

The Fishing Quota Standards Act of 2003

Sponsored by Tom Allen
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Co-Sponsors: Corrine Brown, Lois Capps, Mike Capuano, Donna Christensen, Bill Delahunt, Anna Eshoo, Sam Farr, Mike Honda, Ed Markey, Betty McCollum, James McGovern, George Miller, Nick Rahall, Rob Simmons, Mike Thompson, Lynn Woolsey

Introduction:

Fishing quota systems provide for the allocation of quota within particular fisheries, by specifying the amount of the total allowable catch that the quota holder may catch within a specified period of time. From October 1996 until October 2002, Congress placed a moratorium on new quota systems due to concerns about the effects of quota systems on fishermen, fishing communities, and the marine environment. When left unchecked, quota systems can give unfair advantages to the highest bidder, create over-consolidation of the industry, have negative impacts on local communities and individual fishermen, and create over-harvesting of the resource. When the moratorium expired last September, no national standards had been put in place, leaving regional fishery management councils free to develop new quota programs. For these reasons, the Fishing Quota Standards Act of 2003 was introduced on June 26, 2003, which amends the section regarding quota programs of the Magnuson-Stevens Fishery Conservation and Management Act.

Bill Summary:

In General:

This Act allows for the establishment of fishing quota systems if such systems allocate quota to fairly among fishermen, include management measures designed to ensure the sustainability of the fishery, and provide additional and substantial conservation benefits to the fishery. To establish a quota program, it must be voted on and approved by active fishermen in the fishery. Consolidation is prevented by ensuring that no person holds an excessive share of quota and there must be a mechanism to allow new entrants into the fishery. To the maximum extent practicable, negative social and economic impacts of the system on local communities must be minimized. There must

be adequate enforcement, management, and data collection of the system. Quota systems will be effective for a fixed period of time, but may be renewed. Quotas can be adjusted periodically to respond to fishery management issues and to ensure the sustainability of fish stocks.

The Council Program Review Committee:

The Act establishes a committee within regional fishery management councils to develop and review quota programs and to review the compliance of quota holders. Appointments to this committee should fairly represent interested parties and be subject to conflict of interest rules. If a committee member is a quota holder, they shall not vote on any decision pertaining to the fishery in which they currently hold or will hold quota shares in the subsequent five years.

Referenda:

A two-thirds majority vote of eligible voters, all persons who hold a permit to fish in the fishery, must occur for a council to begin developing a quota program. To establish a quota program, it must be voted on and approved by two-thirds of the fishermen who hold a permit to fish in the fishery and crew who derive seventy-five percent of their income from the fishery subject to the proposed fishing quota system. The Secretary shall develop guidelines and procedures to conduct the referenda in a fair and equitable manner.

Allocation of quota shares:

A council will allocate all or a portion of the total allowable catch among existing vessel categories, gear types, or other appropriate qualifier to maintain the distributive nature of the fleet. In allocating shares, a council shall consider present and historic participation in fishery and prevent any person from controlling an excessive share of quota, avoiding an inequitable concentration of quota shares.

Share holders:

Share holders shall hold a permit to fish in the fishery and be natural persons of the U.S. or permanent resident aliens who are qualified to participate in the fishery. Procedures shall be established for allowing new entrants into the fishery. Shares may be transferred to a member of the holders immediate family, due to death or disablement of the holder.

Personal use fishing:

Quota systems will not apply to persons engaged in recreational or subsistence fishing if the regional fishery management plan designates a separate portion of the total allowable catch for such fishing. Charter boats are not specified as personal-use fishing.

Cost recovery:

This Act creates a mechanism to fully recover the costs of enforcement, management, data collection, observer coverage, and scientific research within each fishery. There will be an initial fee, an annual fee based on a percentage of the ex-vessel value of fish landed each year under the quota share, and a fee to transfer quota shares. The fees collected from a quota program will be available to the Secretary only for the purposes of administering that program.

The Secretarial Program Review Panel:

The Secretary will establish a panel to conduct reviews of systems, recommend to councils whether programs should be renewed, modified, or terminated. Panelists shall consist of the Secretary or designee, the Commandant of the Coast Guard or designee, a representative of each council, and five individuals with experience in fisheries management. Council representatives shall not vote on systems under the jurisdiction of their council. Any panelist who holds quota can not vote in decisions pertaining to the system in which the currently hold or will hold quota in the subsequent five years.

Review and renewal of quota systems:

A fishing quota program shall be reviewed every seven years to ensure that it complies with this Act. Councils can renew a fishing quota system if the review finds that the system meets or exceeds the requirements established by the standards.

Review of quota share holders:

The Council Program Review Committee will review the compliance of share holders under a quota system at least once every seven years. Shares may be reduced or reallocated if the holder is not meeting the requirements of the program.

Process of appeal:

There will be a fair and equitable process to appeal to the Secretary on decisions made by a council on the eligibility to participate in referenda and hold quota and on the limitation or revocation of quota shares.

Termination of quota systems:

A quota system may be limited or terminated if necessary for the conservation or management of the fishery by a council or the Secretary.