



UNITED STATES DEPARTMENT OF COMMERCE  
The Under Secretary of Commerce  
for Oceans and Atmosphere  
Washington, D.C. 20230

DEC 14 2010

The Honorable Walter B. Jones  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Jones:

Thank you for your letter regarding the National Oceanic and Atmospheric Administration's (NOAA) policy to promote consideration of catch shares in Federally managed marine fisheries. This policy is consistent with our legal authorities and provides guiding principles to help rebuild and maintain fisheries, sustain fishermen, and support vibrant working waterfronts.

In December 2009, NOAA released a draft policy on the voluntary use of catch share programs in fishery management plans, and over a 4-month period we sought broad input on the draft via the web, e-mail, public meetings, workshops, and stakeholder conference calls. NOAA revised the policy to address key issues and suggestions, and released the final national catch share policy on November 4, 2010. The policy emphasizes that well-designed catch shares are an important fishery management tool, but that they may not be the best management option for every fishery. As a result, NOAA will not and could not require the use of catch share programs in any particular fishery, but provides the policy to help reduce impediments to the consideration, and possible adoption, of catch shares in appropriate fisheries and to inform and educate stakeholders about options and capabilities of catch share programs.

Catch share programs already have a history in U.S. fisheries dating from 1990 when the Mid-Atlantic Fishery Management Council adopted an individual quota program for the surf clam and ocean quahog fishery. Today we have 14 catch share programs, and in January we will have at least one program in six of the eight Regional Fishery Management Council jurisdictions, accounting for about one-fourth of total U.S. commercial marine fisheries revenues. All of these programs were developed by participants of these fisheries through their respective regional fishery management council's deliberative and public processes. The NOAA catch share policy does not change this; management by catch shares is not a requirement, but an option that is available to the councils.

Your letter identified several specific questions or issues that I want to address.

**Legal authority:** Section 303A of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSA) authorizes limited access privilege programs (LAPPs). "Catch shares" is a generic term encompassing LAPPs and a variety of other exclusive quota programs, such as individual fishing quotas, community quota programs, and sector allocations.

**Funding of the Catch Share Grants Program:** NOAA's \$1 million contribution to the National Fish and Wildlife Foundation's (NFWF) \$2.2 million Fisheries Innovation Fund is from NOAA appropriated funds. The Federal contribution is consistent with our obligations and authorities under the MSA, and supports the requirements outlined in section 303A. The asset forfeiture fund



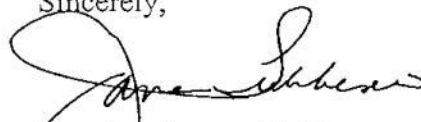
was not used to support this grant program. The Foundation is a congressionally chartered organization that has existed since 1984 to direct public conservation dollars to the most pressing environmental needs, and match those investments with private funds. The Fund will award grants for projects that foster innovation in U.S. fisheries, support effective participation of fishermen and fishing communities in the design and implementation of catch share programs, and help retain access to fisheries resources by fishermen in local communities. This grant program is also intended increase stakeholder expertise in catch shares and their engagement in the Council process, support innovations in gear selectivity and improved fishing practices that will enhance the opportunity for fishermen to fully access available quota, leverage affordable catch share financing, and enhance monitoring of catch share programs, including enhanced observer coverage and data collection.

**Impacts on fishing communities:** Catch shares are a tool for ending overfishing in a manner that provides the greatest flexibility for fishermen. Catch shares substitute market based measures for traditional “command and control” regulation that can be quite erroneous and ineffective. But since it is merely a tool, rather than a regulatory outcome, it is not the cause of the loss of employment in the fishing communities. The NOAA policy is consistent with existing statutory language regarding fishing communities and states that, “Councils should develop policies to promote the sustained participation of fishing communities and take advantage of community provisions of the MSA.” It is an unfortunate fact that a number of fisheries are presently losing jobs at sea and on land, and underperforming biologically and economically. Properly designed catch share programs can change this by helping fishermen stay on the water as fisheries rebuild and achieve long-term sustainability in the fish stocks and the economies that depend on them. Adopting this policy is not ignoring the will of fishing communities, but is providing an opportunity for them to ensure continued access to and benefits from fishery resources for future generations.

Fishermen and fishing communities are facing many challenges as we rebuild fisheries in the current economic climate. However, catch share programs have a strong track record and, if well designed, provide an effective means of staying within targeted catch limits while improving the economic performance, social stability, and safety-at-sea of Federally managed fisheries. I look forward to working with Congress to ensure that management programs meet the national standards of our legislative mandates to attain sustainable fisheries, and meet the social and employment needs of our fishing communities.

If you have further questions, please contact John Gray, Director of NOAA’s Office of Legislative Affairs, at (202) 482-4981.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Lubchenco". The signature is fluid and cursive, with a large loop at the beginning.

Jane Lubchenco, Ph.D.  
Under Secretary of Commerce  
for Oceans and Atmosphere

### Folder

From	<input checked="" type="radio"/> Honorable Jones, Walter B.
Folder Manager	NOAA/ES (Group)
Addressed To	Under Secretary of Commerce for Oceans and Atmosphere
Access Right	NOAA/NMFS
Subject	Express Strong Opposition to National Catch Share Policy and \$2.2M Catch Share Grant Program NOAA Announced Last Week
Keyword Summary	National Catch Share Policy, Grant Program, NOAA
Mail Type	E-Mail
Folder Types	Congressional Request
Control Number	027737-2010
Folder ID	28637
DOC Control Number	
Signature*	Under Secretary
Clearance Status(ExecSec Only)	<input type="checkbox"/>  <input type="checkbox"/>
NOAA File List	
Date Due for LO	11/22/2010
Created By	Peterson, Sheryl A. 11/10/2010
Modified By	Peterson, Sheryl A. 11/10/2010
Date on Document	11/08/2010
Date Received	11/10/2010
Date Due	11/29/2010
Date Closed	

CLOSED

### Attachments

Details	Download	Description	Type	Access Right	Owner	Created Modified
		Incoming Letter	Adobe PDF	NOAA/NMFS	Peterson, Sheryl A.	11/10/2010 11/10/2010

### Assignments

Details	Action	Assigned To	Assigned By	Status	Work Sequence	Date Assigned	Date Due	Closed	Access Right
	FYI	LA (Group)	Peterson, Sheryl A.	Active		11/10/2010	11/10/2010	<input checked="" type="checkbox"/>	NOAA/LA
	Prepare Response	NMFS/CU (Group)	Peterson, Sheryl A.	Active	1000	11/10/2010	11/10/2010	<input checked="" type="checkbox"/>	NOAA/NMFS
	Review	NOAA/ES (Group)	Peterson, Sheryl A.	Pending	2000	11/10/2010	11/22/2010	<input checked="" type="checkbox"/>	NOAA/ES
	Clearance	CFO (Group)	Peterson, Sheryl A.	Pending	2100	11/10/2010	11/22/2010	<input checked="" type="checkbox"/>	NOAA/CFO
	Clearance	LA (Group)	Peterson, Sheryl A.	Pending	2200	11/10/2010	11/23/2010	<input checked="" type="checkbox"/>	NOAA/LA
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	Clearance	NOAA/POLICY (Group)	Peterson, Sheryl A.	Pending	2400	11/10/2010	11/24/2010	<input checked="" type="checkbox"/>	NOAA/NMFS
	Clearance	GC (Group)	Peterson, Sheryl A.	Pending	2410	11/10/2010	11/24/2010	<input checked="" type="checkbox"/>	NOAA/GC
	Clearance	DUS (Group)	Peterson,	Pending	2500	11/10/2010	11/26/2010	<input checked="" type="checkbox"/>	NOAA/NMFS

see clearance 11/23/10

		Sheryl A.						
Clearance	PDUS (Group)	Peterson, Sheryl A.	Pending	2510	11/10/2010	11/26/2010	<i>MMA</i>	NOAA/NMFS
Clearance	USCOS (Group)	Peterson, Sheryl A.	Pending	2600	11/10/2010	11/29/2010	<i>[Signature]</i>	NOAA/NMFS
Signature	USEC (Group)	Peterson, Sheryl A.	Pending	2700	11/10/2010	11/29/2010	<i>[Signature]</i>	NOAA/NMFS
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