

Summary of NASEM Study on Limited Action Privilege Programs

Prepared by Ocean Conservancy

Background

In 2018, Congress passed the Modernizing Recreational Fisheries Management Act of 2018¹ (the Modern Fish Act, or MFA), which focused on recreational fishing and addressing existing challenges in recreational data collection and management. The legislation directed the National Academies of Sciences, Engineering, and Medicine (NASEM) to conduct a study that considers the use of limited access privilege programs (LAPPs) in mixed-use fisheries (See MFA section 103).

LAPPs are fishery management programs where shares of an overall quota, or allowable catch, are assigned to individuals or other entities for their exclusive use. Designated in the MSA,² they are types of catch shares, and they are often known as individual fishing quotas (IFQs).

The NASEM study, released on August 5 in [prepublication form](#),³ considers the use of LAPPs in the following six mixed-use fisheries:

- Gulf of Mexico red snapper; grouper; and tilefish;
- South Atlantic wreckfish;
- Mid-Atlantic golden tilefish; and
- bluefin tuna, a highly migratory species managed by the Secretary of Commerce.

Key Takeaways

The study's overarching finding is that "the use of LAPPs in the mixed-use fisheries reviewed by the committee show little discernable impact on recreational and for-hire stakeholders; the outcomes of LAPPs in these mixed-use fisheries are similar to experiences in LAPPs that lack mixed-use components."⁴ The study also highlighted that there is limited data available, specifically, that "there is weak, if any, evidence for direct relationships between commercial fishing with IFQs and the recreational fisheries, which are open access and managed under overall nonbinding quotas."⁵ The authors concluded that in a mixed-use fishery, LAPPs may contribute to increasing the political challenges surrounding allocation determinations, and that improving accountability of the recreational sector is a significant worthwhile goal.

Findings

The study explored impacts of several dimensions of the LAPPs they reviewed and reported the following based on review of the 6 specific LAPPs noted above:

- Ecological Impacts:
 - LAPPs may provide a stewardship incentive for participants, which can be lacking in open or limited-access fisheries. This may in turn lead to increased social and legal pressure for greater accountability in other sectors.

¹ Public Law No. 115-405.

² 16 U.S.C. §§ 1802(26), 1853a.

³ National Academies of Sciences, Engineering, and Medicine 2021. The Use of Limited Access Privilege Programs in Mixed-Use Fisheries. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26186>.

⁴ LAPP study at xv (Executive Summary).

⁵ *Id.* at 146

- The authors reported strong evidence of ecological benefits specifically in the Tuna IBQ program. This program was intentionally developed as a bycatch avoidance program, therefore, incentives to avoid bluefin were a primary objective of the program.
- Social impacts:
 - LAPPs reviewed improve safety at sea.
 - Authors reported inconclusive effects of the LAPPs reviewed on labor, due to data deficiencies.
 - Reviewers noted that there are increased barriers to new entry with LAPPs.
 - A significant lack of data to assess social and community impacts led to no findings about community impacts.
- Economic Impacts:
 - LAPPs reviewed mediate the race to fish.
 - LAPPs reviewed can increase product price and profitability.
 - The LAPPs studied reduced total fishing effort and changed industry structure (*i.e.* consolidation and reducing economically wasteful overcapacity).

The study suggests that what might be the single strongest way that LAPPs have affected the recreational sector in mixed-use fisheries was that “the rise of formal associations representing commercial fishing shareholders is seen as a counterweight to large nongovernmental organizations representing environmental or recreational fishing interests, especially at the Council level. This may have important implications in mixed-use fisheries, affecting decisions about allocation among sectors (and particularly between commercial and recreational users)”⁶

Study Recommendations

The authors noted that “our conclusions and recommendations are aimed at improving a management system that in many respects appears to be working well”⁷ and stated that future work surrounding LAPPs should include strong consideration of initial program design, including initial allocation, set-asides for new entrants, and implementation design with a focus on enhancing and supporting robust data collection strategies. Specifically, the authors recommend that National Marine Fisheries Service (NMFS) and Councils should consider:

- Recreational stakeholders: Councils should conduct reviews of the management of the recreational sectors for fisheries in mixed-use fisheries and propose and implement reforms which foster accountability (*i.e.*, use of IFQs, cooperatives for for-hire vessels, harvest tags, and day passes) while enhancing fishing experiences and opportunities.
- Commercial participants: Initial design is extraordinarily important and has a significant impact on commercial participants. Councils should take the time to ensure broad range of options which thoroughly evaluate initial allocation of quota, including contributions of hired captains and crew.
- Fishing communities: NMFS and Councils should develop explicit measures to distinguish and associate LAPPs specific activities within fishing communities including how LAPPs are connected to communities (*e.g.*, residency, vessel homeport, *etc.*).
- Data collection and future research: NMFS and Councils should establish robust data collection protocols to address major information gaps, especially as they relate to economic and social

⁶ *Id.* at 11.

⁷ *Id.* at 17

data and including pre-implementation baselines. Impacts on fishing communities could be explored further by building on NMFS data on social indicators.

- Interdisciplinary impact assessment: NMFS and Councils should encourage interdisciplinary data integration that will lead to new ways to integrate qualitative and quantitative data.