

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director



DATE: December 1, 1993

SUBJECT: Sablefish and Halibut IFQs

ESTIMATED TIME

1.5 HOURS

ACTION REQUIRED

- (a) Review Final Rule published on November 9.
- (b) Review implementation schedule for program.

BACKGROUND

(a) Final Rule

The Final Rule has now been published by the Secretary and I want to commend NMFS for their outstanding job in writing the regulations for the most complex management system the Council has proposed thus far. There are several issues, however, that the Council should note. Some can be addressed through a trailing amendment to the IFQ program, if the Council feels adjustments are necessary.

1. Verification of Vessel Lease for Initial Allocation

The Proposed Rule, consistent with Council intent, contained a provision which would allow for recognition of a vessel lease by either: (1) a written bareboat charter agreement, (2) an 'after the fact' written agreement signed by the vessel owner as to the existence of a lease whether written, verbal, or otherwise, and (3) other evidence of a lease such as 1099 tax forms.

Legal counsel has advised that the regulations need to be explicit about what does or does not constitute a vessel lease. For example, it appears that many permit holders may have been responsible for completing such tax forms, even though a lease was not technically in effect. Due to the varying nature of business relationships between vessel operators and vessel owners, it is unclear what constitutes a 'lease' in many situations. Therefore, the Final Rule has been changed such that initial allocation of QS will be to vessel owners unless a written lease or a notarized, after the fact agreement exists.

This language is contained on page 59406 of the Final Rule, Section 676.20 (a)(1)(C)(iii).

2. Effects of Confidentiality Rules on Initial QS Allocation

The Council intended for vessel owners/leaseholders to receive QS based on their landings history. The Final Rule, on page 59407, Section 676.20 (d), states that applicants for QS will receive only those data on a person's catch history that can be released under current confidentiality laws. These laws now prohibit landings information from being released to a vessel owner who was not the permit holder unless: (1) he has a confidentiality waiver from the permit holder, or (2) the information is aggregated across four or more permit holders, or (3) the vessel owner has copies of the fish tickets, in which case the release of the information would only verify what the owner already knows. Under the strictest, literal interpretations of the regulations, a vessel owner/leaseholder may not be notified of, or issued QS for landings made by a permit holder (also see Response to Comment #63, page 59394 of the Final Rule). At a minimum, this may prevent a QS recipient from contesting his initial allocation, which is based on aggregated catch data.

Roughly two-thirds of the QS recipients (vessel owners/leaseholders) also were the permit holder. That leaves one-third of the QS recipients which were not the permit holder for the landings on which their QS will be based. Without knowing how many of these have waivers, or copies of fish tickets, it is impossible to quantify the extent of the potential problem. However, based on conversations with NMFS implementation personnel, it appears that this is not likely to be a major problem and may only affect a few recipients at the extreme.

3. Effects of Ownership Caps

Ownership caps in the final rule are implemented by restricting persons from purchasing QS and IFQs beyond the caps, and by prohibiting NMFS from issuing IFQs above the caps (page 59408, Section 676.22(e)). Persons with initial allocations above the cap will be able to use them. Persons receiving excessive allocations through court order, operation of law, e.g. inheritance, or actions or regulations promulgated by the Secretary of Commerce, will be able to own the QS above the cap, but may not use the attendant excess IFQs.

These regulations will be satisfactory most of the time, but there will be some cases where a person who legally receives or purchases QS equal to the overall 1% cap, may become a victim of changing circumstances in the fisheries, circumstances beyond his control, and will end up not being able to use his full QS. Here are two examples:

1. A person is not allowed to purchase and use more than 1% of the Alaska-wide pool of QS. Assume that a particular fisherman's QS holdings are right at the 1% cap. If NMFS enforcement seizes, and thus retires from the fishery, some portion of the overall QS due to violations, the person who was right at the cap, would then be over, and may not be allowed to use his full complement of IFQs, all due to someone else's actions.
2. A second rule is that a fisherman cannot hold more than 1% of the Alaska-wide IFQs. Let's assume a person purchases the limit of 1% QS, all in a single area. The IFQ equivalence of the QS will vary from area to area based on the area's sablefish TAC for fixed gear. Table 1 shows the fixed gear TACs by area and year, 1992-1994, and how they have changed over time. Table 2 shows the tonnage equivalent of the 1% QS cap as it is applied to the areas and their respective TACs for the three years. That table shows that the 1% IFQ cap would not be limiting in the Eastern Bering Sea or Western Gulf of Alaska during any of the three years because the equivalent tonnage of the 1% QS cap is always less than 1% of Alaska-wide IFQs. In the Aleutians, the 1% IFQ cap would be limiting in 1992 only. Also

note that because all three areas lost TAC over the three years, albeit at different rates, the IFQ cap became less of a threat over time.

Turning to the Central Gulf of Alaska, Table 2 shows that the 1% IFQ cap would limit the accumulation of QS. The weight equivalent of the 1% QS cap is always greater than 1% of total IFQs. Therefore, no one would be able to purchase up to the full 1% QS cap, all in the Central Gulf. The IFQ cap becomes less of a constraint over time, even though TAC increases over the three years. This is because the 17.24% increase in the area TAC is less than the 17.55% gain Alaska-wide (see Table 1).

The real pinch comes in West Yakutat where the TAC increases by 29.67% from 1992 to 1994, outpacing the overall 17.55% gain Alaska-wide. Consequently, the tonnage equivalence of the 1% QS cap increases from just being equivalent to the 1% IFQ cap, to being 10% over the IFQ cap. Because of the 1% IFQ cap, the fisherman would not be able to use 27.1 mt of his QS holdings in 1994 if those IFQs were purchased. (If no purchases were involved then the IFQs could be issued and used.) This loss would be offset by his overall gains of 62 mt (271 minus 209 mt) for the three years as the TAC increased in his area. He nets a gain of about 35 mt sablefish despite his not being able to use all his QS in 1994.

Concerning East Yakutat/SEO, no one would ever be able to accumulate the 1% QS cap in that area because it is equivalent to about 4.72% of the IFQ for the area, and the Council has restricted anyone from holding more than 1% of the East Yakutat/SEO TAC.

There are several ways that the Council could address this issue of a person not being able to fully utilize their QS through no fault of their own. One way would be to retain the QS cap but remove the IFQ Alaska-wide cap, or at least increase it to say 1.2% which would alleviate the problem under the TACs of the last three years. Another approach would be to allow persons who exceed the QS and IFQ caps through no fault of their own, to still be able to use them. This would have to exclude use of IFQs by persons who received an excess due to court order or operation of law. A third approach would be to not change the final rule. Persons in areas where TACs outpaced the overall Alaska-wide TAC increase, would more than likely still net out a gain even if they could not use all of their IFQs. In addition, the plan team has suggested calculating area sablefish TACs based on a five-year running average. This will smooth out changes in TAC and help avoid sharp increases in specific areas that contribute to the cap problem.

4. Use of Halibut QS on Freezer/Longliners

The Council's motion in approving the IFQ program contained a provision to allow sablefish IFQs in the catcher vessel category to be used on a freezer/longliner, as long as no processed product was on board the vessel during the trip in which the catcher vessel IFQs were used. The Council's intent was not to extend this same option for halibut IFQs because they did not want to allow the potential for large amounts of the overall available halibut quota to be taken on freezer vessels. The Proposed and Final Rules will allow for halibut IFQ (as well as sablefish) to be utilized on freezer vessels acting as catcher vessels. (page 59409, Section 676.22 (i)(3)).

5. Vessel Clearances for Landings Outside Alaska

The Proposed Rule for the program contained a provision for vessels to clear through a primary port prior to leaving Alaskan waters to make landings at some other port. The Final Rule (page 59405, Section 676.17 (a)) lists Bellingham as a primary port and does not require clearance, inspection, or hold sealing prior to leaving Alaskan waters. The vessel must, however, report to NMFS the estimated hail weight of fish onboard and an estimated date and time the vessel will obtain clearance in Bellingham.

6. Sablefish CDQ Provisions

The regulations for the sablefish CDQ provisions (page 59410, Section 676.24 (b)) stipulate that the Secretary will allow no more than 12% of the total CDQ to be awarded to any one CDQ applicant. The current CDQ program is based on six existing organizations, which are expected to continue under the sablefish/halibut CDQ program. The limit of 12% may prove an impediment to practical implementation of this program. Item C-3(a) is a letter from the Western Alaska Fisheries Development Association concerning this issue.

(b) Implementation Schedule

NMFS will present an update on projected implementation schedules for the IFQ program. A meeting between NMFS and the IFQ Industry Implementation Workgroup was held Monday night and the Council may also expect a report from Kris Norosz, Chair of that group.

Table 1. Changes in fixed gear sablefish TACs, 1992-1994. Weights in metric tons.

<u>Area</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>% Change 1992-1994</u>
EBS	700	750	270	-61.4
AI	2250	1950	2100	-6.7
W	2000	1624	1832	-8.4
C	7656	7688	8976	+17.2
WYAK	3553	3638	4607	+29.7
EYAK	<u>4741</u>	<u>5158</u>	<u>6783</u>	<u>+43.1</u>
TOTAL TAC	20900	20800	24568	+17.6

Table 2. Area sablefish fixed gear TACs, IFQ weight equivalence of 1% QS cap, and that IFQ weight equivalence as a percent of the total IFQ available off Alaska.

BS (1% QS cap = 19.2% of BS TAC)			
<u>Year</u>	<u>TAC</u> (mt)	<u>19.2% TAC</u> (mt)	<u>% of All IFQs</u>
1992	700	134	0.64
1993	750	144	0.69
1994	270	52	0.21
AI (1% QS cap = 10.1% of AI TAC)			
<u>Year</u>	<u>TAC</u> (mt)	<u>10.1% TAC</u> (mt)	<u>% of All IFQs</u>
1992	2250	227	1.09
1993	1950	197	0.95
1994	2100	212	0.86
WGOA (1% QS cap = 9.04% of WGOA TAC)			
<u>Year</u>	<u>TAC</u> (mt)	<u>9.04% TAC</u> (mt)	<u>% of All IFQs</u>
1992	2000	181	0.87
1993	1624	147	0.71
1994	1832	166	0.67
CGOA (1% QS cap = 2.80% of CGOA TAC)			
<u>Year</u>	<u>TAC</u> (mt)	<u>2.8% TAC</u> (mt)	<u>% of All IFQs</u>
1992	7656	214	1.03
1993	7688	215	1.03
1994	8976	251	1.02
WYAK (1% QS cap = 5.89% of WYAK TAC)			
<u>Year</u>	<u>TAC</u> (mt)	<u>5.89% TAC</u> (mt)	<u>% of All IFQs</u>
1992	3553	209	1.00
1993	3638	214	1.03
1994	4607	271	1.10

WESTERN ALASKA FISHERIES DEVELOPMENT ASSOCIATION

Coastal Villages Fishing Cooperative • Norton Sound Economic Development Corporation
Bristol Bay Economic Development Corporation • Yukon Delta Fisheries Development Association

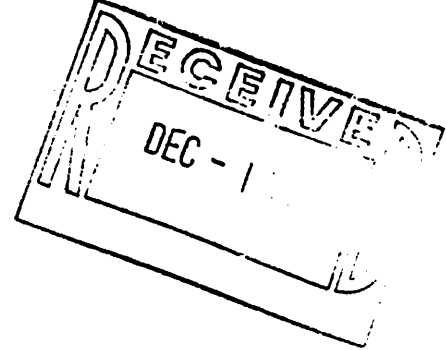


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November 30, 1993

Mr. Steven Pennoyer, Director
Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510



Re: Final Rule - Limited Access Management for Sablefish and Pacific Halibut

Dear Mr. Pennoyer and Mr. Lauber:

The Western Alaska Fisheries Development Association, or WAFDA, is a trade association consisting of the Bristol Bay Economic Development Corporation, the Coastal Villages Fishing Cooperative, the Norton Sound Economic Development Corporation, and the Yukon Delta Fisheries Development Association. Each of these corporations has an interest in the CDQ programs for Pacific halibut and sablefish, which were approved recently by the Secretary of Commerce. The final regulations implementing the program were adopted on November 9, 1993.

On January 8, 1993, three of the above corporations and the Bering Sea Fishermen's Association commented on the proposed rule for the Pacific halibut and sablefish CDQ programs. One comment concerned the 12 percent limitation on the amount of sablefish any one CDQ "applicant" could be awarded. As we pointed out in our comments, the fact that only six CDQ corporations have formed (out of a total of 56 potential applicants) means that either a maximum of 72 percent of the sablefish CDQ can be allocated or some

"Working in support of Alaska's Community Development Quota program"

of the CDQ corporations will need to split up so there will be more than six "applicants". To address this inequity, we suggested that each applicant be limited to a 33 percent maximum allocation.

In its response to this comment, NMFS agreed that 33 percent would be more consistent with the pollock CDQ program, but stated that it would be difficult to limit one community to 12 percent if it were part of a group of eight communities and each one received 12 percent for a total of 96 percent of the entire sablefish CDQ allocation. NMFS also stated that it did not have the authority to limit a CDQ applicant to 33 percent because this was substantially different from the council's approved fishery management plan text.

We believe that despite the inability of NMFS to limit an applicant to a 33 percent award, NMFS should not have deviated from the council's FMP amendment by limiting an applicant to 12 percent. Instead, in the final rule, NMFS should have required the CDQ applicants -- in their proposed community development plans -- to identify the methods by which it would limit any of its member communities from obtaining more than 12 percent of the sablefish CDQ allocation. By doing so, NMFS would follow the council's directive as to the amount of sablefish CDQ each community could receive and would avoid creating a number of unfortunate consequences for the CDQ program.

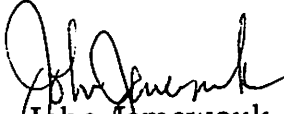
As mentioned above, the fifty-six communities eligible to participate in the CDQ program have organized into six corporations. To date, these pairings have been beneficial both to the member communities (by providing, over time, enough CDQ on which to base a self-sufficient fisheries economy) and to the regulators (by limiting the number of applications to review and community development plans to monitor). The final rule forces the existing corporations to split up in order to apply for the maximum amount of sablefish, to spend a great deal of money to create redundant administrative superstructures, and to compete for quota against communities that are their partners in the pollock CDQ program. As a result, the CDQ program, as presently designed, would be placed in serious jeopardy for totally unnecessary and avoidable reasons.

We respectfully request NMFS to initiate a technical amendment process to correct the problems created by the final rule. In doing so, NMFS should follow the intent of the NPFMC by limiting an individual community, not the CDQ applicant, to 12 percent of the sablefish CDQ allocation. Finally, in order to ensure that no community receives more than 12 percent of the allocation, the new rule should require the applicants to describe the process they will use to limit its component communities to 12 percent, which could be approved during the review of the applications and monitored during the implementation of the community development plans.

Mr. Steven Pennoyer/Mr. Richard Lauber
Page 3

Thank you for your consideration of our comments.

Yours truly,


John Jemewouk
Chairman



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

December 6, 1993

MEMORANDUM FOR: North Pacific Fisheries Management Council
IFQ Industry Workgroup

FROM: Philip J. Smith, Chief *Philip J. Smith*
Jessica Gharrett, Operations Manger
Restricted Access Management Division

SUBJECT: Status Report: Implementation of the IFQ
Program for Pacific halibut and sablefish

This memorandum, together with its attachments, will bring you up-to-date on IFQ implementation.

Things are moving forward rapidly. The attached summary organizational chart (see, Attachment "A") displays the structure of the Division staff and their functional areas of responsibility.

Applications Process

We have completed a draft of the "Request for Application" Package (see, Attachment "E")). This information will be sent to every vessel owner and/or permit holder who owned or leased a vessel and/or who held a permit card and recorded legal landings during the qualifying years. Included in the package are a variety of forms for the potential applicant to complete and return to us. When returned, we will be able to pre-print an application containing computerized records of vessel ownership, landings by year, etc.) . That document will be come the formal application, and will be returned to the applicant. When it is signed and returned to us, and if no challenges to the information are lodged by either the applicant or another party, we will issue the quota.

Applicants may, of course, dispute the "NMFS official record" by submitting their own information. If their information is clear and convincing on its face, we will alter the official record and issue quota based upon the new information. If not, the applicant will be given one more opportunity to perfect his/her application prior to final administrative denial and being instructed on how to file a formal appeal. (see, Attachment "B" for a display of the flow of applications through the system)



It remains our intent to hold IFQ Workshops in major longline fishing ports -- and, additionally, to provide applications assistance throughout the applications period. We expect that the workshops will occur in early February, though they are not currently scheduled. We will be working with the IFQ Industry Workgroup to coordinate that activity.

Finally, we are taking steps to make our office very accessible to fishermen and other members of the industry. By the end of December, we should have a "1-800" phone line in service (unfortunately, we don't have the phone number yet) in order to expedite our ability to respond to questions and to provide assistance to QS applicants.

Time Frames

We still intend to commence the applications period next month (probably about mid-January). Under the regulations, that application period will last for six months (through about mid-July), following which we will be processing appeals and administering QS transfers. It remains our goal to have IFQ in the hands of fishermen by March 1, 1975. (see, Attachment "C" for a more detailed display of the projected time frames)

Regulations

1. Regulations to govern the appeals process are now being finalized. Since these must be final by late spring (at which time we will begin to deny applications), we are moving rapidly to get a proposed rule out for comment.

2. We have conducted a detailed review of the regulations that govern the transfer of QS and IFQ. Since there are some areas that are unclear and/or internally inconsistent, we are developing some technical amendments that will make this section of the regulations more consistent and workable.

3. Related to "2" above, we are also moving quickly on regulations to implement the "block" restrictions as adopted by the Council in early October. These rules will directly impact transfer decisions.

Data Issues

The data base has been finalized; the contractor is now working with Division staff to design the programs needed to pull the information from the computer, organize it, and print it on the applications forms.

The contractor has also provided us with some initial reports that display, with some precision, a variety of information about the applicants with whom we will be working. (see, Attachment "D")

The data contractor has also completed an initial analysis of the "non-human" aspects of data management and programming requirements. From that document they will be developing the "critical path analysis" (detailed work plan) for the remainder of the project (including, purchase, installation, and testing of the needed hardware systems).

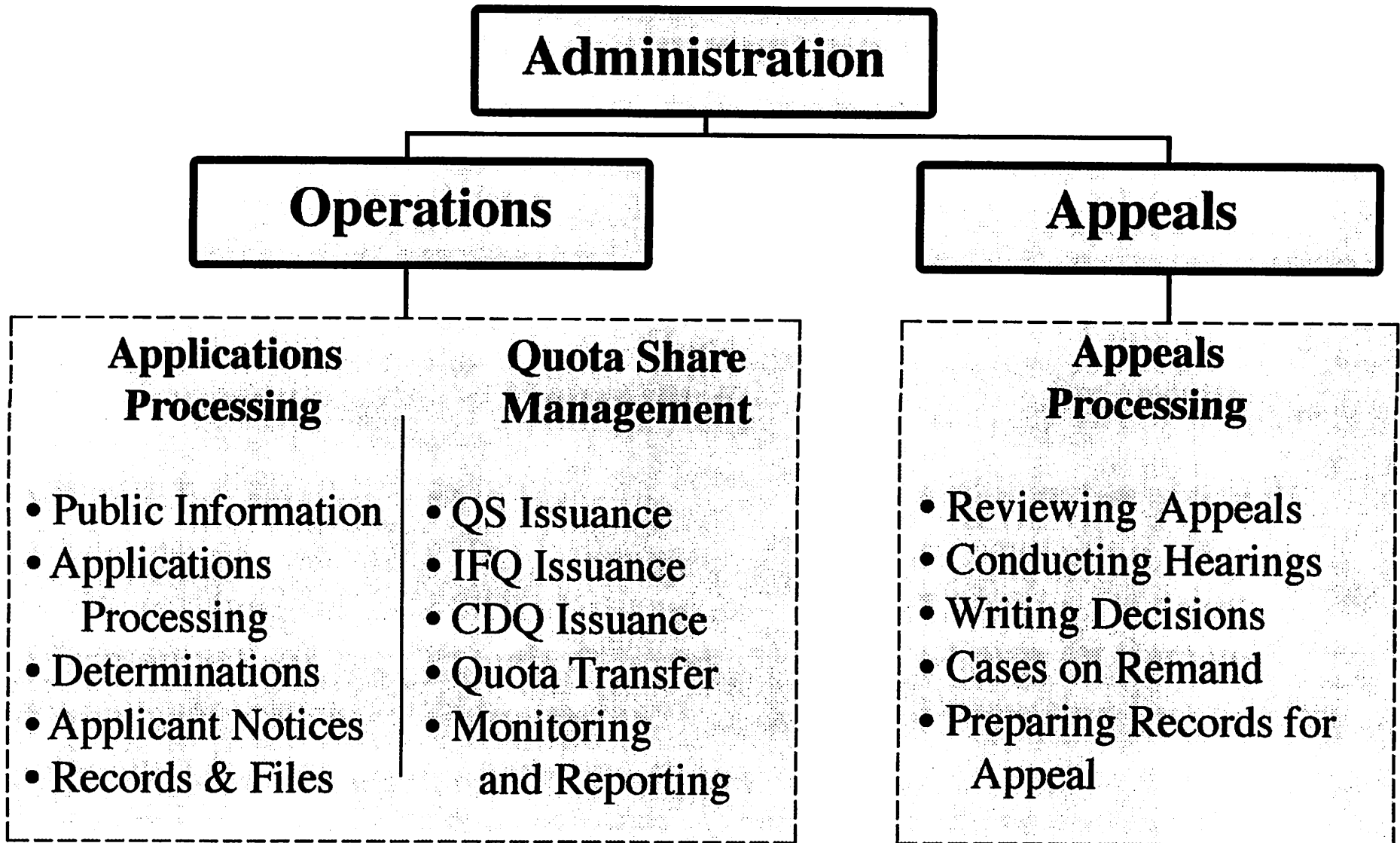
Conclusion

As noted, it is our intent to have this program fully implemented by March of 1995. Getting from here to there will present challenges, but none of them presently appear to be insurmountable. We hope to maintain good communications with the industry throughout the process, in order to put in place an efficient, responsive, and "user friendly" implementation effort.

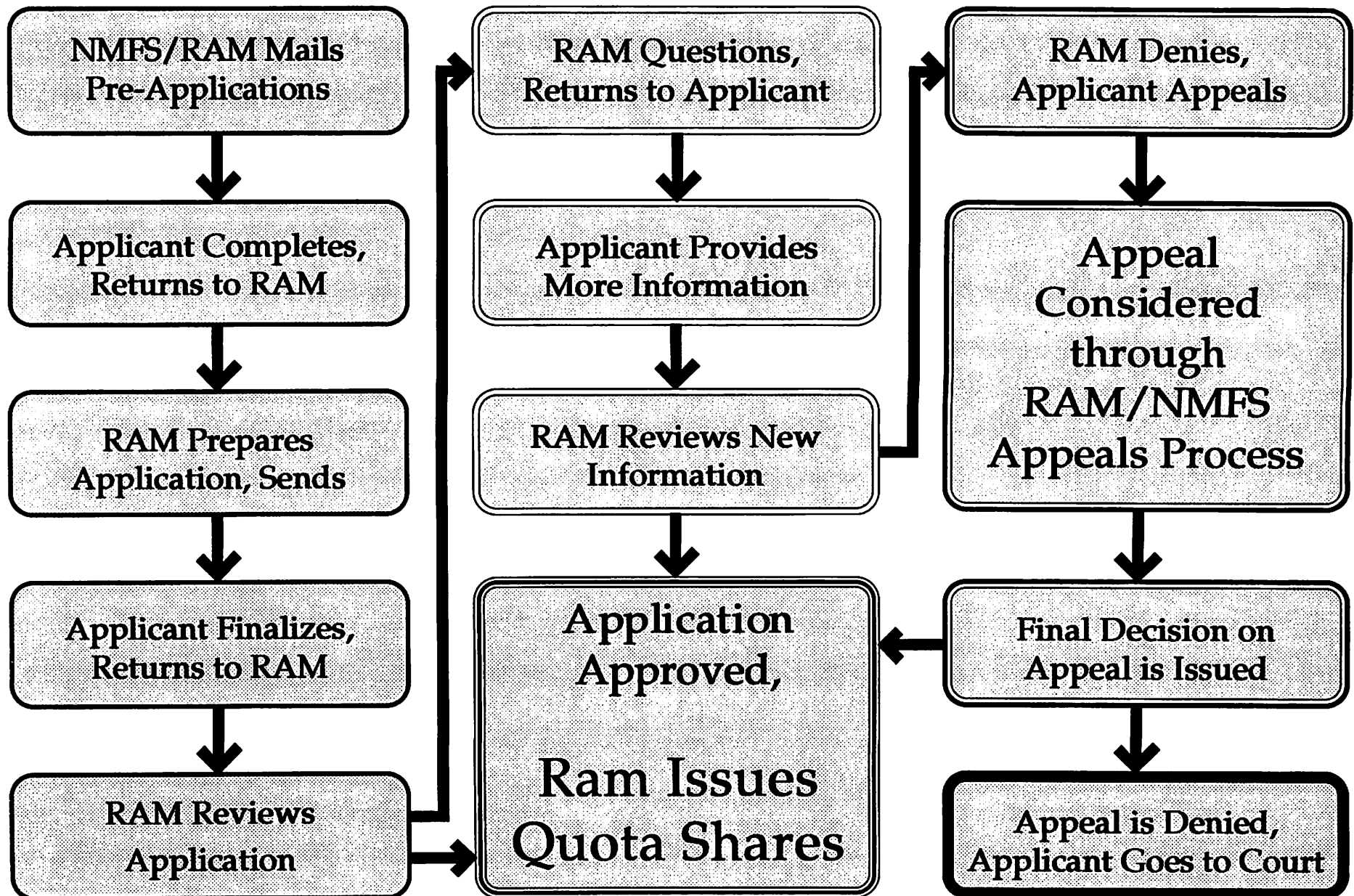
Attachments: A - Division Organization
 B - Applications Flow Chart
 C - Implementation Time-Lines
 D - Applicant
 E - DRAFT "Request for Application" Package

Functional Organizational Chart

Restricted Access Management Division



Quota Share Applications Process



IFQ Implementation

Projected Time-Frames

What Happens?

When?

- Pre-Applications Mailed December, '93
- Application Period Jan - Jun, '94
- Town Meetings & Assistance Feb - Mar, '94
- Applications Processing Feb - Oct, '94
- Appeals of Determinations Apr - Nov, '94
- Quota Share Issued Nov - Dec, '94
- Quota Transfers Begin December, '94
- 1995 TAC's Established January, '95
- IFQ Issued February, '95
- IFQ Fishing Begins March, '95

NMFS database of owners and permit holders:

- ~ 6,800 potentially eligible "persons"
 - ~ 6,500 individuals
 - ~ 300 companies

NMFS database of owners and permit holders:

■ ~6,800 persons potentially eligible for QS:

~5,400 for sablefish OR halibut

~1,400 for both species

■ ~8,200 potential applications for QS:

~1,550 for sablefish

~6,650 for halibut

Number of applications for QS types:

	Sablefish	Halibut
# vessel classes	3	4
# areas	6	8
Total Combos =	18	32

vessel classes
areas

Total Combos =

avg. combos/owner
owners

2.1	1.4
5,700	5,700
11,970	7,980

Expected # =
(minimum)

Permit Statistics for Vessels of Eligible Persons:

Type	Number	Percent
Used owner's permit only	18,829	79 %
Used over 3 permits	2,072	8 %
Have no permit	285	1 %
Used 1-3 permits, need waivers ?	5,883	22 %

Cities with over 150 Persons Applying for QS:

Kodiak	696
Homer	503
Sitka	468
Anchorage	384
Petersburg	356
Juneau	263
Ketchikan	209
Wrangel	172
Kenai	170
Soldotna	159
Seattle	159
Cordova	154

D R A F T

DRAFT

D A T E

Enclosed you will find a REQUEST FOR APPLICATION FOR QUOTA SHARE of sablefish and halibut under the Individual Transferrable Quota (IFQ) program.

This innovative program issues QUOTA SHARES of sablefish and halibut to qualified applicants based on past participation in the fishery. The program is based on a plan developed by the North Pacific Fishery Management Council, and on regulations implemented by the U.S. Secretary of Commerce.

This Request package is not an application for quota share, nor does it guarantee program eligibility or any future IFQ benefits. Completion of this package will help NMFS determine your eligibility and will authorize release of your own confidential landings data. If you are eligible, you will later receive a personalized APPLICATION FOR QUOTA SHARE, including a pre-printed summary of your official landings by species, vessel, fishing area, and year. These records will be developed using an official database based on NMFS catch reports and State of Alaska fish tickets. If you do not receive your personalized application within a month after submitting the enclosed Request for Application, you should contact NMFS for assistance.

If you need assistance completing the forms or have questions about the program, please contact NMFS Alaska Region in Juneau. Telephone the Restricted Access Management program at (907) 586-7344, or the Fish Management Division at (907) 586-7228 during business hours: Monday through Friday, 8:00 am to 4:30 pm, Alaska time. You may also write to the address above or send a facsimile to (907) 586-7131.

Sincerely,

Steven Pennoyer
Director, Alaska Region

(Date)
INSTRUCTIONS FOR COMPLETING
A REQUEST FOR APPLICATION
FOR SABLEFISH AND HALIBUT QUOTA SHARES

DRAFT

WHO QUALIFIES FOR QUOTA SHARES: You qualify if you are (1) a U.S. citizen, and (2) during 1988, 1989, or 1990, you owned or leased a fishing vessel, and (3) during 1988, 1989, or 1990 your vessel made a legal landing of halibut or sablefish, harvested with fixed gear, from any IFQ Regulatory Area.

DEFINITIONS:

"U.S. Citizen" means any individual who is a citizen of the United States at the time an application is made for a quota share; or any corporation, partnership, association, or other entity that would have qualified to document a fishing vessel as a vessel of the U.S. during 1988, 1989, or 1990.

"1988, 1989, or 1990" means qualifying years for an initial quota share.

"Legal landing" means halibut or sablefish harvested with fixed gear and landed in compliance with state and Federal regulations in effect at the time of the landing.

"Fixed gear" for halibut: hook-and-line gear, longline, set-line, troll and jig gear; for sablefish: hook-and-line, longline, set-line, and pot gear.

"IFQ Regulatory Area" for halibut: regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E of the International Pacific Halibut Commission; for sablefish: any of the three regulatory areas in the Gulf of Alaska (Eastern, Central, Western), subareas of the Bering Sea and Aleutian Islands management area and all waters of the State of Alaska except waters of Prince William Sound and waters managed under the Alaska limited entry program.

GENERAL INFORMATION: You MUST complete a REQUEST FOR APPLICATION to receive your personalized application for quota share.

If you have been mailed forms with a pre-printed name and IFQ number, do not give the forms to any other individual. The pre-printed IFQ number, if present, is assigned to the applicant whose name is printed on the form. Use of this number by any other individual may delay or jeopardize processing your Request for Application and your eligibility for quota share.

Losing your forms having the pre-printed IFQ number also may delay processing of your request.

D-1

Make note of your preassigned IFQ ID number (top right corner of the form, if pre-printed). You will need to refer to this number when adding additional pages or documentation, or when corresponding with NMFS about your Request for Application or Application for Quota Share. If you misplace forms or want to start over, blank forms are available at NMFS, Alaska Department of Fish and Game, and Alaska Limited Entry Commission offices, or by mail from NMFS.

Complete the appropriate forms accurately and legibly, and return the signed originals by mail to NMFS, Juneau, at the earliest possible date. **ONLY MAILED FORMS, WITH ORIGINAL SIGNATURES WILL BE ACCEPTED.** You may attach additional sheets and documentation if necessary; each sheet must include your name and your IFQ identifying number (if known), or other identifying information. You should **retain keep copies of your IFQ ID number and completed forms** for future reference.

You **MAY** wish to gather documents that demonstrate your vessel ownerships. You **SHOULD** obtain and submit information that demonstrates any lease arrangements and information about your membership in dissolved corporations or partnerships that may have qualifying landings. Appropriate documentation is outlined under instructions for completing Forms A-D below.

This **REQUEST FOR APPLICATION PACKAGE** includes the following:

- FORM A (applicant request form for individuals)
- FORM B (applicant request form for corporations or partnerships)
- FORM C (vessel information form)
- FORM D (request for applications for quota share of dissolved business arrangements)
- State of Alaska Fish Ticket Release Form

-- INSTRUCTIONS --
FILLING OUT THE FORMS

DRAFT

All forms must be signed in ink and the original mailed to NMFS at the address given. Include your name, and IFQ IF number (if known), at the top of every page submitted.

FORM A (Applicant Form for Individuals) and
FORM B (Applicant Form for Corporations and Partnerships).

Complete EITHER Form A or B, depending on whether you fished as an individual or were involved in a partnership or corporation. Some potential applicants who fished during the qualifying years have since died. Estates of deceased applicants may apply for the decedent's quota share. If the deceased individual would have qualified, the ESTATE will be awarded quota share. Only one application will be allowed per estate. Form A has a set of questions relating to applications by estates, which may be ignored if the questions do not apply.

FORM C (Vessel Information Form).

ALL respondents must complete this form. Use one Form C for each vessel owned or leased during 1988, 1989, or 1990. If the vessel was not leased during 1984-1991 for the purpose of fixed-gear fishing, complete only the top portion. If your vessel was leased to another person, or if you leased this vessel from the owner during those years, complete both the top and bottom portions of the form and provide documentation of the lease.

You MAY wish to provide documentation of vessel ownership. Regulations stipulate that evidence of vessel ownership shall be limited to the following documents, in order of priority:

- a. for vessels required to be documented under the laws of the United States, the U.S. Coast Guard abstract of title issued in respect of that vessel;
- b. a certificate of registration that is determinative as to vessel ownership;
- c. a bill of sale.

You SHOULD provide documentation of any leases. Regulations stipulate that evidence of a lease shall be limited to a written vessel lease agreement or a notarized statement from the vessel owner and lease holder attesting to the existence of a vessel lease agreement at any time during the Quota Share qualifying years. Evidence of a vessel lease must identify the name of the lease holder and the period of time during which the lease was in effect.

FORM D (Request for Application of Quota Share of Dissolved Corporations and Partnerships).

DF-1

Complete this form if you were a shareholder or partner in a corporation or partnership that existed during 1984-1991 and the company may qualify for quota share based on a history in the fishery, but the company no longer exists. You must list known information about all shareholders and indicate the ownership percentage of each. This information will be used to verify each co-owner's entitlement. Complete a separate Form D for EACH corporation or partnership in which you were involved.

Regulations stipulate that evidence of ownership in a dissolved partnership or corporation shall be limited to corporate documents (e.g., articles of incorporation) or notarized statements signed by each former partner, shareholder or director, and specifying their proportions of interest.

State of Alaska Fish Ticket Release Form.

You MAY need to complete the Fish Ticket Release Form. This Release will enable NMFS to provide you with confidential fish ticket data if needed in the future. You must provide releases signed by each permit holder making landings from the vessel.

BE SURE TO SIGN ALL FORMS, AND TO INCLUDE YOUR IFQ NUMBER IF YOU KNOW IT. Be certain that all information requested is provided to the best of your knowledge. Unanswered questions can delay processing of your request for application.

IF YOU NEED ASSISTANCE...

If you need assistance or have questions about the program, please contact the NMFS Restricted Access Management program at (907) 586-7344, or the Fish Management Division at (907) 586-7228, in Juneau, Monday through Friday, 8:00 am to 4:30 pm, Alaska local time. You may also contact NMFS by mail, or by facsimile at (907) 586-7131.

Copies of the federal IFQ regulations are available on the NMFS computer bulletin board, which can be accessed by dialing (907) 586-7259 with a computer modem, or from NMFS, Juneau, at the numbers above.

NATIONAL MARINE FISHERIES SERVICE
 Restricted Access Management
 P.O. Box 21668
 Juneau, AK 99802-1668
 phone: (907) 586-7344

FOR OFFICIAL USE ONLY:
 IFQ ID NO.: 1~
 Date Mailed: 12/3/93

**FORM A
 REQUEST FOR APPLICATION FOR QUOTA SHARE
 APPLICANT FORM FOR INDIVIDUALS**

COMPLETE FORM A (FOR INDIVIDUALS) OR FORM B (FOR CORPORATIONS OR PARTNERSHIPS)

TYPE OF APPLICATION (Check 1 Box Only): HALIBUT [] SABLEFISH [] HALIBUT & SABLEFISH []

Print using ink, or type

Last Name of Applicant	First Name	Middle Initial
If this application is made on behalf of the estate of a qualifying fisherman who has since died, please provide the following information regarding date of death, social security number, and estate representation.		
Date of Death	Social Security Number of Decedent	Name of Contact Representative for Estate
Business Address (include P.O. Box or apt. number, if any)		
DRAFT		
City	State	Zip
Business Phone	Other Phone	Fax Number (if any)
Social Security Number	Date of Birth	
	Month: Day: Year:	
By my signature below, I (1) swear or affirm that all information I have provided is true to the best of my knowledge; and (2) authorize release of confidential data (state and federal) pertaining to my quota share. Knowingly submitting false information will be regarded as a criminal offense.		
Signature of Applicant or Estate Representative (in ink)		Date

OMB Control No. - 0648-0272

Expiration Date 2/28/96

Public reporting burden for this collection is estimated to average .5 hour per response, including the time for reviewing 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 this burden, to the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, Alaska, 99802; and to the Office of Management and Budget, Paperwork Reduction Project (0648-0272), Washington, DC. 20503.

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 DATE MAILED: 12/3/93

FORM B
REQUEST FOR APPLICATION FOR QUOTA SHARE
APPLICANT FORM (FOR CORPORATIONS OR PARTNERSHIPS)

COMPLETE FORM A (FOR INDIVIDUALS) OR FORM B (FOR CORPORATIONS OR PARTNERSHIPS)

TYPE OF APPLICATION (Check 1 Box Only): HALIBUT [] SABLEFISH [] HALIBUT & SABLEFISH []

Print using ink, or type

Name of Corporation or Partnership		
Business Address (include P.O. Box or apt. number, if any)		
City	State	Zip
Business Phone	Other Phone	Fax Number (if any)
Federal Tax ID Number	Date of Incorporation or Partnership Agreement	
	Month	Day Year
<p>By my signature below, I (1) swear or affirm that all information I have provided is true to the best of my knowledge; and (2) authorize release of confidential data (state and federal) pertaining to my quota share. Knowingly submitting false information will be regarded as a criminal offense.</p>		
Last Name of Contact Person		First Name and M.I.
Signature of Contact Person (in ink)		Date

OMB Control No. 0648-0272

Expiration Date 2/28/96

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FOR OFFICIAL USE ONLY

IFQ ID NUMBER 1 ~

**FORM C
REQUEST FOR APPLICATION FOR QUOTA SHARE
VESSEL INFORMATION FORM**

(ALL APPLICANTS MUST COMPLETE ONE FORM C PER VESSEL.)

Print using ink, or type

Vessel Name	ADP&G Vessel Reg. Number	USCG Vessel Reg. Number	Registration Numbers in other states: List state and registration number		
Owner's Full Name and Business Address	Vessel Purchase Date	If sold, date of sale	Length overall	Processor? (Yes or No)	Freezer Capacity (Cubic Feet)

Was this vessel LEASED TO YOU Yes () No () or LEASED FROM YOU Yes () No () for the purposes of fixed-gear commercial fishing during 1984-1991? If you answered YES to either of these, also complete this middle section:

Lessee's Full Name	Lessee's Address	Lessee's City, State, and zip	Lessee's phone number	Lease begin date	Lease end date

If you need additional space, use a duplicate form or blank sheet of paper with name and IFQ ID numbers (if known) on each additional page. You may provide supporting evidence of vessel ownership or lease arrangement if appropriate, although it is not required for purposes of requesting an application.

By my signature below, I (1) swear or affirm that all information I have provided is true to the best of my knowledge; and (2) authorize release of confidential data (state and federal) pertaining to my quota share. Knowingly submitting false information will be regarded as a criminal offense.

PRINT Name of Applicant:

Signature (in ink):

Date

OMB Control No. 0648-0272

Expiration Date 2/28/96

Public reporting burden for this collection is estimated to average .5 hour per response, including the time for reviewing 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 this burden, to the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, Alaska, 99802; and to the Office of Management and Budget, Paperwork Reduction Project (0648-0272), Washington, DC, 20503.

NATIONAL MARINE FISHERIES SERVICE

Restricted Access Management

P.O. Box 21668

Juneau, AK 99801

phone: (907) 586-7344

FOR OFFICIAL USE ONLY

IFQ ID NUMBER: 1 -

**FORM D
REQUEST FOR APPLICATION FOR QUOTA SHARE**

FORM FOR DISSOLVED CORPORATION OR PARTNERSHIP

TYPE OF APPLICATION (Check 1 Box Only): HALIBUT SABLEFISH HALIBUT & SABLEFISH

Print in ink, or type

<p>This request for application for quota share is being made by a person who was a shareholder in a corporation or a partner in a partnership which existed during any or all of the years between 1984 and 1991, but which no longer exists, to claim catch for purposes of quota share application on the basis of past ownership in that company's catch. Please complete the following information for each shareholder of that corporation, or each partner in the partnership.</p>				
<p>Business Name and Federal Tax ID Number</p>				
<p>Business was a: Corporation <input type="checkbox"/> Partnership <input type="checkbox"/></p>				
<p>Date of Incorporation or Partnership Agreement:</p>			<p>Date of Dissolution:</p>	
<p>Shareholder's/Partner's Name</p>	<p>Shareholder/Partner's SSN</p>	<p>Shareholder/Partner's Business Address</p>	<p>Shrhldr/Ptnr's City, State and Zip Code.</p>	<p>Shrhldr/Ptn ownership percentage</p>
		DRAFT		
<p>If you need additional space, use a duplicate form or blank sheet of paper with name and IFQ ID number (if known) on each additional page. You may provide supporting evidence on vessel ownership, lease arrangement, and interest in dissolved corporation or partnership, if appropriate, although it is not required for purposes of requesting an application.</p>				
<p>By my signature below, I (1) swear or affirm that all information I have provided is true to the best of my knowledge; and (2) authorize release of confidential data (state and federal) pertaining to my quota share. Knowingly submitting false information will be regarded as a criminal offense.</p>				
<p>PRINT Name of Applicant</p>				
<p>Signature (in ink)</p>			<p>Date</p>	

OMB Control No. 0648-0272

Expiration Date 2/28/96

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SAMPLE

State of Alaska
Department of Fish and Game
Fish Ticket Release Form

Pursuant to Alaska Statute 16.05.815, individual fish ticket records are defined confidential. Fishermen requesting release of department records of their participation in a given fishery must sign this form in the presence of a notary public. The notarized form may be turned in at any area office of the Alaska Department of Fish and Game, or sent directly to:

Alaska Department of Fish and Game
Division of Commercial Fisheries
Computer Services Section
P.O. Box 25526
Juneau, AK 99802-5526
Phone: (907) 465-4150

Halibut ticket printouts are only available from the International Halibut Commission.

Please complete every item - failure to do so will cause delays in the release of your records.

Records by permit number are available from 1975 forward.

I, _____, hereby request the release
name of fisherman, printed or typed
of ADP&G records of my fishing under activity under my commercial
fishing permit number _____, for the year(s)*
give complete number

_____.
give year(s) for which records needed

If report is to be sent to another party, please fill in both sides.

Release records to:

Fisherman's Signature

Name of Authorized Representative

Address

Address

S.S. # Date

Subscribed and sworn before me
his ____ day of _____, 19__.

Notary Public _____

My Commission expires _____