

**Timeline on Fee Collection to Recover the Actual Costs
Directly Related to the Management, Data Collection, and Enforcement for the
Atlantic Surfclam and Ocean Quahog Individual Transferrable Quota (ITQ) Fisheries**

1990

- The Atlantic surfclam and ocean quahog (SCOQ) fisheries have been managed under an ITQ system since 1990.

1996

- The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires the National Oceanic and Atmospheric Administration (NOAA) Fisheries to collect fees to recover the “actual costs directly related to the management, data collection, and enforcement” of any Individual Fishing Quota (IFQ; 16 U.S.C. 1854(d)(2)(A)).

2005

- Discussion on this issue occurs in the March 2005 Government Accountability Office (GAO) report "Individual Fishing Quotas: Management Costs Varied and Were Not Recovered As Required (GAO-05-241/March 2005).

2006

- February 27, 2006 - Letter from the Regional Administrator to establish an ITQ Cost Recovery Committee to develop a program to recover costs in the SCOQ fisheries was received by the Council.

2007

- The reauthorized MSA requires the NOAA Fisheries to collect fees to recover the “actual costs directly related to the management, data collection, and enforcement” of any Limited Access Privilege Program (LAPP; 16 U.S.C. 1854(d)(2)(A)).

2008-2009

- Fishery Management Action Team (FMAT) reformed to address SCOQ cost recovery, excessive shares, and updated EFH issues for the Amendment (then numbered 14).
- Amendment 14 development initiated and scoping document developed.
- February 3, 2009 - Letter from Pat Kurkul to Rich Robins regarding comments on the development of Amendment 14:
 - Council staff had indicated that they believe that the management costs of managing a pre-LAPP fishery in place prior to 1990 should be compared with the current management cost of the LAPP fishery in determining what is recoverable under the MSA.
 - The Agency’s documented its interpretation of what constitutes the collection of fees to recover the “actual cost related to the management, data collection, and enforcement of any LAPP.” The Agency stated that any compensation between the pre-LAPP and current LAPP fishery would not yield a recoverable cost. The agency interpretation of the law (section 303A(e) together with 304(d)(2)(A) of the MSA) is such that the recoverable cost in existing LAPP fisheries are calculated by

isolating the LAPP-specific aspects of the current fishery. Therefore, recoverable costs would be those that would not otherwise exist, but for the LAPP and would be incremental to the management costs of a traditional non-LAPP version of the fishery.”

- September 30, 2009 - Letter from Pat Kurkul to Rick Robins reiterated that the staff interpretation was not correct and that “incremental costs” are not described as “net incremental costs,” or defined by the difference between the pre- and post-LAPP fishery as stated by Council staff. Rather, they are calculated by isolating the IFQ-associated costs from each division, and can only be positive.

2011

- Standardized Bycatch Reporting Methodology took Amendment number 14 (2007), Annual Catch Limit and Accountability Measure Amendment (2011) took Amendment number 16.

2012

- The February 2012 SCOQ Committee meeting discussed next steps for then-numbered Amendment 15.
- At that meeting, General Counsel Joel MacDonald advised that an information collection program could be implemented by NMFS without a Council FMP Amendment under authority granted in section 402(a) of the MSA.
- The Committee voted to split Amendment 15 into several parts: 1) move forward with cost recovery, essential fish habitat (EFH), and the ocean quahog biological reference point update in Amendment 15, 2) request that NMFS develop an information collection program, and 3) move development of an excessive shares cap to the next Amendment.

2013

- August - Council voted to repopulate the FMAT and re-invigorate development of this cost recovery action (and also address EFH, BRPs, and OY issues).

2014

- April, March, and May - FMAT met to discuss the development of the Amendment.
- Amendment referred to as “Cost Recovery Amendment” - not numbered, but titled under new process to improve and simplify communication of Council actions with public.
- October - Council approved the Cost Recovery Amendment Public Hearing Document.

2015

- January - Comment period and public hearings completed.