



Mid-Atlantic Fishery Management Council #2b.

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January 19, 2016

Mr. Alan Risenhoover
Director, Office of Sustainable Fisheries
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
NOAA/NMFS
1315 East-West Highway, Room 14743
Silver Spring, MD 20910

Dear Mr. Risenhoover: *Alan*

Please accept the following comments on the "Draft Guidance for Conducting Reviews of Catch Share Programs."

1. The scope of this guidance should be substantially narrowed.

The draft guidance is overly prescriptive and includes onerous and unnecessary review steps. The Councils need the flexibility to develop these reviews in a manner that is consistent with both the available social and economic information and the amount of staff and analytical resources in each region.

2. The draft guidance proposes a catch share review process that is ongoing.

In addition to establishing a review team to conduct periodic (5/7 year) reviews, the guidance indicates that review teams should also provide interim (annual) reports. It suggests that SAFE reports may be an acceptable alternative, but is ambiguous as to whether they will be acceptable. If the expectation is that annual reports will be produced, why expend the resources to produce periodic reviews? The annual report requirement is excessive, not necessary, and not feasible given available staff resources.

3. The review process could be substantially simplified by acknowledging that the catch share review document is a Council document.

The draft guidance suggests there should be additional steps to "review the review." Based on the draft guidance, staff from the Regional Office, Office of Law Enforcement (OLE), and General Council (GC), would be required to provide a review of the final review report and "signoff" on the review (i.e., considered final, requirements met, best available data used, and concur with conclusions). In addition, it is also noted that the Science Center should "certify analyses" within or used to inform the review. This "review the review" process could be substantially simplified. This is a Council review of its catch share program; therefore, the review report could be considered a Council document. Based on a Council process, the Council would be presented with the review report and the Regional Administrator could then concur that the report met the relevant requirements. The Regional Administrator would consult with whomever is needed in advance to make that determination, including GC.

4. Each Council/Region should have the flexibility to determine the composition of the review team.

The guidance is prescriptive in suggesting that Council staff, Science Center staff, and OLE staff should all be represented on the review team. However, OLE staff may not need to participate and could instead play a consultative role by providing information on enforcement and safety at sea issues as necessary. In addition, other types of experts may be needed to populate the review team and there may be instances where the Council uses contractors to develop components of the review. We suggest that each Council have the flexibility to determine the composition of its review team, including any Council and NOAA Fisheries staff that are familiar with any review requirements.

5. The Councils should determine if and what role their advisory groups will have in review of any analyses and reports.

The guidance states that the Scientific and Statistical Committee (SSC) and Advisory Panels (APs) should review the draft catch share review report in a way that is "comparable to the process used for providing comment on and reviewing draft NEPA/Amendment documents." However, we recommend that the role of the SSC and AP in reviewing Council documents varies by region and should be left to the discretion of each Council.

6. The Councils should determine how program participants and public input on the draft reports is solicited and used.

Each Council should establish a mechanism for public input. However, this process should not be prescriptive in the guidance and should be left to the discretion of each Council.

7. The proposed final report document should not be described as following NEPA in the guidance.

Although the descriptions of the review document sections are reasonable in the guidance, it should be clear that these are not National Environmental Protection Act (NEPA) documents. Strict NEPA standards do not apply; therefore, the term NEPA should be dropped from the guidance and the proposed document content/structure of the review document.

8. It should be made clear which aspects of this guidance document are advisory and which aspects describe existing requirements.

As written, this document blends descriptions of requirements and aspects of the catch share reviews that are advisory/guidance. The difference should be clear throughout the document.

9. The review process proposed is onerous and will be impossible to address with existing staff and Science Center resources.

The scope of a catch share review, based on this guidance, is vast. It is written as if unlimited time, funding, and staff resources were available to conduct these reviews. For example, to address many of the described elements, new data collection systems would be required. The Councils and NOAA Fisheries do not have the resources to address all the proposed requirements. Alternatively, the

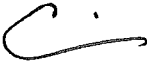
Council/Region, with the advice of the review team, should have the ability to determine what metrics and data are available to support a review, what analyses are reasonable and feasible, and execute a catch share review to address any general requirements.

10. We recommend a simplified approach to evaluate catch share programs.

We recommend that each review team conduct a review that is appropriate for each fishery based on a general framework for performance indicators and the information available on that fishery. Clay et al. (2010)¹ provided a framework for identifying social and economic performance indicators for evaluating and monitoring the impacts of catch share systems. We recommend that a catch share review evaluate performance metrics relative to this framework and include: 1) financial viability, 2) distributional outcomes, 3) stewardship, 4) governance, and 5) well-being. Each review team could then determine what data are available to conduct the analyses needed to evaluate the catch share program relative to these 5 criteria.

We appreciate the extension of the deadline to provide comments! Please contact me if you have any questions.

Sincerely,



Christopher M. Moore
Executive Director

cc: R. Robins, L. Anderson, M. Luisi, J. Coakley, J. Montañez

¹ Clay, Patricia M., Patricia Pinto da Silva, and Andrew Kitts. 2010. Defining Social and Economic Performance Measures for Catch Share Systems in the Northeast U.S. IIFET 2010 Montpellier Proceedings. Available at: <http://nefsc.noaa.gov/read/socialsci/pdf/publications/IIFET2010-PMC-PPDS-AK-revised%20gfish%20list.pdf>