

C-1 CDQ Ownership Caps Motion
February 1, 2017

Agenda Item C-1 -- CDQ Ownership Attribution Motion

The Council releases the draft analysis for Public Review and approves the purpose and needs statement below. The Council also selects Alternative 2 as its Preliminary Preferred Alternative.

Purpose and Need:

This action would revise the AFA Program and the CR Program ownership attribution regulations and the Crab FMP to provide for the different requirements for the CDQ groups, as distinguished from other program participants, which is mandated by the Magnuson-Stevens Act (as amended by the Coast Guard Act). Specifically, this action would remove the application of the “10-percent” rule for the CDQ groups and replace it with the proportional “individual and collective” rule. Since the 2006 amendment to the Magnuson-Stevens Act mandating the use of the individual and collective rule for CDQ groups, NMFS implemented this modification in practice by using the individual and collective rule but has not revised the AFA or CR Program regulations or the Crab FMP. This action would revise the regulations and the Crab FMP to make them consistent with the Magnuson-Stevens Act and current practice.

Alternative 1. No action. No change to the regulations governing the ownership attribution method for CDQ groups for excessive share limitations under the AFA Program; no change to the regulations and the Crab FMP governing the ownership attribution model for CDQ groups for the PQS ownership and IPQ use caps under the CR Program.

Alternative 2: Revise the regulations governing the ownership attribution model for CDQ groups for excessive share limitations under the AFA Program; revise the regulations and the Crab FMP governing the ownership attribution model for CDQ groups for the PQS ownership and IPQ use caps under the CR Program to provide as directed in the Magnuson-Stevens Act.