

Council Motion 1

D1 NMFS Annual Cost Recovery Report and Discussion Paper

April 6, 2025

The Council requests that the National Marine Fisheries Service (NMFS) further evaluate options for the cost recovery changes proposed in the discussion paper and look forward to NMFS initiating such a package for Council consideration in the future.

The Council directs NMFS and NOAA Office of Law Enforcement (OLE) to cease charging travel, rent, lease, and utility costs that are not incremental costs associated with a LAPP. Further, the Council recommends NOAA OLE charge cost recovery programs only for investigations that are specifically required for enforcement of a limited access privilege program (LAPP) or community development quota (CDQ) Program compared to general investigations. These actions should occur as soon as possible and are consistent with existing NOAA Policy Directives.

Further, the Council directs NMFS & NOAA OLE to provide the following in future annual cost recovery reports:

- Provide additional guidance to entities tracking incremental costs under Cost Recovery programs on how costs should be tracked using “but/for” policies and procedures and share a copy in the report.
- Develop and share a clear policy that emphasizes minimizing costs for the regulated public.
- Document efforts to minimize costs and describe cost savings in all cost recovery programs.
- Provide greater clarity on how NMFS is able to administer cost recovery programs outside of Alaska with lower overall costs.
- Describe personnel costs by specific offices, categories, tasks, and hours similar to NMFS West Coast Region.
- List recent regulatory projects (2021-present) that met the criteria to use cost recovery fees.
- Describe the types of violations and enforcement actions requiring the imposition of cost recovery fees from 2021- present.
- Detail why compliance assistance is a recoverable cost when compliance assistance has been a long-standing feature of NOAA OLE activities.
- Provide additional data on NOAA OLE incremental costs under all cost recovery programs including: number of investigations (including a breakout of what portion of that investigation is LAPP related) and number of staff.