

NOAA Fisheries Draft Guidance for Conducting 5/7 Year Reviews of Catch Share Programs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









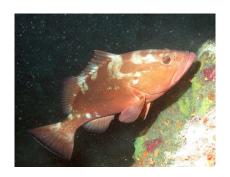
Periodicity of Reviews

- 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 5th 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 (preimplementation 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



- 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?



- 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?



- 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?



- 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?



- 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



- 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?



- 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"

