

Please note: This motion was modified by several amendments; which will be available in the Final April 2009 Council Meeting Minutes and Voting Log. Some of the items listed in this document may or may not have been voted on. Again, please note the final will be available in the Final April 2009 Council Meeting Minutes and Voting Log.

Agenda Item F.4 d  
Supplemental Motion  
April 2009

## California Department of Fish and Game Proposed Motion Concerning Basic Elements of Community Fishing Associations (CFAs)

Motion # 1. I move that the Council preliminarily adopt the following:

### **Goals**

Provide a vehicle for a vulnerable community (as defined in the DEIS) to own QS or hold QP to meet community stability issues such as dislocation of trawlers, processors, crew, loss of revenue, and cultural and social changes as a result of the Trawl-Rationalization process as the first priority.

Provide for a primary groundfish fishing community (as identified in the DEIS), that becomes "vulnerable" through the implementation of the Trawl-Rationalization to own QS or hold QP to meet community stability issues such as dislocation of trawlers, processors, crew, loss of revenue, and cultural and social changes.

Provide for needed infrastructure to sustain trawl fisheries and non-trawl fisheries such as crab, salmon, nearshore GF fisheries within that community.

Demonstrate measurable positive changes to the stability of vulnerable communities through the use of CFAs and trawl quota.

Motion # 2. I move that the Council preliminarily adopt the following:

### **Organization**

A Community Fishing Association or Regional Fishing Association (RFA) may be a corporation, partnership, voluntary association, OR other entity established under the laws of the U.S. that is eligible to hold QS/QP under the rules of the trawl rationalization program.

Such an entity is not entitled to receive an initial allocation of QS. Trawl permits must be used in conjunction with QS/QP.

Such an entity is entitled to acquire QS during the first two years of the Trawl Rationalization program through a divestiture stipulation.

Such an entity is entitled to receive preferential status for consideration of Adaptive Management Program QP within the structure of that program.  
Motion #3. I move that the Council develop the following elements (and use the Agenda Item F.4.a Attachment 4) between now and the June Council meeting:

**CFA Structure and Operations -**

a. How is the CFA organized and how will it operate?

*Suggestions:*

- Managed under articles of incorporation and/or by-laws, including removal of officers, sanctions or code of conduct for individuals granted QP, and conditions under which the CFA can be dissolved;
- Maintain and disclose an organizational chart and explanation of management structure, including roles and responsibilities;
- Maintain and disclose information necessary to assess compliance with ownership and control limits and the individual and collective rule;
- Provide statement describing how QS are held and procedures that will be used to distribute QP each year to members of the community;
- Identify the number and identities of participants in the CFA.
- Identify how the QS will be sold or held should the CFA dissolve or have new officers.

b. How does the CFA propose to meet the goals?

*Suggestion:* - must have an approved Community Stability/CFA Plan that addresses the various community stability issues identified in section 4-14 of the DEIS. Must describe how it will contribute to the social, economic development, and conservation and monitoring needs of the fishery locally, including the needs of community- based new processors/receivers, entry-level and small vessel owner-operators, captains, and crew.

**Membership in CFAs**

Who must be a member?

Who may be a member?

Who can't be a member?

**Membership and Control**

Any member who controls 50% or more of a CFA will be deemed to control the entire entity - and all the CFAs' QS/QP is attributed to that person.

**Approval, Reporting, Compliance**

The Council intends that there should be a NMFS approval and review process to verify that CFAs meet the requirements of Organization, Structure and Operations, membership, and control and submit periodic (annual?) reports. NMFS will develop those mechanisms and requirements, including review processes to ensure compliance and share them with the Council.

**Question to Explore that would have bearing on the accumulation limits:**

Task staff to work with NMFS to determine whether any barriers exist (control definition; accumulation limits as individual or collective) that would not allow “informal” arrangements (CFAs) to be formed and to explore options where CFAs may need more flexibility in exceeding control/accumulation limits.

**Suggested Possible Goal to address question above:**

Provide a formal organizational structure in the body of a CFA so trawl quota can be used for increased economic sustainability of a vulnerable community that cannot be accomplished through regular community relationships because of control rules adopted through the Trawl Rationalization program.