

NMFS Draft Guidance for Conducting 5/7 Year Reviews of Catch Share Programs

Overview of Key Components

Guidance document

- Office of Sustainable Fisheries is finalizing a guidance document for 5/7 yr reviews of catch share programs
 - Identifies key components of review process, review document, and questions/issues to be addressed
- Guidance references:
 - MSA sections 301, 303, and 303A,
 - NOAA Catch Share Policy,
 - Design and Use of Limited Access Programs,
 - Completed, ongoing, and interim reviews/reports

Periodicity of Reviews

- Initial review: Must commence no later than 5 years after the program was established for LAPPs established after January 12, 2007
- Subsequent reviews:
 - Coincide with Council or Secretarial review of the relevant FMP, but no less than every 7 years.
 - Should not conduct reviews more frequently than every 3 years to meet MSA requirement, though interim reviews acceptable if Council desires.

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)
- Feedback incorporated into report
- 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, but no length restriction
- Use standardized indicators when possible
- Consistent with other guidance and legal mandates
- 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/NMFS 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? Allocation?
 - 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
 - Do caps create technical inefficiency?
 - 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 NMFS' 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
 - Redundancy with other programs
- 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?
 - e.g. transferability, availability and prices of shares/allocation
 - 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 (OPTIONAL)
 - Interdependencies with other fisheries (both in and outside of Catch Share programs)
 - Gears or species to remove/add to program
 - Merging programs
 - Reallocating species or gears

Analyses

- Types of Catch Share Programs (OPTIONAL)
 - If the review determines there are numerous and serious problems with the existing program that likely cannot be solved by modifying the existing program in its present form, other types of programs should be investigated

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- Feedback by end of January
 - North Pacific Fishery Management Council
 - Mid-Atlantic Fishery Management Council
 - Pacific Fishery Management Council
 - This document may be useful in the creation of new allocation based programs