorsements with catch history assignments, co-op catcher/processor endorsements. (Additional permits may be required for the IFQ and co-op fisheries, but would be handled on an ongoing basis, through a separate process (e.g., IFQ processor/first receiver permits, co-op permits)). NMFS would also provide blank applications on our website and by request for people that did not receive a pre-completed application and who can provide credible evidence that they should qualify. For the IFQ fishery, pre-completed applications would include NMFS determination of QS for each species and landings or data used to figure QS.

Potential QS, permit, or endorsement owners would return signed applications either agreeing with NMFS' initial determinations and requesting the QS, permit, or endorsement or disputing NMFS determination and providing additional credible evidence. This is a "pre-appeal" opportunity intended to speed up the initial issuance process, while still allowing fishermen an opportunity to correct their QS, mothership/catcher vessel catch history assignment, or initial determination. ALL applications would have a deadline by which they must be completed and returned to NMFS. QS, permits, or endorsements would not be issued to late applications.

NMFS would then make an initial administrative decision (IAD) that would be sent to the applicant in writing. If the applicant qualifies, the initial administrative decision would include QS, a permit, or an endorsement on a limited entry groundfish trawl permit, as appropriate. There would be one chance to appeal the initial administrative decision within a given deadline. Appeals would be reviewed by an appeals officer who makes a recommendation to the NMFS, Northwest Region, Regional Administrator. The final decision would be in writing from the Regional Administrator. If the applicant then qualifies, the final decision would include QS, a permit, or an endorsement on a limited entry groundfish trawl permit, as appropriate. Or, for QS or mothership/catch vessel catch history assignments, if the amount is different than the initial administrative decision, the final decision would include revised QS or catch history assignments, respectively.

The following is a diagram of the preliminary draft initial issuance and appeals process:

Preliminary draft initial issuance and appeals process -



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No.]

RIN 0648-AX98-X

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Data Collection for the Trawl Rationalization Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to collect data to support implementation of a future trawl rationalization program under the Pacific Coast Groundfish Fishery Management Plan (FMP). NMFS proposes to collect ownership information from all potential participants in the trawl rationalization program. In addition, NMFS is notifying potential participants that the agency intends to use the Pacific States Marine Fisheries Commission's Pacific Fisheries Information Network (PacFIN) database and the NMFS, Northwest Fisheries Science Center's Pacific whiting observer data from NORPAC (a database of North Pacific fisheries and Pacific whiting information) to determine initial allocation of quota share (QS) for the trawl rationalization program, if approved and implemented.

DATES: Comments on this proposed rule must be received no later than 5 p.m., local time on [Insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by RIN 0648-AX98 by any one of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

Fax: 206-526-6736, Attn: Jamie Goen.

Mail: Barry Thom, Acting Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Jamie Goen.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to NMFS, Northwest Region and by e-mail to

David.Rostker@omb.eop.gov or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Jamie Goen, phone: 206-526-4656, fax: 206-526-6736, and e-mail jamie.goen@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This proposed rule is accessible via the Internet at the Office of the Federal Register's Website at <http://www.gpoaccess.gov/fr/index.html>. Background information and documents are available at the Pacific Fishery Management Council's website at <http://www.pcouncil.org/>.

Background

Since 2003, the Pacific Fishery Management Council (Council) has been developing a trawl rationalization program for the Pacific Coast groundfish fishery, which would affect the limited entry trawl fishery. The trawl rationalization program is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch.

The Council has developed the trawl rationalization program through two amendments to the Groundfish FMP: (1) Amendment 20, the trawl rationalization program, and (2) Amendment 21, intersector allocation. Amendment 20 would create the structure and management details of the trawl rationalization program while Amendment 21 would allocate the groundfish stocks between trawl and non-trawl fisheries. The Council took final action on Amendment 20 at their November 2008 meeting, with trailing actions at its March 2009, April 2009, and June 2009 meetings. The Council took final action on Amendment 21 at its April 2009 meeting. When the Council formally transmits those amendments to NMFS, the agency will publish a notice of availability (NOA) of an FMP amendment and a proposed rule in the Federal Register to announce a public comment period. Following the public comment period on the NOA and proposed rule, NMFS will announce its decision on whether or not to approve the amendments in

a final rule published in the Federal Register. The FMP approval process and implementation, if appropriate, are expected to occur in 2010.

The trawl rationalization program would be a limited access privilege program (LAPP) under the Magnuson-Stevens Fishery Conservation and Management Act, as reauthorized in 2007 (MSA). A LAPP is considered a grant of permission to the holder of the limited access privilege or quota share to participate in the program and may be revoked, limited, or modified at any time. In other words, it is a conditional privilege, conveyed through quota shares or catch shares, to harvest a specified amount of fish. The MSA requires the Council or the Secretary of Commerce to ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program and to establish a maximum share, expressed as a percentage that each limited access privilege holder may hold, acquire, or use. For the trawl rationalization program, the Council has adopted limits on the amount of pounds a vessel can hold, acquire, or use (i.e., vessel limits) and limits on the amount of quota share that can be held, acquired, or used (i.e., control limits).

Trawl Rationalization Program Structure

The trawl rationalization program would consist of: (1) an individual fishing quota (IFQ) program for the shore-based trawl fleet and (2) cooperative (co-op) programs for the at-sea trawl fleet. The shore-based trawl fleet would include IFQ participants who land groundfish to shore-based processors or first receivers. The at-sea trawl fleet would include fishery participants harvesting whiting with midwater trawl gear (i.e., whiting catcher/processor vessels, whiting motherships, and whiting catcher vessels associated with motherships). The co-op programs for the at-sea trawl fleet are further divided as follows: (1) the whiting catcher/processor co-op; and

(2) the whiting mothership co-ops. The mothership co-ops may consist of a single or multiple co-ops where vessels pool their harvest together or may consist of vessels not associated with a particular mothership (i.e., “non-co-op” segment of the mothership fishery).

The IFQ program for the shore-based fleet would require an initial allocation of harvest quota share to individual participants based on historic participation in the fishery, specifically to limited entry trawl permit owners and shore-based whiting processors who meet the eligibility requirements. In order to comply with the MSA, NMFS would be required to determine and track ownership interest in quota shares to determine if individuals are within set limits, both at the initial allocation stage and during the operation of the program. In Amendment 20, the Council has adopted limits (by species group and area) on the amount of quota share an individual can control (i.e. control limits).

The Council has adopted different whiting catcher/processor co-op and whiting mothership co-ops based on how the co-ops have operated in the past. The structure of the co-ops will be described in more detail in the proposed rule to implement Amendment 20, expected in 2010. The catcher/processor co-op would not require an initial allocation to individual vessels, provided a co-op is established, while the mothership co-op would. Quota shares for the at-sea fleet (called catch history assignments in Council documents) would initially be allocated to the individual whiting catcher vessels associated with the mothership fishery and would be non-transferable amounts associated with the vessel. They would show how much an individual vessel contributes to the total amount of fish their mothership co-op can harvest. However, the individual vessel in the co-op could harvest more than their at-sea quota, within the restrictions on individual vessel harvest and mothership co-op limits. Similar to the shore-based IFQ

program, NMFS would be required to track ownership interest in quota shares to determine if individuals are within set limits. In addition, ownership interest in the co-op programs (catcher/processor and mothership) and IFQ program would be tracked to the individual level to monitor crossover of participants and ownership interest among the programs.

Collection of Ownership Information

Pursuant to section 402(a)(2) of the MSA, if the Secretary of Commerce determines that additional information is necessary for developing or implementing an FMP, the Secretary may, by regulation, implement an information collection program requiring submission of such additional information for the fishery. In this proposed rule, ownership information would be collected from the potential participants in the trawl rationalization program, including the at-sea fleet (whiting motherships, whiting mothership catcher vessels, and whiting catcher/processors), the shore-based fleet (whiting and non-whiting permit owners and holders) and the whiting shore-based processors. Ownership information would be collected to support and facilitate timely implementation of the potential future trawl rationalization program under the Groundfish FMP. Similar to current requirements to collect ownership information from the limited entry fixed gear sablefish fleet, the primary purpose of collecting ownership interest information from the trawl fleet is to allow NMFS to monitor control of the groundfish resource in the trawl fishery to ensure participants remain within the accumulation limits, or control limits on quota share, recommended by the Council in Amendment 20 to the FMP. Initially, NMFS would use the ownership information collected under this rule as the first step in the application process to determine which potential quota share holders might be over their accumulation limits as an individual or as a member of a business entity. By collecting ownership information from

potential participants in advance of the FMP amendment approval process, NMFS would expedite the quota share initial issuance process which is expected to take place in the fall of 2010. After ownership interest forms from this rulemaking are completed early in 2010, NMFS intends to provide pre-filled out ownership interest forms with the initial issuance application package in the fall of 2010, reducing the burden on potential participants and shortening the application process. If the collection of the ownership information requested as part of this rulemaking is not completed at the time NMFS provides these forms, it may delay implementation of the trawl rationalization program or issuance of an eligible participant's quota share due to the additional time needed to gather the ownership information and to determine if an eligible participant is within the accumulation limits.

In addition, the ownership information collected would create a baseline of ownership information to evaluate the trawl rationalization program during periodic reviews of the program, as required by the MSA. It would allow NMFS to better understand the relationship between processors, permit owners, and the entities owning the vessel registered to the permit (i.e., permit holders). In other words, it would allow NMFS to better understand who will control QS and which individuals will potentially use QP. Further, it would allow NMFS to better understand potential vessel accounts for QP and to better understand the ownership of vessels that crossover between different sectors in the trawl fishery. For example, it would allow NMFS to better understand the ownership of vessels that participate in both the whiting shore-based and the mothership fisheries.

NMFS would send a Trawl Identification of Ownership Interest Form to potential participants in the trawl rationalization program requiring the following information to be filled

out: type of entity; qualifying permit number; name of company or name of individuals owning the limited entry permit, vessel or processing plant; tax identification number (TIN) for each entity; date of birth (DOB) for each individual; state registered in for each business entity; business mailing address; physical address for processing plants, business phone number, fax number and email; authorized representative's name; name of each individual having ownership interest in the limited entry permit, vessel or processing plant; the individual's business addresses; percentage of ownership by each entity (if there are multiple entities given as an owner of the permit, vessel, or processing plant) and each individual shareholder in each entity; printed name of authorized representative, signature, and date. The percentage of ownership of all shareholders must equal 100 percent. The form would also allow owners to certify whether or not they are a small business according to Small Business Administration (SBA) and the Regulatory Flexibility Act standards.

For permits, the legal owner of the permit or authorized representative would be required to complete the form and provide all necessary information on the individual or entity owning each groundfish limited entry trawl permit. For vessels, the vessel owner would be required to complete the form and provide all necessary information on the individual or entity owning each vessel that is registered to a groundfish limited entry trawl permit (i.e., permit holder). For shore-based whiting processors or first receivers, the legal owner or authorized representative would be required to complete the form and provide all necessary information on the individual or entity owning each shore-based whiting processing or first receiver company. The individual signing the form would certify under penalty of perjury that the information provided is true and correct and the form would be required to be notarized by a notary public.

The form would be required even if the owner of the permit or potential participant in the trawl rationalization program is an individual person. This form does NOT prequalify these persons for quota share nor guarantee that they will qualify for quota share under the future trawl rationalization program.

In addition to filling out the mandatory ownership interest form, potential trawl rationalization program participants may be required to submit additional documentation. If the ownership interest in the permit, vessel, or potential quota share involves a business entity, then additional documentation will be required. If there is an authorized representative for a business entity, then a corporate resolution would be required authorizing the person signing to do so on behalf of the entity. Business entities established under the laws of the United States or any State would be required to provide proof that they had done so and to verify that they are an active corporation. If an entity was not established under the laws of the United States or any other State, they would not be required to do so by this proposed rule. However, this will be a requirement to qualify for an initial allocation of quota share, pursuant to section 304(c)(1)(D) of the MSA. Providing the information at this stage will expedite the initial issuance process.

Additional documentation that NMFS may request after review of the completed Trawl Identification of Ownership Interest Form include articles of incorporation, a contract, or any other credible documentation that substantiates those with ownership interest in the entity and their percent ownership. NMFS may require a certified copy of the current vessel document (USCG or state) as evidence of vessel ownership. NMFS may also request or consider any other relevant, credible evidence.

NMFS would send out the Trawl Identification of Ownership Interest Form with instructions to the current address in NMFS records for potential participants in the trawl rationalization program. Completion of this form would be required only once in preparation for implementation of the trawl rationalization program. This form would be sent to the at-sea fleet (whiting motherships, whiting mothership catcher vessels, and whiting catcher/processors), the shore-based fleet (whiting and non-whiting permit owners and holders) and the whiting shore-based processors. Potential participants would have at least 60 days from the effective date of the Federal Register final rule for this action to return the completed form. The completed form must be returned to NMFS no later than May 1, 2010. If the completed form is not returned by the deadline date of May 1, 2010, NMFS will send a second written notice to delinquent applicants requesting the completed form by a revised deadline date of June 1, 2010. In the future and if the trawl program is implemented under Amendment 20, the ownership interest form would likely be required during the permit or QS renewal process and during any permit or QS transfers.

Databases to be Used for Initial Allocation of Quota Share

Potential participants of the trawl rationalization program should be aware that the agency intends to use landings data from the Pacific States Marine Fisheries Commission's PacFIN database and the NMFS, Northwest Fisheries Science Center's Pacific whiting observer data from NORPAC to determine initial allocations of QS for the trawl rationalization program. Landings data from state fish tickets, as provided by the states to the PacFIN database, would be used to determine initial allocation of IFQ QS for the shore-based whiting and nonwhiting harvesters and for the shore-based whiting processors. Landings data from the NORPAC

database would be used to determine initial allocation of at-sea QS for the whiting mothership catcher vessels.

NMFS intends to “freeze” the databases for the purposes of initial allocation on the date the proposed rule proposing to implement Amendment 20 to the FMP is published in the Federal Register. This should allow time for NMFS to compile the dataset and cross check the data for any errors. “Freezing” the databases means that NMFS will extract a snapshot of the databases as of the proposed rule publication date and will use those for initial allocation of QS.

“Freezing” the databases is necessary to hold them constant for use during qualification and initial issuance of the trawl rationalization program and to form an administrative record of the database at a given point in time. Following the “freezing” of the databases, any corrections to the “frozen” database would be made with NMFS through the processes set forth in future trawl rationalization rules. The PacFIN and NORPAC databases will continue to exist and be updated through their normal processes, but such updates may not be used for initial allocations of quota share.

If potential participants in the trawl rationalization program have concerns over the accuracy of their data that has been entered in the PacFIN database, they should contact the state in which they landed those fish to get it corrected. Any revisions to an entity’s fish tickets would have to be approved by the state in order to be accepted. Contacts at the states are as follows: (1) Washington – Carol Turcotte (360-902-2253, Carole.Turcotte@dfw.wa.gov); (2) Oregon – Michelle Grooms (503-947-6247, Michelle.L.Grooms@state.or.us); and (3) California – Gerry Kobylinski (916-323-1456, Gkobylin@dfg.ca.gov). For concerns over the accuracy of NORPAC data, contact Janell Majewski (206-860-3293, janell.majewski@noaa.gov). NMFS

urges potential QS owners to go directly to the source where fisheries data is entered in the database to get it corrected before NMFS extracts the data for initial issuance of QS.

Classification

Pursuant to section 402(a)(2) of the Magnuson-Stevens Act, the NMFS Assistant Administrator, acting on behalf of the Secretary of Commerce, has determined that information collected under this proposed rule is necessary for developing and implementing the trawl rationalization program. The NMFS Assistant Administrator has also determined that this proposed rule is consistent with other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the RFA (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the SUMMARY section of the preamble. A copy of this analysis is available from the NMFS (see ADDRESSES). A summary of the analysis follows:

The proposed rule would allow NMFS to collect data to support implementation of a future trawl rationalization program (program), Amendment 20, to the Groundfish FMP. A separate RIR/IRFA will be prepared for the full trawl rationalization program as part of the rulemaking for Amendment 20. This proposed rule would also announce that NMFS intends to use landings data from the Pacific States Marine Fisheries Commission's PacFIN and the NMFS,

Northwest Fisheries Science Center's Pacific whiting observer (NORPAC) databases to determine initial allocations of quota share for the program. Section 402(a)(2) of the MSA gives the legal authority for the action. If the Secretary determines that additional information is necessary for developing or implementing an FMP, the Secretary may, by regulation, implement an information collection requiring submission of such additional information for the fishery.

The Council has recommended accumulation limits to comply with the MSA requirement to ensure that participants do not acquire an excessive share of the total limited access privileges in the program. Initially, NMFS would use the ownership information collected as the first step in the application process to determine which potential quota share holders might be over their accumulation limits as an individual or as a member of a business entity. By collecting ownership information from potential participants in advance of the FMP amendment approval process, NMFS would expedite the initial issuance of quota share which is expected to take place in the fall of 2010. NMFS could use the completed forms to troubleshoot any unforeseen data collection issues and to provide pre-filled ownership interest forms with the initial issuance package in the fall of 2010. Pre-filled forms would reduce the burden on potential participants and shorten the initial issuance and appeals process.

The IRFA considers three alternatives: (1) no action, (2) a blank form to collect ownership interest information, and (3) a partially pre-filled form to collect ownership information. The no action alternative would delay collecting any ownership interest information until the initial issuance and appeals process expected to take place in the fall of 2010. Under the second alternative, NMFS would mail a blank Trawl Identification of Ownership Interest Form to potential participants in the trawl rationalization program. Under

the third and selected alternative, NMFS would mail out a partially pre-filled Trawl Identification of Ownership Interest Form to potential participants in the trawl rationalization program. NMFS would use its Permit's Office database to pre-fill the permit and/or vessel owner's name of record and address. NMFS would also use this information to begin to fill out the names of participants with ownership interest.

Compared to the no action alternative, both alternatives would facilitate a more timely implementation of the trawl rationalization program. And the preferred alternative, partially pre-filled forms, would expedite the process even more and would be the most helpful to the person completing the form. This should aid the person completing the form with what information is needed and how NMFS database currently views the permit and/or vessel owner or owner of the whiting processor. While a timely implementation of the program benefits program participants, NMFS must also be aware that doing so is not too burdensome and costly to the potential program participants. This proposed rule would establish a onetime mailing requesting this information. Filling out a Trawl Ownership Interest Form is expected to take approximately 30 minutes per response. There is an incentive to respond as this is the initial step by any business to gain ownership rights in the fishery that can, at a future time, be harvested, sold, leased, or combined with other businesses in fishing operations. The financial benefits of participating in the trawl rationalization program should far outweigh the minimal cost of time and effort to fill out a form. (Very preliminary Pacific Council estimates indicate that for the harvesting vessels, after taking into account the costs of having observer coverage, over time the fishery may increase annual profits (revenue minus costs) to \$10 to \$20 million.)

This proposed rule would collect ownership information from approximately 250 potential participants who may receive initial allocation of quota share, including the at-sea fleet (whiting motherships, whiting mothership catcher vessels, and whiting catcher/processors), the shore-based fleet (whiting and non-whiting permit owners and holders) and the whiting shore-based processors. Using Small Business Administration standards, most of the estimated 250 entities are considered small businesses, except for some catcher vessels who also fish off Alaska, some shoreside processors and all catcher-processors and motherships (less than 30) that are affiliated with larger processing companies or large international seafood companies. One of the purposes of this data collection is to have these entities certify that they are “small” or “large” entities based on SBA size and affiliation criteria.

This information collection would be requested of all potential participants in the program, regardless of size, and would not have a disproportionate effect on small versus large entities. Nor would this information collection have any effect on profitability for small entities.

These changes will not duplicate, overlap or conflict with other laws or regulations. This proposed action is not expected to meet any of the RFA tests of having a "significant" economic impact on a "substantial number" of small entities. Nonetheless, NMFS has prepared an IRFA for this action. NMFS is requesting comments on this conclusion.

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. The public reporting burden for the Trawl Identification of Ownership Interest Form is estimated to average 30 minutes per response, including the time for

reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS, Northwest Region (see ADDRESSES section), and by e-mail to David.Rostker@omb.eop.gov or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 660

Fishing, Fisheries, and Indian Fisheries.

Dated:

For the reasons set out in the preamble, 50 CFR Part 660 is proposed to be amended as follows:

PART 660--FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. A new § 660.337 is added to read as follows:

§ 660.337 Trawl rationalization program - data collection requirements.

(a) Ownership reporting requirements — (1) In 2010, NMFS will send a Trawl Identification of Ownership Interest Form to the current address on record requesting information from participants in the trawl fishery. Receipt of this form does NOT prequalify these persons for quota share nor guarantee that they will qualify for quota share under a future trawl rationalization program. The following participants in the trawl fishery must complete and return the form to NMFS:

(i) Owners of each limited entry permit endorsed for trawl gear;

(ii) Owners of each vessel registered to a limited entry permit endorsed for trawl gear (i.e., permit holder) if not identical to the permit owner covered by paragraph (a)(1)(i) of this section;

(iii) Owners of each vessel registered to a Pacific whiting vessel license that are not covered by paragraphs (a)(1)(i) and (ii) above; and

(iv) First receivers issued current Pacific whiting first receiver exempted fishing permits.

(2) Supporting documentation.

(i) Business entities completing the Trawl Identification of Ownership Interest Form are required to submit the following:

(A) A corporate resolution or any other credible documentation as proof of the authorized representative selected to act on behalf of the entity; and

(B) Proof that the business entity was established and is currently recognized as active under the laws of the United States or any State, if indeed they were.

(ii) After review of the Trawl Identification of Ownership Interest Form, NMFS may require the following additional documentation:

(A) Articles of incorporation, a notarized contract, or any other credible documentation that identifies each person who owns an interest in the entity and their percentage of ownership;

(B) A certified copy of the current vessel document (USCG or state) as evidence of vessel ownership; or

(C) Such other relevant, credible evidence as the applicant may submit, or the SFD or the Regional Administrator request or acquire.

(3) Deadline. Applicants will be provided at least 60 calendar days to submit completed forms. If the persons listed in paragraph (a)(1) fail to return the completed form by the deadline date of May 1, 2010, NMFS will send a second written notice to delinquent applicants requesting the completed form by a revised deadline date of June 1, 2010.

(b) [Reserved]

TRAWL IDENTIFICATION OF OWNERSHIP INTEREST

PACIFIC COAST GROUND FISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

INSTRUCTIONS

The purpose of this form is to provide NOAA Fisheries with baseline information on participants in the trawl groundfish fishery to prepare for implementation of a future trawl rationalization program. Receipt of this form does not guarantee that you will qualify for an initial allocation of quota share.

IMPORTANT! This form should be submitted by the following:

- 1) Current owners of each limited entry permit endorsed for trawl gear;
- 2) Current owners of each vessel registered to a limited entry permit endorsed for trawl gear if not identical to the permit owner in number 1 above;
- 3) Current owners of Pacific whiting vessel licenses (if the vessel is not also associated with a permit listed in numbers 1 or 2 above); and
- 4) First receivers issued Pacific whiting first receiver exempted fishing permits (EFPs) during the 2009 Pacific whiting shoreside fishery.

Pacific whiting shoreside first receivers means persons who receive, purchase, or take custody, control, or possession of Pacific whiting onshore directly from a Pacific whiting shoreside vessel.

A form should be filled out for each permit, vessel, EFP, or whiting license for which you have an ownership interest. Failure to complete this form may result in you not receiving an initial allocation of quota share. Please type or print legibly in ink. Attach additional sheets as necessary. Sign in ink, have your signature notarized, keep a copy for your records and mail the completed form to the address listed above.

SECTION A - PERMIT/VESSEL/PROCESSOR OWNER IDENTIFICATION

This section is pre-filled using information from NOAA Fisheries records. Please verify that the information included is correct and make any necessary corrections by crossing out and filling in correct data on the form.

- **Field 1. Check all boxes that apply:** If the permit owner and vessel owner are identical, check both boxes. If there are any differences among the permit or vessel owners, then a new form needs to be completed for each. If you are a Pacific whiting shoreside first receiver, check that box.
- **Fields 2-4. Permit Number/Vessel Name/Vessel Registration Number:** As applicable, list the Federal groundfish limited entry permit number, the name of the vessel registered to the permit and the U.S. Coast Guard documentation or state vessel registration number.
- **Fields 5-6. Name/TIN/DOB:** Enter the name of the business entity or individual that owns the permit, vessel, or first receiver. If a business entity, list their tax identification number (TIN). If an individual, list their date of birth (DOB) using the format of mm/dd/yyyy.
- **Field 7. State Registered:** If a business entity is listed in Field 5, list the state where that entity was established and is currently recognized as active.
- **Field 8. Business Mailing Address:** Enter the business mailing address, including street or PO Box number, state, and zip code, where the item(s) should be sent. Also list a physical address for first receivers, if different from mailing address.
- **Fields 9-11. Business Phone, Fax and Email:** List the business telephone and fax numbers including the area codes; the fax number and email are optional.

SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS

This section is partially pre-filled using the business entity name(s) from Section A. The intent of Section B (Parts 1 and 2) is to identify all of the individuals who control the business and their percent of ownership interest.

Part 1 – first level

Part 1 will be pre-filled with the business entities or individuals listed in Section A. List the TIN for business entities and the DOB for individuals. List the mailing address (if different than Section A), and the % ownership interest in the permit, vessel, or processor as listed in Section A. If there is only one individual listed, then the percent ownership interest held should equal 100%. If one business entity is listed, then the percent ownership interest held should equal 100%. If an individual and a business entity are listed, then list the percent of the individual and the percent of the business entity. (see examples below)

Part 2 – second level

If the information from Part 1 hasn't gotten down to the individual level and still includes business entities, then Part 2 should be completed. Part 2 will be pre-filled with any business entity names from Part 1. List the individual names of all shareholders/partners of the business entity. The DOB is required for each individual as an additional means of identification. List each individual's business mailing address and the percent ownership interest they hold in the business entity. The individual(s) listed under each business should equal 100%. Information should be provided down to the individual level. If necessary, attach an additional sheet of paper. (see examples below).



Business entities established under the laws of the United States or any State must submit proof that they have done so and to verify that they are an active corporation. NOAA Fisheries may request further documentation as proof of ownership, including percentage of ownership. Note the Privacy Act Statement at the end of the form.

Example A: jointly named owners on permit , two individuals

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	75
Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	25
TOTAL OWNERSHIP =			100%

Part 2

NAME	DOB	BUSINESS MAILING ADDRESS	% HELD
business name from Part 1			
List individual names			
TOTAL OWNERSHIP =			100%

Not Required

Example B: jointly named owners on permit , an individual and a business

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Dragger, Joe A	05/15/1959	3 Dover Lane Astoria, OR 54321	50%
Trawlers, Inc.	91-1234567	PO Box 70, Newport, OR 54123	50%
TOTAL OWNERSHIP =			100%

Part 2

NAME	DOB	BUSINESS MAILING ADDRESS	% HELD	
business name from Part 1				
Trawlers, Inc.				
List individual names	Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	55%
	Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	30%
	Ishmael, Mark S	03/07/1965	8 White Whale Dr. Newport, OR 54123	10%
	Queequeg, Warren G	07/23/1968	13 Wildside Blvd. Astoria, OR 54321	5%
TOTAL OWNERSHIP of Business 1 =			100%	

Example C: jointly named owners on permit , two businesses

Part 1

NAME	TIN/DOB	BUSINESS MAILING ADDRESS	% HELD
Trawlers, Inc.	91-1234567	PO Box 70, Newport, OR 54123	30%
Big Boat, LLC	71-7654321	4 Ever Whiting Astoria, OR 54321	70%
TOTAL OWNERSHIP =			100%

Part 2

NAME	DOB	BUSINESS MAILING ADDRESS	% HELD	
business name from Part 1				
Trawlers, Inc.				
List individual names	Ahab, Captain R	05/15/1959	1234 Petrale St, Astoria, OR 54321	55%
	Starbuck, Jim T	10/23/1963	PO Box 555, Newport, OR 54123	30%
	Ishmael, Mark S	03/07/1965	8 White Whale Dr. Newport, OR 54123	10%
	Queequeg, Warren G	07/23/1968	13 Wildside Blvd. Astoria, OR 54321	5%
TOTAL OWNERSHIP of Business 1 =			100%	
business name from Part 1				
Big Boat, LLC				
List individual names	Hake, Fred C	06/03/1950	4 Ever Whiting Astoria, OR 54321	33 ^{1/3} %
	Hake, Brenda K	08/30/1954	4 Ever Whiting Astoria, OR 54321	33 ^{1/3} %
	Hake, Jr., Fred J	11/23/1975	12 Ever Whiting Astoria, OR 54321	33 ^{1/3} %
TOTAL OWNERSHIP of Business 2 =			100%	

SECTION C – SMALL BUSINESS CERTIFICATION

Read the criteria to determine if you are a small business according to the criteria listed. Check the appropriate box, yes or no.

SECTION D - CERTIFICATION OF APPLICANT AND NOTARY

The authorized agent must sign and date the form in the presence of a notary to certify that the individual(s) signing the form have satisfactorily identified themselves. By signing and dating the form, the authorized agent certifies that all information set forth in the form is true, correct, and complete to the best of the applicant's knowledge and belief. The form will not be considered without the authorized agent's signature. If a single individual is listed in Field 5 above, then that individual must sign. If two individuals are listed in Field 5 above with an "and" between their names, then both individuals must sign. If two individuals are listed in Field 5 above with an "or" between their names, then one of the individuals must sign. If an individual and a business entity are listed in Field 5 above, then the individual and the authorized agent for the business entity must both sign.

The notary must sign and date this section, and affix notary stamp or seal.



The authorized agent must include a copy of the corporate resolution or other authorizing document allowing the authorized agent to sign and certify on behalf of the business entity.

DRAFT

TRAWL IDENTIFICATION OF OWNERSHIP INTEREST

PACIFIC COAST GROUND FISH

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northwest Region
Fisheries Permits Office
7600 Sand Point Way NE, Bldg. 1
Seattle, WA 98115-0070



Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov

SECTION A – PERMIT/VESSEL/FIRST RECEIVER OWNER IDENTIFICATION

1. Are you a: <input type="checkbox"/> Permit Owner <input type="checkbox"/> Vessel Owner <input type="checkbox"/> Pacific Whiting First Receiver			
2. Permit Number GF	3. Vessel Name	4. USCG Doc or State Registration Number	
5. Name		6. TIN or DOB	
		7. State Registered, if business entity	
8. Business Mailing Address (also list physical address for first receiver, if different) <i>Street or PO Box</i>		9. Business Phone ()	
		10. Business Fax (<i>optional</i>) ()	
<i>City</i>	<i>State</i>	<i>Zip Code</i>	11. Business Email (<i>optional</i>)

SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS PART 1 – first level

NAME <i>(Last, First, Middle Initial)</i>	TIN or DOB	BUSINESS MAILING ADDRESS <i>(Street or PO Box, City, State, Zip Code)</i>	% INTEREST HELD
TOTAL OWNERSHIP =			100%

**SECTION B - IDENTIFICATION OF SHAREHOLDERS AND PARTNERS
PART 2 – second level**

NOTE: Owners of a business entity from Part 1 above must be listed down to the level of individual persons that make up that business. If more than one business is listed, be clear which individuals belong to which business. If necessary, attach an additional sheet of paper with the information required below.

NAME <i>(Last, First, Middle Initial)</i>		DOB <i>(mm/dd/yyyy)</i>	BUSINESS MAILING ADDRESS <i>(Street or PO Box, City, State, Zip Code)</i>	% INTEREST HELD <i>(IN BUSINESS)</i>
business name from Part 1				
list individual names				
TOTAL OWNERSHIP of Business 1 =				100%
business name from Part 1				
list individual names				
TOTAL OWNERSHIP of Business 2 =				100%
business name from Part 1				
list individual names				
TOTAL OWNERSHIP of Business 3 =				100%

SECTION C – SMALL BUSINESS CERTIFICATION

Are you a small business according to the standards outlined below? YES NO

Small businesses. The Small Business Administration has established size criteria for all major industry sectors in the US, including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of \$4.0 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the \$4.0 million criterion for fish harvesting operations. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide. For marinas and charter/party boats, a small business is one with annual receipts not in excess of \$7.0 million.

Small organizations. The Regulatory Flexibility Act defines “small organizations” as any nonprofit enterprise that is independently owned and operated and is not dominant in its field.

Small governmental jurisdictions. The Regulatory Flexibility Act defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.

SECTION D - CERTIFICATION OF APPLICANT AND NOTARY

This section must be completed by a notary to certify that the individual(s) have satisfactorily identified themselves.

Under penalties of perjury, I hereby declare that I, the undersigned, completed this form, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative (*NOTE: attach authorization, if needed*)

Notary Public Signature

ATTEST

Affix Notary Stamp or Seal Here

Date Commission Expires

WARNING STATEMENT: A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR 904, a civil penalty of up to \$140,000 under 16 USC 1858, and as a federal crime under 18 USC 1001.

PRIVACY ACT STATEMENT: Your DOB and/or TIN are confidential and protected under the Privacy Act. Provision of your DOB or TIN is mandatory as part of this collection. The primary purpose for requiring the DOB and/or TIN is to verify the identity of individuals/entities doing business with the government to provide a unique identification for assistance to comply with the Debt Collection Improvement Act of 1996 (Public Law 104-134) and for enforcement activities. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registration for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

PRA STATEMENT: Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to NOAA/National Marine Fisheries Service, Northwest Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Phone number, fax, email, TIN, and DOB are not released to the public. The names of individuals who have an ownership interest in an entity that owns a permit, vessel or processing plant and the actual percentage of ownership are considered business confidential and are not released to the public.