

Preliminary thoughts on the implications of  
fishing communities and regional fishery  
associations in DAP programs as specified  
in S. 2012

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# Outline

Background

Definitions

Interpretations

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# Background

IFQ Moratorium

American Fisheries Act

Crab Coops

First Stevens Proposal

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**Processor Quota**

# Current Law

The term "individual fishing quota" means a Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. Such term does not include community development quotas

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# S2012

The term **limited access privilege** (A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish that may be received or held for exclusive use by a person; and (B) includes an individual fishing quota; but (C) does not include community development quotas

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No reference to TAC<sup>12</sup>

S2012 allows Councils to grant harvesting privileges to entities other than individuals (i.e., persons, partnerships, or corporations.)

Fishing Communities (FCs)

Regional Fishery Associations (RFAs).

Fishing communities are defined in the current act.

The term "fishing community" means a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.

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## RFAs are defined in S2012

The term ‘**regional fishery association**’ means an association formed for the mutual benefit of members (A) to meet social and economic needs in a region or subregion; and (B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.”;

## RFAs are defined in S2012

The term ‘**regional fishery association**’ means an association **formed for the mutual benefit of members** (A) to meet social and economic needs in a region or subregion; and (B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.”;

S2012 sets of eligibility requirements for both FCs and RFAS. The first two are the same for both.:

1. be located within the management area of the relevant Council;
2. meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

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**New Job for Councils.**

## FCs

3. consist of **residents** who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area.

## RFAs

3'. be a **voluntary association with established by-laws and operating procedures** consisting of participants in the fishery, including commercial or recreational fishing, processing, fishery-dependent support businesses, and fishing communities;

## FCs

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## FCs :

4. develop and submit a **community sustainability plan** to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of fishing communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

## RFAs

4'. develop and submit a **regional fishery association plan** to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.



FCs must be natural communities and they can be selected out as a qualifying entity because they are in need of, or merit, regional economic development.

On the other hand, RFAs are voluntary organizations that are not necessarily geographically specified. There is no reference to the need for regional economic development.

In developing the participation criteria for FCs, the Council is directed to consider:

1. traditional fishing or processing practices in, and dependence on, the fishery;
2. the cultural and social framework relevant to the fishery;
3. economic barriers to access to fishery;
4. the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
5. the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and
6. the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

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In developing the participation criteria for RFAs, the Council is directed to consider:

1. traditional fishing or processing practices in, and dependence on, the fishery;
2. the cultural and social framework relevant to the fishery;
3. economic barriers to access to fishery;
4. the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion; upon the administrative and fiduciary soundness of the association and its by-laws.”
5. the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and
- 6.

# Summary

FCs

Economic Development  
Mitigate untoward effects

RFAs

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Processor Quota  
Issue writ large!

## Summary

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Presumably both can be used because they assist in meeting other management objectives as well.

## Dedicated Access Privilege Programs

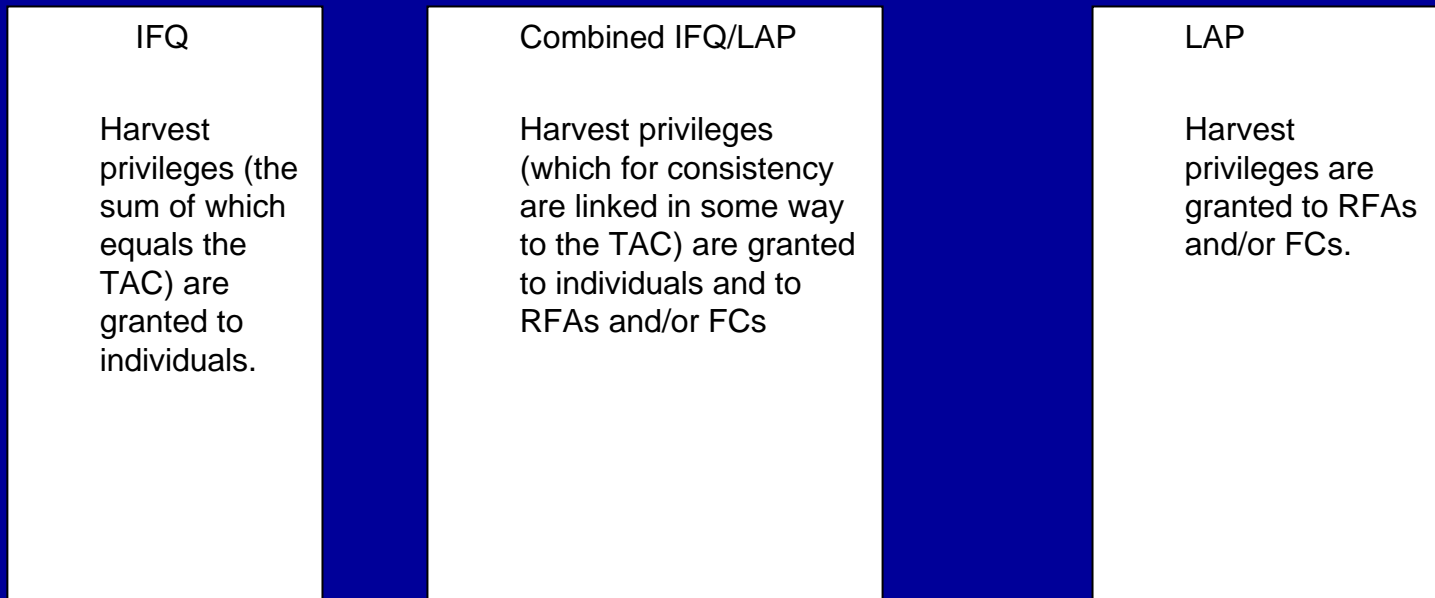


Figure 1



Are FCs a viable option?

Are RFAs a viable option?

Will either really address the  
processor quota problem?

Voluntary organization.

If the Council decides to use FCs or RFAs , can it determine that it will use only a predetermined number (say 1) or must the competition be open to all comers who meet the criteria?

What kind of guidance can be given to the Councils about the criteria for determining eligibility to be classified a FC or a RFA?

What kind of guidance can be given to the Councils about the criteria for judging the operating plans of the entities?

Is the difference in LAP and IFQ with respect to ties to the TAC an oversight or was it intentional?

If intentional:

How do we address conservation in a stochastic world?



If intentional:

How do we address conservation in a stochastic world?

How do we address initial allocation?

If intentional:

How do we address conservation in a stochastic world?

How do we address initial allocation?

How do we address transferability?

If it is not intentional (and is corrected)

How do we address initial allocation?

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How do we address initial allocation?

How do we address transferability?

We will not know the answers for sure until we watch the councils in action.