

# *IFQ Referendum Procedures & Guidelines*

Ref: MSA 303A(c)(6)(D)  
73 FR 75968, Dec. 15, 2008

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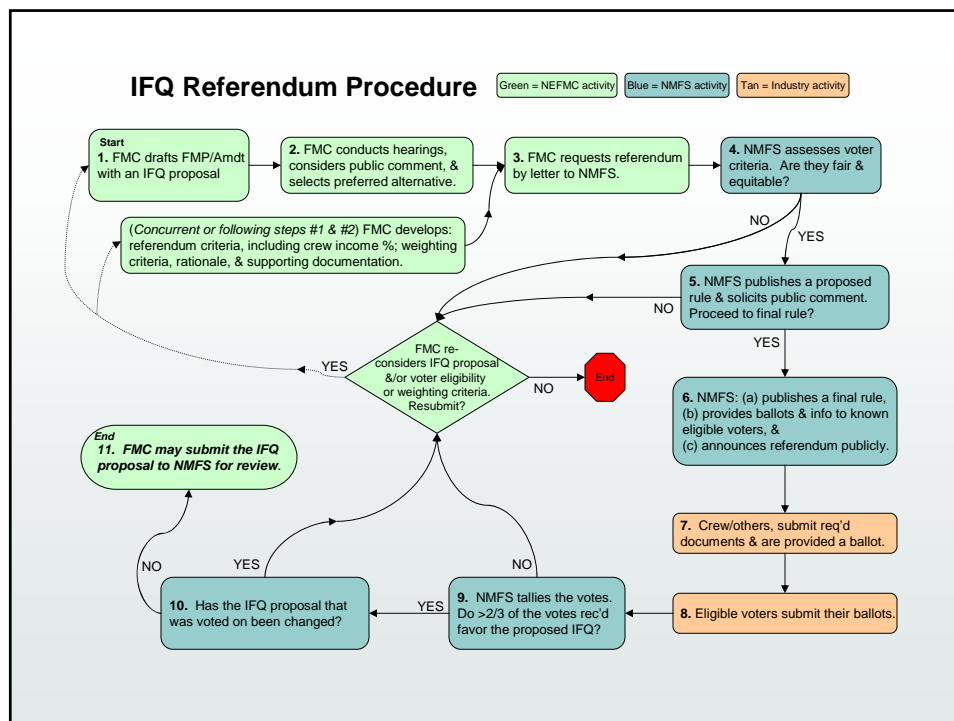


## IFQ Referendum - Key Req'ts.

- Applies to New England and Gulf of Mexico fisheries.
- IFQ proposal must be approved by referendum (2/3's majority) before NEFMC may submit it to NMFS.
- "as ultimately developed . . ."
- Provide for possible crew participation in referendum.

## IFQ Referendum - Issues

- One set of criteria would not be suitable for all FMPs & IFQ proposals
- *Other* fishery participants
- Defining and documenting crew member eligibility
- Weighting votes
- What is fair and equitable?
- Joint FMPs



## Phase I – IFQ & Ref Criteria Development



(Concurrent or following steps #1 & #2) FMC develops: referendum criteria, including crew %; weighting criteria, rationale, & supporting documentation.

Ref Eligibility Criteria Considerations  
 -Range of vessels eligible for quota  
 -Current and past harvest & participation in fishery  
 -Other factors TBD by NEFMC

Ref Request Letter (#3)  
 -Voter eligibility criteria  
 -Vote weighting criteria  
 -Crew member criteria – req'd % of income from the fishery  
 -Rationale & analysis of criteria

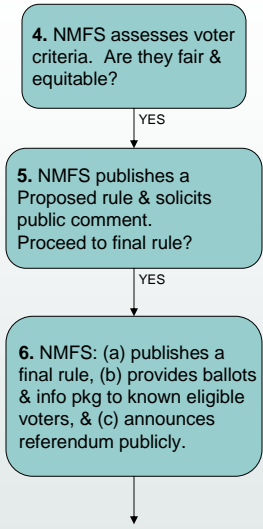
Crew Criteria Considerations  
 -Range of entities eligible for quota  
 -Work history aboard eligible vessels  
 -Economic and social factors  
 -Availability of documentation  
 -Other factors TBD by NEFMC

Crew Eligibility Criteria  
 -Crew member definition  
 -Significant % of total income  
 -Required documentation  
 -Other criteria TBD by NEFMC

## Phase II – NMFS Reviews Criteria, Publishes Proposed & Final Rule

NMFS Review - Criteria Fair & Equitable? (#4)  
 -Connected to IFQ program objectives  
 -Prevent excessive share of votes/weight  
 -Reasonable re: documentation for crew  
 -Executable? Timely? Onerous?  
 -Nat'l standards, MSA, & other law.  
 If det'd not fair & equitable, the request would be sent back to the NEFMC.

NMFS Rulemaking (#6)  
 -Propose & seek comment on schedule, procedures, criteria, & other req'ts.  
 -Final rule published after IFQ proposal is complete and ready.  
 -Send out ballots and make other mat'ls available.  
 -Public announcements, outreach.



### Phase III – Industry Voting

#### Industry voting (#7 & #8)

- Other fishery participants (crew) request ballots
- Documentation of eligibility may be required
- Adequate time for getting & returning ballots

7. Crew/others, submit req'd documents & are provided a ballot.

#### Ballots

- Indicate approval or disapproval of the proposal
- Self-certification of eligibility is possible
- Numbered to prevent duplication
- Weighted votes may not be split
- Firm deadline

8. Eligible voters submit their ballots.

### Phase IV – The Votes are Tallied

#### NMFS tallies the votes (#9)

- Announce results within 90 days
- Declare referendum invalid if not conducted IAW the final rule
- 2/3 of the valid *submitted* votes required for approval

#### Submission of the IFQ proposal

- Changes to the IFQ proposal may invalidate the referendum
- The NEFMC may submit the IFQ proposal to NMFS for approval

**End**  
11. FMC may submit the IFQ proposal to NMFS for review.

10. Has the IFQ proposal that was voted on been changed?

9. NMFS tallies the votes. Do >2/3 of the votes rec'd favor the proposed IFQ?

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# *Back up Slides*



**Excerpt from MSFCMA §303A(c)(6)(D), *edited* for the NE perspective.  
Paragraphs (i) – (ii) *Gulf Council text omitted***

(i) The New England Council may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than 2/3 of those voting in a referendum among eligible permit holders, or other persons described in clause (v). . . If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

**Excerpt from MSFCMA §303A(c)(6)(D), *edited* for the NE perspective.  
Paragraphs (iii) – (vi) *Gulf Council text omitted***

(iii) *Omitted, regards Gulf Council only.*

(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

(vi) In this subparagraph, the term 'individual fishing quota' does not include a sector allocation.