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Dear Ms. Medina:

We represent fishing communities in New England who are eager to work with you on the NOAA Catch Share Task Force's development of a Catch Share policy. The two objectives that it is appropriate for us to comment upon are #1, the full consideration of Catch Shares in fishery management plan amendments and #3, Catch Share design for the best possible environmental and economic performance. We fully agree with your 22 June 2009 press release that states, "we must all work together to end overfishing and rebuild fisheries to improve the economics of fishing and fishing communities and to protect the ecosystems that sustain them."

With the creation of the recent Catch Share website, we are pleased to see a first generic definition for "Catch Shares." We urge you, however, to go further in clarifying the scope. For example, do you envision Catch Shares as able to rebuild depleted fish stocks as a stand-alone measure or in combination with other fisheries management tools? Shouldn't Catch Shares always be defined within a specific spatial limitation? How will Catch Shares help us achieve ecosystem-based management? We highlight our concerns for the general application of Catch Shares, and suggest why New England offers specific challenges.

We remain concerned that the August deadline, albeit extended slightly, is too ambitious for a subject of such momentous import to both fish stocks and fishing communities, and leaves inadequate opportunity for public process and essential deliberation. A thoughtful, informed, analysis of the natural and social sciences relevant to this policy is essential to improve fisheries management decisions.

### ***Definition of Catch Shares***

A clear working definition of "Catch Shares" is essential for all concerns. If one exists in the published literature, it should be used and referenced. We suggest the following definition as an alternative to the definition on the website: "equitably distributed among a limited number of individuals, fishing associations, communities, or specified areas." It ensures that fishermen can be allocated catch on the basis of association with a community and/or with a specific ecosystem. This is consistent with your statement that you are committed to help "find ways to make the health of the oceans go hand-in-hand with the prosperity of fishermen and the well-being of coastal communities." The relative merits of different types of groupings of fishermen should be assessed for any Catch Share system being designed and implemented. In New England, we believe, community fishing associations and designation of ecologically appropriate areas are key to the effective use of Catch Shares.

The policy should make it clear that Catch Shares are to be implemented in the context and mandates of the Magnuson Stevens Act, including the national standards and the provisions on Limited Access Privilege Programs.

### ***When and how to use the Catch Share tool***

We view Catch Shares as one tool *among many* that can create good fisheries management, and we are concerned, given that “*transitioning to Catch Shares is a priority for NOAA,*” that Catch Shares should not be viewed as appropriate for all fisheries under all conditions. To date in the Task Force process, it has not been demonstrated that the Catch Share tool will in fact correct the fisheries-related problems. To fulfill Dr. Lubchenco’s stated goal that “NOAA should be helping to identify the characteristics of those fisheries that would benefit most from the consideration of Catch Shares,” it is essential that the Catch Share policy either undertake or define a responsible and transparent process for this identification of fisheries.

We suggest that the Task Force develop guidelines for assessing the utility of Catch Shares for different types of fisheries. Specifically, we would like to know what evidence exists in peer reviewed literature that shows Catch Shares have been effective in rebuilding depleted fish stocks or slowing the decline of fish stocks not yet depleted, as opposed to simply preventing collapse. This is a critical issue for New England where most fish stocks are considered depleted.

The goal of fisheries management should be to look at the fishery ecosystems and determine what is the best combination of tools and the appropriate scales of management for maintaining it. If Catch Shares look promising, conditions should be put on them and/or additional measures should accompany them in order to make the management system effective. With credible peer reviewed evidence that Catch Shares can work, then the nuances of how they should be shaped to reduce overfishing and rebuild stocks can be developed with local fishing communities that are empowered to participate. Through this process, obstacles from fishing groups might disappear.

### ***Task Force Objectives: Application in New England***

We suggest you provide additional information on how Catch Shares could be most effective in any particular fishery, ecosystem and dependent fishing community. Furthermore, there should be provision for refining Catch Share systems as they are implemented and lessons are learned. New England and other fisheries and fishing communities have specific concerns we hope will be incorporated into the Task Force objectives. These include the following:

#### Design for environmental performance

New England’s fish stocks are famously overfished and slow to recover. Furthermore, the recovery is occurring unevenly *within* stock management areas. Therefore, an important objective should be to determine the capacity of Catch Shares to help rebuild overfished stocks and to determine the appropriate spatial scales and patterns for measuring recovery.

Fish stocks have fine-scale local distributions. An important objective would be to determine the appropriate spatial scale over which fishing rights and quotas are distributed. We worry that Catch Share or any quota based limit that is not defined by the appropriate scale and ecological boundaries will become a perverse incentive to overfish local stocks and move on, in pursuit of a more broadly determined quota – a strategy commonly known as “roving bandits”. This can have locally devastating effects on the ecosystem and dependent coastal communities.

Fishermen need to see that their conservation efforts are bearing fruit. As Catch Shares are implemented, it is essential they be applied on the appropriate scale and that monitoring of effects on fish stocks and the natural environment occur on similarly appropriate scales. Growing biological evidence argues that the current broad scale of fisheries management does not match

ecological scales important to fish stocks and ecosystem structure. And when the scale of management is too big, it leads to scales of fishing and marketing that threaten both ecosystem structure and communities.

Setting a precautionary Total Allowable Catch (TAC) appropriate for the ecosystem will require improved data and use of science, which should be addressed in NOAA's Catch Share policy. In New England, for instance there is an important body of information that points to distinct populations of species within the larger ecosystem, and it is critical that any new management framework based on TAC start using this information. The incorporation of a spatial factor into the implementation of Catch Shares seems prudent if not critical to their success (i.e. manage fisheries at the scale on which they operate. If that scale isn't known, smaller scale is more precautionary than larger scale [Steneck and Wilson 2009<sup>1</sup>]).

We trust that NOAA and the Task Force will obtain and use the best science available. We suggest this should include reliable input from fishermen, who are in the ecosystem daily, as well as research beyond statistical surveys. Sociological research and fish genetics and behavior studies, for example, are among the variety of scientific information often overlooked. Increasing the base of information for using Catch Shares will bring NOAA one step closer to implementing ecosystem-based management. Adding integrated management of all co-existing species in a region will make that step a giant but attainable one.

Furthermore, TAC should be structured to provide true incentives to reward and encourage more conservation-minded fishermen to be involved. In accordance with the Magnuson Stevens Act, TAC is determined on an annual basis, which means that there remains a time element in the allocation, which should be addressed. Even though the "race" to catch fish in a severely limited amount of time is removed, there is still pressure to catch the entire allocation by year's end. We would suggest that fishermen and groups that catch less than their allocation in a year be rewarded in some way for that conservation measure. Catch Shares should be molded into an allocation system that is fairer to the fish and to conservation-minded fishermen. This is a particularly sensitive subject in New England where fishermen who stopped fishing on severely depleted groundfish stocks have since been excluded from the fishery. In other words, Catch Shares as defined would punish these fishermen for their rebuilding efforts.

Rebuilding in ecosystems that have been significantly restructured, as in New England, will most definitely require ecosystem-based management. We worry that species specific quotas and Catch Shares, defined at a broad scale such as is currently used, will further perpetuate single species management and possibly lead to strong political interests that will oppose a transition to ecosystem-based management. Overly broad scale management will create technological adaptations that match the management scale: oversized boats, centralized markets, and large-scaled fishing operations whose economic interests are threatened by finer scale ecosystem-based management that serves the objectives of long term ecological sustainability.

#### Design for economic performance

Another major concern in New England is to make sure that the proposed Catch Share design can achieve acceptable socio-economic standards for fishermen and their communities, and does not precipitate the decline or disappearance of communities.

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<sup>1</sup> Steneck R. S., and Wilson, J. A. 2009 A fisheries play in an ecosystem theater: challenges of managing ecological and social drivers of marine fisheries at nested spatial scales. Bulletin of Marine Science. In press.

Initial distribution of Catch Share rights is a critical policy area where Task Force guidance should be provided and where literature citations could be constructive to council deliberation. Historical catch is probably not the most equitable allocation criteria. Consideration of different scale of fishing operations is important in order for Catch Share systems not to have unintended community consequences. It is an important and legitimate public policy question to examine the impacts on highly mobile vessels that only fish in one fishery and also on more local vessels who fish many different fisheries in a year. Allocation decisions should pay attention to how each of these groups will be affected.

Without very careful design, Catch Share transferability can lead to industrial scale consolidation of effort at the expense of the small boat, local fleet and the marine ecosystem. There is abundant evidence in other fisheries globally, as well as other food production systems, that consolidation on an industrial scale degrades the environment, erodes dependent communities, endangers food safety, and undermines food sovereignty. If there is to be transferability of allocations it is essential the policy address the following:

- Transferability should be permitted only among fishermen and permit banks inextricably tied to fishermen or community fishing associations for the use and benefit of fishermen and their communities.
- Careful initial design of incentives must be built into the transferability.
- Strong, legally effective limitations must be instituted prior to adoption of the policy to address occasions when incentives are not enough.
- Fish and fish quotas must not be allowed into investment markets.

We appreciate the opportunity to provide these concerns to the Task Force and look forward to working with you on this in the months to come.

Yours truly,

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