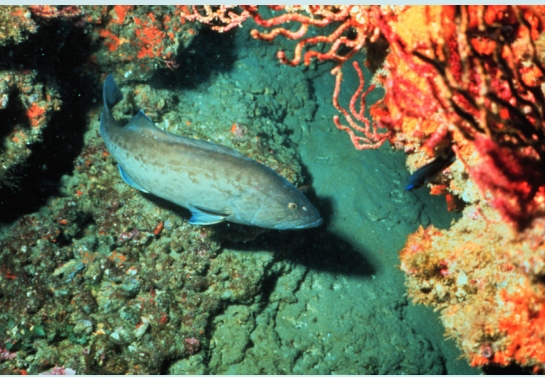


# NOAA FISHERIES

## Sustainable Fisheries



### Catch Share Program Status

As of December 31, 2015, there are 16 catch share programs in operation. In addition:

- Five fisheries are considering a catch share program.

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

# National Catch Share Program Update

## Policy Implementation

Since the [NOAA Catch Share Policy](#) was released in 2010, NOAA Fisheries has been working on a variety of catch share-related activities. Current projects that support catch shares on the national level include: completing guidance on what should be included when catch share programs are reviewed, exploring inter-sector trading of quota, and creating a compilation of design approaches across all 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 \(2011\)](#)
16. [Atlantic Bluefin Tuna \(2015\)](#)

## Catch Share Programs Implemented or Significantly Modified Since the Last Report

None.

## Catch Share Programs Being Developed

None.

## Catch Shares Being Considered

North Pacific Gulf of Alaska Trawl: The North Pacific Council initiated analysis of a potential catch share program for central and western Gulf of Alaska trawl groundfish fisheries. The program is intended to improve incentives for bycatch reduction and management in trawl fisheries. The program is also expected to increase utilization of groundfish species in the Gulf of Alaska, provide additional flexibility to participants, and increase economic efficiency in the fishery. The Council is considering three alternatives to implement the program, in all of which harvesting cooperatives would receive an annual allocation of groundfish and/or bycatch species. One of the alternatives would allocate only bycatch species. NOAA Fisheries is working with NOAA General Counsel to determine if a bycatch only allocation would be a catch share program. The alternatives include several options for species that would be allocated, cooperative formation and operational requirements, and community stability measures that are intended to limit consolidation and retain historical landing patterns, including providing an allocation of groundfish and/or bycatch species to Community Fishing Associations. The Council is also considering options for incorporating shoreside processors in the fishing cooperatives. The Council and NOAA Fisheries are developing a draft Environmental Impact Statement (EIS) for the Gulf of Alaska trawl bycatch management program. The North Pacific Council is scheduled to review the draft EIS in late 2016. NOAA Fisheries anticipates the Council will take final action to recommend a trawl bycatch management program in 2017.

North Pacific Charter Halibut Recreational Quota Entity Program: At the December 2015 meeting, the North Pacific Council reviewed an analysis on the feasibility of creating a recreational quota entity (RQE) to represent the common pool of charter halibut anglers. The RQE would be allowed to buy and hold commercial halibut quota on behalf of charter halibut anglers. The purchased quota would be combined with the charter halibut allocation to determine the total charter halibut catch limit. The Council will review a revised analysis of the RQE program in April 2016 and likely will take final action later in 2016.

South Atlantic Snapper Grouper Amendment 22: Amendment 22 to the snapper-grouper fishery management plan (FMP) 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 South Atlantic Council, recreational fishery participants would be issued tags that would allow the tag holder to harvest a set number of fish from federal waters in the South Atlantic Region. At its March 2015 meeting, the Council voted to postpone further development of this amendment.

Gulf of Mexico For-Hire Component of the Reef Fish Fishery: In October and November 2015, the Gulf Council held scoping workshops for Reef Fish Amendments 41 and 42, investigating management options for Federally permitted charter and headboat vessels, respectively. Potential management measures being considered include traditional management approaches (size limits, bag limits, seasons, etc.) and allocation approaches (allocations to fishing cooperatives or regional fishing organizations, individual fishing quotas (IFQs), permit fishing quotas, and fish tags).

New England Monkfish: The New England Council began development of Amendment 6 to the monkfish FMP 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 began 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). The New England Council has chosen to focus its resources on other priorities, and further development of this amendment has been placed on hold. Creation of a catch share program in this fishery would likely require a referendum under the Magnuson-Stevens Act provisions for such programs in New England.

## Other Catch Shares Activities

**Atlantic Highly Migratory Species Management Division:** The Atlantic Highly Migratory Species Management Division continues to implement the Individual Bluefin Quota (IBQ) Program in the Atlantic pelagic longline fishery.

- **Individual Bluefin Quota Program.** On January 1, 2016, trip-level accountability became effective, and vessels are required to possess a minimum amount of IBQ in order to fish. NOAA Fisheries' Southeast Regional Office developed an online system for tracking IBQ that was launched on January 1, 2015, and continues to add new features to the system. Dealers and vessels successfully used the online system to account for bluefin in 2015, and there was an active IBQ leasing market. Electronic monitoring (EM) systems (video cameras and associated equipment) were installed on 112 pelagic longline vessels.

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

- **Amendment 36 to the Snapper-Grouper Fishery Management Plan.** This amendment will address potential modifications to the red snapper IFQ program based on the 5-year review completed in April 2013. This amendment will include minor modifications to the way this program is structured. During the January 2016 Gulf Council meeting, this amendment was split into Amendment 36A, which has actions that may apply to both the red snapper IFQ and grouper-tilefish IFQ programs, and 36B will remain specific to red snapper IFQ modifications.
- **Reallocation of Red Snapper Quota.** Amendment 28 to the snapper-grouper FMP, currently in review at NOAA Fisheries, will reallocate 2.5 percent of red snapper quota from the IFQ program to the recreational sector. The Council's preferred alternative would reallocate to the recreational sector that portion of the recent increase in allowable catch attributable to modifications in Marine Recreational Information Program sampling design. Since this amendment could not be implemented prior to the issuance of red snapper commercial IFQ share allocations on January 1, 2016, NOAA Fisheries implemented a framework action that would authorize the Regional Administrator to hold IFQ share allocation in reserve in anticipation of the reallocation.
- **Grouper-Tilefish IFQ Program Review.** The Gulf Council and NOAA Fisheries initiated the first 5-year review of the Grouper-Tilefish IFQ program that was first implemented in 2010.
- **Headboat Exempted Fishing Permit.** On August 26, 2013, NOAA Fisheries approved an exempted fishing permit (EFP) submitted by a group of headboat operators to test a cooperative pilot program. The EFP authorized cooperative members to harvest a specific amount of red snapper and gag at any time during the 2014 and 2015 fishing years.

**Pacific Fishery Management Council:** The Pacific Council continues development and analysis of trailing amendments associated with the Pacific Groundfish 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. The appeal has been fully briefed and is waiting on the 9th Circuit Court of Appeals to schedule oral argument.
- **Cost Recovery Litigation.** At its September 2011 meeting, the Council adopted a cost recovery program structure for the Pacific Trawl Rationalization program. 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 Limited Access Privilege Program and thus not required to pay cost recovery fees, as well as claiming that NOAA Fisheries made other errors in implementing the rule. The United States District Court for the Western District of Washington found in favor of NOAA, and plaintiffs filed an appeal before the 9th Circuit. The appeal is fully briefed and awaiting further action from the 9th Circuit Court of Appeals.

- **Pacific Choice Litigation.** In 2010, the Council recommended, and NOAA Fisheries adopted, an aggregate nonwhiting accumulation limit of 2.7 percent. On November 4, 2015, NOAA Fisheries issued regulations that provided minor procedural modifications explaining how NOAA Fisheries would divest quota should any quota holder be above the accumulation limit after the November 30, 2015, divestiture deadline. On December 4, 2015, both regulations were challenged by a processor who had held shares in excess of the 2.7 percent accumulation limit. NOAA Fisheries has filed a motion to dismiss the complaint based on statute of limitations and lack of standing to bring suit.
- **Allow Fixed Gear and Trawl Joint Registration.** 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 spring 2016.
- **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 sometime in 2017.
- **Whiting and Midwater Trawl Cleanup Rule.** NOAA Fisheries published the proposed rule (August 27, 2015) that included the following updates with respect to vessels on Pacific whiting IFQ trips:
  - An allowance to retain prohibited and protected species until landing on “maximized retention” trips.
  - Disposition procedures for prohibited or protected species landed at IFQ first receivers on “maximized retention” trips consistent with the groundfish and salmon FMPs and the 2012 biological opinions.
  - A requirement that Pacific Whiting IFQ landings be 50 percent or more Pacific whiting by weight.
- **Change in Shorebased Whiting Season Opening Date.** At its November 2012 meeting, the Council recommended moving the shorebased sector primary whiting season opening date to May 15 for the area north of 40° 30' N. latitude. NOAA Fisheries published the final rule on April 9, 2015, effective May 9, 2015.
- **Electronic Monitoring for the Trawl Rationalization Program.** At its September 2014 meeting, the Council recommended regulatory action to allow the use of EM on all vessels participating in the trawl catch share program. The Council has recommended that EFPs for EM move forward in 2015 and 2016 to inform the finalization of the EM policy in regulation. At its November 2015 meeting, the Council took final action for an EM program for the Pacific whiting fishery. This action would provide whiting vessels the option to use EM in place of observers to meet the 100 percent coverage required by the catch share program. Implementation is expected in 2017. Similarly, final action is expected in April 2016 for the fixed gear vessels participating in the trawl catch share program, with implementation of this regulation also expected in 2017. NOAA Fisheries is continuing EFPs for bottom trawl vessels through 2017 and expects implementation of the associated regulations in 2018.
- **Sablefish Permit Stacking Cost Recovery Report.** This report reviewed the incremental costs associated with the Permit Stacking Program to evaluate if the annual sablefish permit application fee that is currently in place is recovering these costs. Analyses show that current permit fees recover most of the incremental costs; as such, a cost recovery program may not be necessary at this time. This determination may change in response to future Council actions which could generate significant additional costs.
- **Widow Rockfish Reallocation and Divestiture Issues.** Under the Amendment 20 trawl catch share program, overfished species were allocated in a manner intended to meet the bycatch needs for those receiving quota for target species. Amendment 20 included a provision that when an overfished species attains rebuilt status, quota share (QS) for the species would be actively considered for reallocation. Widow rockfish was declared rebuilt for the 2013-2014 biennial specifications cycle, but consideration of a QS reallocation was delayed. The Council adopted a range of alternatives for analysis at its November 2014 meeting, and the Council approved a reallocation of widow rockfish QS at its April 2015 meeting. The allocation formula selected mirrors the allocation formula used for species that were not overfished when the program was initially implemented. A moratorium on the trading of widow rockfish quota will remain in place until the reallocation is implemented, expected in 2017. Any entity receiving widow rockfish QS in excess of the limits, or any entity that is pushed over the aggregate nonwhiting control limit will have 12 months after trading commences to divest down to that limit. Implementation of the Council’s recommendation is expected prior to the distribution of quota pounds for the 2017 fishery.

- **Quota Share Divestiture Rules.** In 2011, QS permit owners in the shorebased sector received QS for 30 species based on their limited entry permit fishing history. There are individual control limits for each of the 30 IFQ species, as well as an aggregate nonwhiting control limit across species. Consistent with the trawl rationalization program, some QS permit owners were initially allocated an amount of QS that exceeded one or more of the control limits based on their catch history. The regulations provided these QS permit owners an adjustment period to hold the excess shares, but they had to completely divest of any excess by November 30, 2015. At its April 2015 meeting, the Council recommended that the rules for divestiture be modified to allow individuals above the aggregate limit to abandon QS if they were unable to transfer it to another party. The Council considered but chose not to recommend a delay in the divestiture deadline for the aggregate nonwhiting QS control limit. Additionally, at its November 2014 and April 2015 meetings, the Council clarified the protocols that would be applied to bring someone into compliance with the control limits in the event that they did not voluntarily comply by the deadline. The final rule for these recommendations published November 9, 2015, and was effective November 4, 2015.
- **Observer/Catch Monitoring Rule.** At its April 2012 meeting, trailing actions that revise observer program requirements were approved for implementation. NOAA Fisheries published the final rule April 21, 2015 (effective May 21, 2015).

#### North Pacific Fishery Management Council:

- **Cost Recovery.** NOAA Fisheries published a final rule on January 7, 2016, to implement cost recovery regulations for the Amendment 80, AFA/Aleutian Islands Pollock, and Community Development Quota (CDQ) groundfish and halibut programs. NOAA Fisheries is implementing the program and the first cost recovery fees will be due in December 2016. NOAA Fisheries is also developing regulations that will improve security and reduce administrative costs for processing cost recovery payments for the Halibut and Sablefish IFQ and the Crab Rationalization Programs.
- **Crab Rationalization Right of First Refusal.** 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. In October 2014, the Council took final action to recommend a preferred alternative that grants more flexibility to processors and community entities. The proposed changes required limited rulemaking and may provide additional opportunities for harvesters, processors, and communities to negotiate the sale of processor QS and maintain processing activity in communities where it has historically occurred. NOAA Fisheries published a proposed rule October 22, 2015, and the final rule January 13, 2016. The final rule requires all affected processors and community entities to establish new right of first refusal agreements prior to issuance of processor quota for the 2016/2017 crab fishing year.
- **Amendment 31 King and Tanner Crabs.** This amendment revised the rules governing the acquisition, use, and retention of QS established for captains and crew. Final rule published March 26, 2015, and was effective May 1, 2015. The final rule implements active participation requirements that establish a minimum threshold for participants to continue to hold captain and crew QS into the future.
- **Amendment 45 King and Tanner Crabs.** This amendment established, for a limited period of time, a process for NOAA Fisheries to permanently remove Pacific cod catch limits (sideboards) applicable to certain hook-and-line catcher processors. Final rule published May 2015 and was effective June 18, 2015. The sideboards will be permanently removed when the 2016/2017 final harvest specifications are published in March 2016.
- **Halibut Sablefish IFQ.** The Council has recommended proposed actions that will further restrict the use of hired masters in this fishery as it may promote the transition to an owner-operated fishery. The final rule was published July 28, 2014 (79 FR 43679), and was effective December 1, 2014. This rule has been challenged (*Fairweather Fish, Inc. et al. vs. Pritzker et al.*, Case No. 3:14-cv-05685-BHS, filed on August 27, 2014). On October 20, 2015, the United States District Court for the Western District of Washington ruled in favor of NOAA on all counts. Plaintiffs filed a motion for reconsideration asking the District Court to reconsider two portions of its holding. On January 13, 2016, NOAA Fisheries received an order from the District Court for the Western District of Washington at Tacoma. The order supersedes the earlier Court order from October 2015. In the new order, the Court holds that NOAA Fisheries has not yet provided sufficient reason as to why the regulations are consistent with Magnuson-Stevens Act National Standard 9 (to the extent practicable minimize bycatch, and the mortality of bycatch that cannot be avoided) or National Standard 10 (to the extent practicable, promote the safety of human life at sea). The Court requested that the parties propose a briefing schedule as to the appropriate remedy. NOAA Fisheries is in the process of developing a remedy briefing.

- **Discussion Paper – Halibut Retention in Sablefish Pots.** In April 2015, the Council took final action to authorize the use of longline pot gear in Gulf of Alaska sablefish IFQ fisheries. The Council recommended that NOAA Fisheries require full retention of all legal-sized halibut caught incidentally in the pot gear. The International Pacific Halibut Commission approved this recommendation at its annual meeting in January 2016, and NOAA Fisheries expects to implement this regulation in 2017.
- **Discussion Paper – Halibut Leasing Options for Community Development Quota Vessels.** In June 2015, the Council requested a discussion paper to examine options for halibut IFQ holders in the Bering Sea to lease quota to CDQ groups. This action would exempt permit holders from owner-on-board requirements in years of low halibut catch limits. The Council initiated analysis for this action in December 2015 and likely will take final action in 2016.
- **Bering Sea Aleutian Islands Crab Rationalization Program Review.** At the February 2015 Council Meeting, the Council reviewed a workplan for the 10 year review of this program. The Council is scheduled to complete the program review in 2016.
- **Halibut and Sablefish Individual Fishing Quota Program Review.** The Council initiated its first full program review since implementation of this program in 1995. At the December 2015 Council Meeting, the Council reviewed an outline for the review. The Council is scheduled to complete the program review in 2016.
- **American Fisheries Act Program Review.** The Council initiated its first full program review since implementation of this program in 2002. At the December 2015 Council Meeting, the Council reviewed a work plan for the review. The Council is scheduled to complete the program review in 2016.
- **Community Development Quota Pacific Cod Fishery.** In 2013, representatives from several CDQ groups requested regulatory revisions or exemptions that would encourage the development of local, small vessel Pacific cod fisheries in CDQ communities. The Council selected a preferred alternative in June 2014, and modified it in October 2014 before taking final action in February 2015. NOAA Fisheries published a proposed rule on February 8, 2016.

#### New England Fishery Management Council:

- **Groundfish Framework 52 and 53 to the Northeast Multispecies Fishery Management Plan.** Framework 52 (final rule published January 15, 2015) revised the accountability measures for southern and northern windowpane flounder. Framework 53 (final rule published May 1, 2015) was primarily an annual adjustment to groundfish management measures, but most notably included new Gulf of Maine cod protection measures in response to the stock's poor condition.
- **Groundfish Framework 55 to the Northeast Multispecies Fishery Management Plan.** Framework 55 primarily sets groundfish specifications for the 2016-2018 fishing years and adjusts the groundfish sector at-sea monitoring program. The Council took final action on Framework 55 during the December 2015 meeting, and the action is scheduled for implementation by the start of the 2016 fishing year on May 1, 2016.
- **Transition to Industry-Funded Monitoring for Northeast Multispecies Sectors.** In December 2015 David Goethel and XIII Northeast Fishery Sector, Inc. filed a complaint in the United States District Court for the District of New Hampshire against the requirement to carry and pay for at-sea monitors.
- **Amendment 18 to the Northeast Multispecies Fishery Management Plan.** During its September 2015 meeting, the Council approved Amendment 18 to the Multispecies FMP, which includes measures to promote fleet diversity, enhance sector management, promote resilience and stability of fishing businesses, and prevent excessive shares in the fishery. The Council approved an individual allocation limit to constrain the holdings of allocated groundfish stocks to an average of 15.5 percent per stock. The Council also established a permit cap of 5 percent (total number of permits must be <5 percent). The amendment is currently scheduled for implementation in 2016.
- **Groundfish Electronic Monitoring.** NOAA Fisheries is working with The Nature Conservancy, the Gulf of Maine Research Institute, several sectors, and Ecotrust Canada to develop an EFP that would further develop EM as an alternative to at-sea monitors for a portion of the Northeast multispecies groundfish fishery for the 2016 fishing year.

- **Amendment 19 to the Sea Scallop Fishery Management Plan.** This action is intended to better align the annual fishery specification-setting with the beginning of the scallop fishing year by implementing a separate specification process and also shifting the start of the fishing year, now proposed for April 1. At the December 2015 meeting, Council members made final recommendations supporting both of these alternatives. NOAA Fisheries is awaiting Council submission of Amendment 19 and anticipates a final rule to publish in the summer of 2016.
- **Sea Scallop Framework 26.** Framework 26 (final rule published April 21, 2015) included specifications as well as adjustments to current management measures: adjusted area and season regulations for sea turtle deflector dredge and sea turtle chain mat, allows vessels to declare out of the scallop fishery after an open area trip and transit to their homeport without being on days at sea, adjusted management measures in the Northern Gulf of Maine Management area, and developed or modified accountability measures for northern windowpane, yellowtail, and southern windowpane flounders.

#### Mid-Atlantic Fishery Management Council:

- **Surfclam and Ocean Quahog Data Collection Program.** On July 20, 2015, NOAA Fisheries published a final rule to implement an information collection program for the Atlantic surfclam and ocean quahog ITQ program. The Mid-Atlantic Council had requested this information collection to provide additional detail on ITQ allocation ownership and control that the Council may need when developing an excessive shares cap. Allocation holders needed to complete the new forms to receive their 2016 ITQ permits.
- **Surfclam and Ocean Quahog Cost Recovery Amendment.** At its February 2015 meeting, the Mid-Atlantic Council took final action on this amendment. Under this action cost recovery fees would be paid for by the permanent ITQ allocation holders. This is a similar cost recovery process used in the Council's tilefish IFQ fishery, and would bring the FMP into alignment with the cost recovery provisions of the Magnuson-Stevens Act. This amendment also includes measures to streamline the process for updating stock status determination criteria and removes the optimum yield ranges specified in the FMP. Implementation is expected for the start of 2017.
- **Golden Tilefish Framework 2.** At the December 2015 Mid-Atlantic Council meeting, the draft environmental assessment for this framework was presented, and the Council chose preferred alternatives for some of the issues being considered: 1) modifying how estimated discards are accounted for in the specification setting process, 2) eliminating the requirement to report landings through the phone system, 3) prohibiting an IFQ vessel from fishing under multiple IFQ allocations simultaneously, 4) requiring golden tilefish be landed with the head attached, 5) prohibiting "mini-longline" gear in the recreational fishery, and 6) developing qualifiers for the incidental permit category, which would prevent vessels from using the incidental catch limit for a small-scale directed fishery. Final Council action is targeted for April 2016.
- **Tilefish IFQ Program Review.** The Mid-Atlantic Council and NOAA Fisheries have initiated the first 5-year review of the Tilefish IFQ Program, which was first implemented in 2010.

