



**NOAA**  
**FISHERIES**

# NOAA Fisheries Draft Guidance for Conducting 5/7 Year Reviews of Catch Share Programs

Overview of Key Components and a Summary  
of Council Feedback  
February 25, 2016

# Guidance Document

- Office of Sustainable Fisheries is finalizing a guidance document for 5/7 year reviews of catch share programs
  - Identifies key components of review process, review document, and questions/issues to be addressed



# Periodicity of Reviews

- Initial review: 5 years after the program was established for LAPPs implemented after January 12, 2007
- Subsequent reviews:
  - Coincide with Council or Secretarial review of the relevant FMP, but no less than every 7 years.



# Process

- Review Plan ✓
  - Plan established before the end of the 5<sup>th</sup> year. Council review before finalized and starting significant work.
- Review Team ✓
  - Representatives from the Council, Regional Office, Science Center, and Office of Law Enforcement
- Interim Reports ✓
  - Annual or biennial reports help to identify gaps in available data and analyses

# Process

- Review team responsible for compiling data, conducting analyses, and writing report
- Drafts of report made available to Council and advisory groups (e.g. SSC, Advisory Panels)
- Review Final Report
  - Council, Regional Office, Science Center, Office of Law Enforcement, and General Counsel approve review before considered final

# General Approach and Scope

- Purpose: to describe and analyze the effects that have taken place *since* the baseline time period (pre-implementation or implementation) or last review
- Incorporate by reference and summarize other relevant findings when possible
- Use standardized indicators when possible
- Holistic approach. For e.g., if two or more programs found to have significant interdependencies, joint reviews may be completed after the initial reviews.

# Structure

- Purpose and Need of review
- Goals and Objectives of the program, FMP, CS Policy, and MSA
- History of Management
- Description of biological, economic, ecological, social, and administrative effects
- Evaluation of above effects with respect to goals and objectives
- Summary of conclusions
- Recommendations regarding potential changes

# Analyses

- Goals and Objectives
  - To what degree were the goals and objectives met?
  - Are the goals and objectives clear, measurable, achievable, and still appropriate?
  - If goal unclear, Council/NOAA Fisheries should clarify
    - E.g. “reduce overcapacity” tells direction but not magnitude of desired change;
    - Was the intent to eliminate overcapacity or reduce overcapacity to some target level?



# Analyses

- Examine existing allocation between
  - Entities and sectors (e.g. gear types) in the program
  - Commercial and recreational allocation
    - may be conducted separately from the review if complex
    - unless compelling reason not to do so (e.g., subject of current action)
- Eligibility requirements
  - Who can hold shares?
    - e.g. US citizenship, owner on board provisions
  - Do eligibility restrictions inhibit/preclude achievement of goals?
  - Are any new restrictions needed to achieve goals?

# Analyses

- Transferability
  - Are transferability provisions helping to achieve goals/objectives?
  - Potential for trade-offs
- ACL/AM/Quota Performance
  - Has the program helped keep landings within limits?
  - Describe any changes in stock status
  - Address changes in bycatch
  - Is quota being fully utilized? If not, how to address?

# Analyses

- Accumulation limits/caps
  - Evaluate impacts of existing caps
  - Analysis of market power
  - Is existing data collection/monitoring sufficient to determine ownership and enforce caps?
- Cost Recovery
  - Current cost recovery percentage and amount collected
  - Economic effect of fees on participants
  - Compliance/enforcement issues related to cost recovery
  - Does it cover NOAA Fisheries' incremental costs?

# Analyses

- Data collection
  - Describe programs and any changes
  - Identify data gaps and recommend solutions
    - Cost estimates of recommendations
    - Burden on participants and administrators
- Monitoring and Enforcement
  - Do current enforcement actions ensure high rate of compliance?
  - Types of non-compliance

# Analyses

- Duration
  - MSA 303A(f) limits catch share programs to 10 years, although they will be renewed if not revoked, limited, or modified
  - Is the current duration still appropriate given the goals and objectives?
- New Entrants
  - Does the structure of the program sufficiently allow for new entrants?
  - Loan programs established to help new entrants?

# Analyses

- Auctions/Royalties
  - Indicate if auctions/royalties considered at implementation or subsequently considered
  - Royalties are not cost recovery fees
- Fishery, Species, and Gears
  - Interdependencies with other fisheries (both in and outside of Catch Share programs)
  - Gears or species to remove/add to program
  - Reallocating species or gears

# Council Feedback

- Received from NEFMC, MAFMC, PFMC, NPFMC, GMFMC
- Guidance is Overly Prescriptive and Onerous
  - Should be tailored to individual programs- not determined at National Level
  - Should not be compared to NEPA analyses
  - Needs clarification of requirements in MSA vs recommendations for best practices
  - Analyses would require extensive time and resources (allocation, market control, etc.)
  - Analyses of historical participants is not practical (requires substantial effort for marginally informative results)
  - Setting Councils up for perceived failure

# Council Feedback

- Catch Share Programs vs LAPPs--Same Requirements?
- Consideration of Allocations
  - How does this relate to NOAA Fisheries and CCC allocation documents?
- Process and Timing
  - Review should be a Council document
  - Review team should depend on program
  - RA should be one NOAA Fisheries “approval”
  - MSA says “5 years after” not “within 5 years after”