

NMFS Draft Guidance for Conducting 5/7 Year Reviews of Catch Share Programs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