



NOAA FISHERIES

Sustainable Fisheries



National Catch Share Program Update

Policy Implementation

The [NOAA Catch Share Policy](#) was released on November 4, 2010, with the purpose of encouraging consideration of well-designed catch share programs to help maintain or rebuild fisheries, and sustain fishermen, communities, and vibrant working waterfronts. The goals of the policy are to help reduce administrative or organizational impediments, inform and educate stakeholders of the different options and capabilities of catch share programs, and help organize collaborative efforts on the design and implementation of catch share programs.



Current Catch Share Programs (Year Implemented)

1. [Mid-Atlantic Surfclam & Ocean Quahog IFQ \(1990\)](#)
2. [South Atlantic Wreckfish ITQ \(1992\)](#)
3. [Western Alaska Community Development Quota \(1992\)](#)
4. [Pacific Halibut & Sablefish IFQ \(1995\)](#)
5. [Bering Sea AFA Pollock Cooperatives \(1998\)](#)
6. [Pacific Sablefish Permit Stacking Program \(2001\)](#)
7. [Bering Sea King and Tanner Crab \(2005\)](#)
8. [Gulf of Mexico Red Snapper IFQ \(2007\)](#)
9. [Bering Sea Groundfish \(non-Pollock\) Cooperatives \(2008\)](#)
10. [Mid-Atlantic Golden Tilefish IFQ \(2009\)](#)
11. [Gulf of Mexico Grouper & Tilefish IFQ \(2010\)](#)
12. [Atlantic Sea Scallop General Category IFQ \(2010\)](#)
13. [Northeast Multispecies Sector Program \(2010\)](#)
14. [Pacific Coast Groundfish Trawl Rationalization \(2011\)](#)
15. [Central Gulf of Alaska Rockfish Program \(2011\)](#)

Catch Share Program Status

As of March 31, 2014, there are 15 catch share programs in operation. In addition:

- Two existing programs are being significantly modified
- Four fisheries are in various stages of development or consideration of catch shares

Further details about the status of each program are provided beginning on page 2, with links to program web pages where available.

Catch Share Programs Implemented or Significantly Modified Since the Last Report

South Atlantic Wreckfish ITQ: The final rule for Amendment 20A published September 26, 2012. Amendment 20A redistributed existing shares from inactive/deceased shareholders, specified a share cap, and developed procedures for distributing shares among active participants.

Pacific Halibut and Sablefish IFQ: NOAA Fisheries worked with the North Pacific Council to implement a new charter program in the existing halibut fishery. The new charter management program was initially recommended by the Council in 2008. The commercial fishery is managed under the IFQ program, but the charter sector is managed separately using a combination of limited entry permits, daily bag limits, size restrictions, and daily vessel trip limits. The charter program revises the commercial halibut IFQ program to allow transfer of annual IFQ from commercial halibut IFQ permit holders to charter halibut permit holders to allow additional harvest opportunities for charter vessel anglers. The proposed rule was published in July 2011, but was revised significantly based on public input. An updated proposed rule was published June 28, 2013 and was open for public comment until August 26, 2013. The final rule published December 12, 2013, and the new program is effective for the 2014 fishing season.

Catch Share Programs Being Developed

Atlantic Bluefin Tuna: In order to reduce discards of bluefin tuna as well as ensure compliance with international quotas, NOAA Fisheries is considering creation of Individual Bluefin Quotas as part of Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. This option would implement these quotas for qualified vessels permitted in the Atlantic tunas longline category and would result in prohibiting the use of pelagic longline gear if/when the vessel's annual pelagic longline individual Bluefin quota has been caught. Design components of the program being considered include whether to geographically designate quota share, what are appropriate eligibility requirements, and how initial allocations would be determined. The proposed rule for Amendment 7 published August 21, 2013, and comments were received through January 10, 2014. NOAA Fisheries is currently considering the comments and expects to publish the final rule during the fall of 2014.

Catch Shares Being Considered

North Pacific Gulf of Alaska Trawl: The North Pacific Council continues discussion on a potential catch share program for central and western Gulf of Alaska trawl groundfish fisheries. The Council has set separate control dates for central (December 31, 2012) and western (March 1, 2013) Gulf of Alaska. A control date lets the public know the Council may recommend that activities occurring after the control date not count toward qualification for the program being considered. Catch history established after these dates may not be credited in any future allocation system developed for the Gulf of Alaska trawl fisheries. The Council is also considering program elements to sustain fishing community interests in the Gulf of Alaska trawl fisheries.

South Atlantic Snapper Grouper: In August of 2013, the South Atlantic Council discussed an options paper for Amendment 22. Amendment 22 is being developed to control annual harvest levels of snapper/grouper species with exceptionally low recreational annual catch limits. In one option discussed by the Council, recreational fishery participants would be issued tags through a pre-determined process implemented by NOAA Fisheries Service. Tags issued to individuals or entities would allow the tag holder to harvest a set number of fish from federal waters in the South Atlantic Region.

Atlantic Shark Fishery: On September 20, 2010, NOAA Fisheries published an Advanced Notice of Proposed Rulemaking concerning the future of the shark fishery that included an option for a catch share program for Atlantic sharks. In late March 2011, NOAA Fisheries received a draft proposal, prepared by commercial fishermen, regarding a pilot catch share program for sharks in the Gulf of Mexico. In conjunction with the September 2011 Highly Migratory Species (HMS) Advisory Panel meeting, NOAA Fisheries hosted a workshop to discuss potential catch share program options in the Atlantic shark fisheries, and published a Notice of Intent (NOI) to prepare a Fishery Management Plan (FMP) Amendment (Amendment 6) that would consider catch shares for the Atlantic shark fisheries. Since that time, due to competing priorities, NOAA Fisheries delayed the development of Amendment 6 to the 2006 Consolidated HMS FMP. At the September 2013 HMS Advisory Panel meeting, NOAA Fisheries heard additional comments from Advisory Panel members regarding development of Amendment 6. After consideration of comments and the current state of the shark fishery, NOAA Fisheries will focus on near term management measures rather than catch share management.

New England Monkfish: The New England Council began development of Amendment 6 in 2010. The Council identified a set of objectives to be achieved through implementation of Amendment 6 and directed the Monkfish Committee to develop alternatives to address these objectives, recognizing the differences between the northern and southern monkfish fisheries. The Committee and Advisory Panel are in the process of developing a range of alternatives for public hearings, including modifications to the current management system, a days-at-sea leasing option, sector management and individual transferrable quotas (ITQs). Based on discussions

at the April 2013 Council meeting, the Monkfish Committee considered whether to remove ITQs from further consideration in the amendment, but took no action pending input from the Advisory Panel. Development of a catch share program in this fishery will likely require a referendum under the Magnuson-Stevens Act provisions for such programs in New England.

South Atlantic Golden Crab: The South Atlantic Council has tabled development of Amendment 6, which proposed implementing a catch share program for the golden crab fishery. Discussions among golden crab permit holders at an August 2012 workshop indicated there is not overall support for the implementation of a catch share program in this fishery at this time.

Western Pacific Hawaii Longline: The Western Pacific Council is no longer actively working to develop a catch share program for the Hawaii longline fishery. The main reason is because fishery participants do not feel there is a need for catch shares at this time. This may change if regional fishery management organizations reduce U.S. bigeye tuna catch limits in the eastern or western Pacific.

Other Catch Shares Activities

Economic Performance of U.S. Catch Share Programs Report:

- In August 2013 NOAA Fisheries released its first national report on the economic performance of Federal catch share programs. The report uses a common set of indicators to measure basic economic performance, regardless of the catch share program design. In addition to the report, fact sheets with a summary of performance indicators for each catch share program are also available. For more information and a copy of the report or fact sheets go to: <http://www.st.nmfs.noaa.gov/economics/fisheries/commercial/catch-share-program/index>.

Gulf of Mexico Fishery Management Council: The Gulf Council has several catch share-related activities that are ongoing.

- **Amendment 36.** This amendment will address potential modifications to the red snapper Individual Fishing Quota program based on the recent 5-year review. In June 2013, the Council agreed to create an Ad Hoc Red Snapper IFQ Advisory Panel to review and recommend management measures to improve the performance of the commercial red snapper IFQ program.
- **Amendment 33.** The Council was considering adding additional reef fish species to the existing Gulf of Mexico IFQ programs. At the April 2012 meeting the Council asked staff to cease work on this amendment. The amendment is on hold indefinitely.
- **Inter-Sector Trading.** The Council is considering options that would increase stability in the recreational red snapper fishery. In August 2013, the Council released a scoping document that discusses the design and implementation of a system that would allow commercial and recreational fishermen to trade red snapper IFQ shares and annual allocation.
- **Headboat Exempted Fishing Permit.** A group of headboat operators submitted an exempted fishing permit (EFP) application to address headboat-specific challenges in the red snapper fishery through a cooperative pilot program. The EFP was approved by NOAA Fisheries on August 26, 2013, and the pilot program began January 1, 2014. The EFP authorizes cooperative members to harvest a specific amount of red snapper and gag at any time during the 2014 and 2015 fishing years.
- **Charterboat Days-At-Sea.** At the February 2013 meeting, the Council resurrected its consideration of a for-hire (charterboat) days-at-sea pilot program. An options paper that incorporates public comment on the public scoping document was reviewed at the June 2013 meeting. The objectives of the program are to increase flexibility in trip scheduling, improve economic profitability, and to evaluate the feasibility of a days-at-sea program for sector-wide implementation. The days-at-sea program would assign a predetermined number of effort units to program participants. Each participating vessel would be given the flexibility to decide when to use their apportionment for its clients.

Pacific Fishery Management Council: The Pacific Council continues development and analysis of trailing amendments associated with the Pacific Trawl Rationalization program.

- **Pacific Dawn Litigation.** In response to the December 22, 2011, court order that remanded “for further consideration” the regulations addressing the initial allocation of whiting for the shoreside IFQ and the at-sea mothership fishery, the Council engaged in a three meeting (April, June, and September, 2013) full reconsideration of its original recommendations. At the completion of its reconsideration, the Council recommended that the original allocations not be changed. On March 28, 2013, NOAA Fisheries published a final rule implementing the Council recommendations. On March 29, 2013, a second suit was filed challenging the whiting allocation. On December 5, 2013, the Court issued an order granting summary judgment and found in favor of NOAA, leaving the final rule in place. The plaintiffs filed an appeal on February 3, 2014.

- **Cost Recovery.** At its September 2011 meeting, the Council adopted a cost recovery program structure. The Magnuson-Stevens Act authorizes NOAA Fisheries to collect fees to cover a portion of the costs for the “management, data collection and analyses, and enforcement” of a Limited Access Privilege Program (LAPP). Cost recovery fees are capped at 3% of the ex-vessel value of the fishery. NOAA Fisheries published a proposed rule on February 1, 2013, and a final rule published on December 11, 2013. The cost recovery program became effective on January 10, 2014, with NOAA Fisheries scheduled to receive its first cost recovery fees in February 2014. On January 9, 2014, a lawsuit was filed by a member of the Catcher/Processor sector that claims they are not a LAPP and thus not required to pay cost recovery fees, as well as claiming that NOAA Fisheries made other errors in implementing the rule. NOAA Fisheries and NOAA General Counsel are still reviewing the complaint.
- **Quota Share/Quota Pound (QS/QP) Control Rules – Safe Harbors for Risk Pools.** At its September 2011 meeting, the Council recommended providing risk pools a safe harbor from the QS control rules. At its September 2013 meeting, the Council agreed that implementation of this recommendation could wait until the five year program review.
- **Chafing Gear.** At its April 2012 meeting, the Council recommended an alternative that would address concerns about the current restrictiveness of the chafing gear regulations for the midwater trawl fishery. The Council reconsidered this issue at its November 2012 meeting, but stayed with the preferred alternative that it recommended in April 2012. NOAA Fisheries published a proposed rule on March 19, 2014, with a correction on April 4, 2014. Implementation of its final recommendation is expected in the spring of 2014.
- **Observer/Catch Monitoring Rule.** At its April 2012 meeting, NOAA Fisheries proposed trailing actions related to observers and catch monitoring were approved. NOAA Fisheries published a proposed rule February 19, 2014. Implementation should occur in late spring during the 2014 fishery.
- **Allow Fixed Gear and Trawl Permit Stacking.** At its April 2012 meeting, the Council recommended allowing a fixed gear permit and a trawl permit to be registered to the same vessel at the same time. Implementation is expected in mid-2014.
- **At-Sea Processing of Fixed Gear Sablefish.** When it took action on fixed gear and trawl permit stacking, the Council recommended that the opportunity to stack these permits be specified in regulations such that the limited entry fixed gear exception for freezing sablefish would not allow the freezing of sablefish caught under the trawl rationalization program. Implementation is expected in mid-2014.
- **Change in Whiting Season Opening Date.** At its November 2012 meeting, the Council recommended making the shoreside sector primary whiting season opening date May 15, which would make it consistent for all areas and sectors (the start date previously ranged from April 1 to June 15 depending on location). Implementation is expected sometime by the start of the 2015 whiting season.
- **NOAA Fisheries Reports.** At the September, 2013 Council meeting, NOAA Fisheries presented 2 reports. The first report was an initial review of pre and post trawl rationalization regulations to determine if program changes are needed to increase flexibility, improve efficiency, and reduce regulatory complexity. The second report is on the Adaptive Management Program, an original FMP Amendment 20 program provision not yet implemented. The Adaptive Management Program was designed, in large part, to provide a tool for unanticipated problems in the fishery. The first three years of the program has been largely successful, with very few issues arising. Because of this, the Council may recommend that implementation of the Adaptive Management Program not occur until after the five year review.

North Pacific Fishery Management Council:

- **Cost Recovery.** NOAA Fisheries has developed options to implement cost recovery regulations for the Amendment 80, AFA/ Aleutian Islands Pollock, Community Development Quota groundfish and halibut, and BSAI Pacific cod Freezer Longline Coalition programs. NOAA Fisheries intends to conduct rulemaking in 2014 and implement the programs in 2015.
- **Crab Rationalization.** On June 17, 2013, NOAA Fisheries published the final rule implementing Amendment 42, which revises the annual economic data reports required in the crab rationalization fishery. In February 2013, the Council recommended modifications to the rights of first refusal that were created to benefit community interests under the Bering Sea and Aleutian Islands crab rationalization program.

- **Halibut Sablefish IFQ.** The Council has recommended proposed actions that will further restrict the use of hired masters in this fishery as this may be the most feasible and effective way to accelerate the transition to an owner-operated fishery. NOAA Fisheries is proceeding with the rulemaking process and anticipates these actions will be implemented in 2015.
- **Community Quota Entities.** The Council and NOAA Fisheries developed and implemented a Community Quota Entity (CQE) Program in the Gulf of Alaska in 2004. The program authorizes non-profit CQEs to purchase commercial halibut and sablefish quota share for lease to eligible community residents. The intent of the program is to provide additional fishing opportunities for residents of fishery dependent communities and sustain resident participation in the halibut and sablefish IFQ fisheries. Since implementation, the Council has recommended a number of revisions to the program that relax restrictions on the purchase and use of quota share by CQEs in order to promote additional participation in the program. NOAA Fisheries implemented several of these recommendations in 2013 and rulemaking for the remaining Council recommendation is in development. In April 2012, the Council recommended a CQE program in the Aleutian Islands that is similar to the existing program in the Gulf of Alaska. NOAA Fisheries completed rulemaking for this action and the Aleutian Islands CQE program is effective for 2014.
- **Amendment 80.** In April 2013, the Council recommended revising the Amendment 80 program to allow eligible trawl catcher/processors to exchange harvest quota from one of three flatfish species for an equal amount of another of these three flatfish species, while maintaining total catch below acceptable biological catch limits. This action is intended to mitigate the operational variability, environmental conditions, and economic factors that may constrain Amendment 80 cooperatives from fully harvesting total allowable catches in the multi-species BSAI groundfish fisheries. Implementation is expected in 2015.
- **American Fisheries Act.** In April 2013, the Council took final action to allow vessel replacement of American Fisheries Act (AFA) Pollock vessels. The purpose of this action is to clarify AFA vessel replacement provisions of the Coast Authorization Act of 2010 (Coast Guard Act) and to prevent AFA vessels that are replaced from increasing fishing effort beyond historical catch levels in fisheries that are not managed under a catch share program. Implementation is expected in 2015.

New England Fishery Management Council:

- **Frameworks 48 and 50.** Annual updates to the Multispecies Fishery Management Plan are published as Framework adjustments. Due to the substantial number of updates in 2013, the actions were split into two related frameworks. Framework 50 specified Annual Catch Limits for all stocks for FY 2013–2015 and reduced the amount of allowable Gulf of Maine cod carryover to 1.85% of the sectors' 2012 annual catch entitlement. Framework 50 also changed how the catch of carried over allocation will be counted against sector allocations and ACLs. Since many of the catch limits included in FW50 were substantial reductions from 2012 limits, FW48 included several measures intended to mitigate the negative economic impacts to the groundfish fishery caused by the reduced catch limits. FW48 also implemented accountability measures for Atlantic halibut, Atlantic wolffish, and SNE/MA winter flounder (in response to a Court order) and proposed necessary administrative changes. Final rules for frameworks 48 and 50 were published May 3, 2013. NOAA Fisheries was sued regarding implementation of Framework 50.
- **Framework 51.** This action would set specifications for white hake for fishing years 2014 through 2016, as well as fishing year 2014 shared U.S./Canada quotas for Georges Bank yellowtail flounder and Eastern Georges Bank cod and haddock. This action would also revise the rebuilding program for Gulf of Maine cod and American plaice. Other management measures include accountability measures for the small-mesh fishery for Georges Bank yellowtail flounder, modification to the U.S./Canada Area management measures, and consideration of a prohibition on possession of yellowtail flounder by the scallop fishery. Proposed rule published March 17, 2014, and the final rule should publish in April 2014.
- **Amendment 18.** The Council is still working on Amendment 18 to the Multispecies Fishery Management plan, which is focused on the development of measures to promote fleet diversity, enhance sector management, promote resilience and stability of fishing businesses, and prevent excessive shares in the fishery. A number of measures have been considered by the Groundfish Committee, including accumulation caps for permit banks and other entities. An economics research group has been hired to analyze current ownership in the fishery, and submitted their final report December 31, 2013. The Council is still working to select preferred alternatives.
- **Atlantic Sea Scallop General Category IFQ.** On May 9, 2013, NOAA Fisheries published the final rule to Framework 24, which included the following adjustments to the scallop IFQ program: Increased flexibility for vessels to transfer their IFQ mid-year; incorporation of IFQ vessels into the industry-funded observer program; and development of accountability measures for IFQ vessels if the scallop fishery's yellowtail flounder allocation is exceeded in a given fishing year.

Mid Atlantic Fishery Management Council:

- **Surf Clam, Ocean Quahog.** The Council voted at its June 2013 meeting to request NOAA Fisheries implement a new data collection program for the surf clam and ocean quahog fishery. The new information will provide information on ITQ allocation ownership and control that the Council may need when developing an excessive shares cap.

