

Request to Transfer Limited Access  
General Category (LAGC) Individual  
Fishing Quota (IFQ) Scallop  
Allocation



**United States Department of Commerce**  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, MA 01930  
(978) 282-8483

**2017 Fishing Year (March 1, 2017 – March 31, 2018)**

This form must be used to request a temporary or permanent transfer of IFQ between two IFQ scallop vessels. Written approval or disapproval of the request will be provided within 30 days of receipt of this form. IFQ may be leased only prior to the end of the current fishing year and must be used in accordance with the regulations found at 50 CFR 648.82(h)(5). A summary of conditions and restrictions is attached with this form.

**➡ Before completing this form, you should read the information attached with this form on IFQ changes under Framework 28.**

**➡ You should also read the summary of the Program Requirements and Restrictions' for additional information on leases/transfers.**

Section 1 - Check the type of transfer you are requesting:

<input type="checkbox"/> Temporary IFQ Allocation Transfer	<input type="checkbox"/> Permanent IFQ Allocation Transfer
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Section 2

Transferor (Seller)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name Permit Number: USCG Doc or State Reg. Number:
Quota in <b>Pounds</b> to be Transferred:	Price Received for the Transfer: \$

Section 3

Transferee (Buyer)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name: Permit Number: USCG Doc or State Reg. Number:

Section 4

Signature of Transferor or Authorized Agent:	Signature of Transferee or Authorized Agent:
Date:	Date:
➤ We will not accept any 2017 FY IFQ lease or transfer applications received after March 31, 2018	

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate to: NMFS, 55 Great Republic Drive, Gloucester, MA 01930. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. OMB Approval No. 0648-0491 Expires: 7/31/2020

## Important Framework 28 Information

On March 23, 2017, Framework Adjustment 28 to the Atlantic Sea Scallop Fishery Management Plan (Framework 28) was approved. Framework 28 reduced the annual catch limit of the scallop IFQ fishery from 4,067,529 lb to 2,261,943 lb.

**Please be aware that permanent transfer that are received on or after March 23, 2017 will be based on seller's lower base allocated pounds.**

For example:

**Boat A** allocation:

Before FW 28: 1,000 lb

After FW 28: 500 lb

If **Boat A** permanently transfers 500 lb to **Boat B** after Framework 28, then **100%** of the **Boat A's** allocation percentage will be transferred to **Boat B**.

Calculated as follows:  $(500 \text{ lb to transfer} / 500 \text{ lb seller's base allocation after Framework 28}) \times 100 = 100 \text{ percent}$

- **If you have any leasing or transfer questions, please contact us at (978) 281-6186 or (978) 282-8483 for further information.**

## Scallop IFQ Transfer Program Requirements and Restrictions

### IFQ transfer request submission

IFQ transfer applications may be submitted by mail, fax (978-281-9110), or email (ScallopIFQ.Transfer@noaa.gov). Emailed applications must be submitted with signatures and date in PDF format. This summary is not intended to substitute for the regulations. The regulations regarding the LAGC IFQ Transfer Program are located at 50 CFR 648.53(h)(5).

### IFQ transfer restrictions.

- IFQ must be transferred to another vessel also issued an IFQ permit and may not be transferred from or to a vessel issued both a limited access full-time, part-time, or occasional scallop permit and a scallop IFQ permit.
- A transfer of IFQ may not result in the sum of the IFQs on the receiving vessel exceeding 2.5 percent of the annual catch limit allocated to IFQ scallop vessels.
- A transfer of IFQ may not result in the recipient having ownership of IFQ scallop allocations that exceeds 5 percent of the annual catch limit allocated to IFQ scallop vessels.
- The Regional Administrator has final approval authority for all IFQ transfer requests.

### Temporary IFQ transfers (i.e., Leases).

- Temporary IFQ transfers shall be effective only for the fishing year in which the temporary transfer is requested, approved, and issued.
- The owner of a vessel issued an IFQ scallop permit may temporarily transfer some or all of the vessel's IFQ allocation.
- Temporary transfers may not be in amounts of less than 100 lb unless that value reflects the total IFQ allocation remaining on the transferor's vessel, or the vessel's entire IFQ allocation.

### Permanent IFQ transfers.

- A vessel permanently transferring its IFQ to another vessel is not required to also transfer its Federal limited access scallop IFQ permit. The transferring vessel will only be permanently transferring its IFQ contribution percent allocation; the IFQ permit will remain with the transferring vessel. If you wish to transfer a scallop IFQ permit, along with the IFQ contribution factor, a vessel replacement application must also accompany the LAGC IFQ Scallop Allocation Transfer from.
- Any such transfer cannot be limited in duration and is permanent unless the IFQ is later transferred to another IFQ scallop vessel, other than the originating IFQ scallop vessel, in a subsequent fishing year. The transferring vessel can permanently transfer some or all of its IFQ/contribution percentage. If a vessel permanently transfers its entire IFQ to another vessel, its IFQ permit will remain valid (with a contribution percent of zero and no associated IFQ allocation), unless the owner cancels or fails to renew the permit, at which point the permit will be considered permanently relinquished.

### Application requirements.

- The application must be signed by both parties (transferor and recipient) involved in the transfer of the IFQ or an authorized agent.
- Applications may be submitted at any time during the scallop fishing year, provided the vessel transferring the IFQ has not utilized any of its IFQ in that fishing year.
- Applications must be submitted at least 30 days before the date on which the applicants desire to have the IFQ transfer effective on the receiving vessel.
- Applications for temporary transfers should be submitted 45 or more days prior to the end of the fishing year to ensure time for a vessel to utilize the transferred IFQ prior to the expiration of the fishing year.

Application information. Information obtained from the transfer application is subject to the confidentiality requirements of the Magnuson-Stevens Act.

### Approval of IFQ transfer applications.

- Unless an application to transfer IFQ is denied for reasons below, the Regional Administrator shall issue confirmation of application approval to both parties involved in the transfer within 30 days of receipt of an application.

Denial of transfer application. An application to transfer IFQ may be rejected for, but not limited to, the following reasons:

- The application is incomplete.
- The transferor/seller or transferee/recipient's vessel is not issued a valid IFQ scallop permit.
- The transferor's or recipient's vessel or IFQ scallop permit has been sanctioned, pursuant to an enforcement proceeding.
- The transfer will result in the recipient's vessel having an allocation that exceeds 2.5 percent of the total allowable catch allocated to IFQ scallop vessels.
- The transfer will result in the recipient having ownership of general category scallop allocation that exceeds 5 percent of the total allowable catch allocated to IFQ scallop vessels.
- The transfer has an insufficient amount of IFQ allocation to enact the transfer.
- The transferor or transferee has failed to submit past due Vessel Trip Reports or comply with vessel trip reporting requirements.

Upon denial of an application to transfer IFQ, the Regional Administrator will send a letter to the applicants describing the reason(s) for the rejection. The decision by the Regional Administrator is the final agency decision and there is no opportunity to appeal the Regional Administrator's decision. Deficiencies in applications must be corrected with a new application for an IFQ transfer.

#### Cost Recovery

The Magnuson-Stevens Fishery Conservation and Management Act requires IFQ programs to include a cost recovery program, whereby NMFS will collect up to 3 percent of ex-vessel value of landed product to cover NMFS's actual costs directly related to the management, data collection, and enforcement of an IFQ program. IFQ scallop vessels incur a cost recovery fee liability for every landing of IFQ scallops, including scallops landed that came from an IFQ transfer. Each IFQ scallop permit holder will be responsible to pay a fee for all the IFQ scallop landings from their vessel and permit in a year. The current owner of the vessel issued an IFQ scallop permit shall be responsible for submitting this payment to NMFS by January 1<sup>st</sup> each year. If this fee is not paid by the due date, NMFS will not process any IFQ transfers or the vessel's permit application for the following fishing year, until the full payment is received.

### **Important Reminder**

- **Vessel owners cannot land more IFQ scallops than they have been allocated.**
- **Vessel owners cannot fish for, possess or land IFQ if they do not have quota available.**
- **Vessel owners cannot start a trip if they have a negative balance.**