



## New England Fishery Management Council

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 John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

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Dr. Jane Lubchenco, Administrator  
 National Oceanic and Atmospheric Administration  
 1401 Constitution Avenue, NW, Room 5128  
 Washington, DC 20230

Dear Dr. Lubchenco:

At our January meeting, representatives from the NOAA Catch Share Task Force presented the Draft NOAA Catch Share Policy to our Council and requested feedback. At that time, there was a brief question and answer session with the full Council. This week, the New England Fishery Management Council's (NEFMC) Interspecies Committee met and drafted the following recommendations:

- ***The document should clearly differentiate between what provisions apply to catch shares in general, and which are specific to LAPs or other types of catch share systems.*** There are several places in the draft document where it is unclear whether principles would apply only to LAPs, or also to other catch share systems such as sectors (as defined in the Northeast Multispecies FMP). One such instance is ambiguity in the language on applicability of cost recovery provisions. The draft document seems to state that cost recovery would apply to New England groundfish sectors, although sectors have been determined not to be LAPs and thus are not subject to these controls under Magnuson.
- ***The use of the word "sector" in the draft document should be standardized.*** In the draft policy, the word "sector" is used to refer to commercial and recreational components of fisheries, among other divisions. The use of sectors as a catch share system in New England leads to confusion in interpreting the document. An alternative approach might be for the NEFMC to use a different term to identify multispecies sectors.
- ***The review requirements may not solve potential problems with making changes to catch share systems.*** Requirements for 5- or 7-year reviews of catch share systems enforce the notion that catch shares are not permanent allocations. However, in reality if participants have made substantial investments in certain allocations or privileges, it may be difficult to change allocations or structural elements of plans as a result of reviews.
- ***Achieving better scientific information should be an agency priority.*** This report signifies a major resource shift within the agency to focus on catch shares. However, catch shares will not be effective without better scientific data. Cooperative research should also be a priority as one method for achieving this information.

- ***The definition of “fishing community” should be expanded.*** New England communities that are highly involved in the fishery are often not geographically isolated as in other regions. Rather, a community of fishermen may operate out of one or several ports in the area. The definition used in the catch share policy should be broadened to become a more inclusive community concept.
- ***The catch share policy should explicitly state that catch shares do not constitute property rights.*** There is a common misconception that allocations under catch share systems carry property rights. It should be explicitly clear that these types of allocations are not granted in perpetuity so as to clarify this point.
- ***The policy should suggest that the expected socioeconomic impacts of catch share programs be compared to the status quo.***

The Committee had much discussion on this matter and is likely to consider incorporating catch share policy measures in future amendments to the sector plan. Thank you for the opportunity to comment on this important document.

Sincerely,



Paul J. Howard  
Executive Director