

Title: **Operational Excessive Share Protocols for Catch Share Fmps Under Msra**

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Abstract: With the publication of the NOAA Draft Policy on Catch Shares, which encourages US Management Councils to adopt Catch Share Programs (yet another new name for LAPs, ITQs, or IFQs) there will likely be more deliberations on such programs. With changes mandated in the revised Magnuson-Stevens Act and the suggestions made in several Congressional studies, this will require a closer look at the required elements of operational protocols to address excessive shares in plan amendments which institute quota shares. The emphasis on the word operational is intentional. The purpose of this paper is to introduce some of the topics which will need to be addressed. An important issue will be the difference between, and the requirements to address, market power issues and what may be called management objective excessive shares. It will be necessary to define a conceptually clear process between the desired policy objectives and the requirement to define excessive shares in terms of a percentage of quota shares owned (or controlled) by a single entity. With respect to market power this should be related to standard Justice Department norms related to the ability to increase market price. Another important issue will be the need to define a point where there is an implicit or explicit hand off from the NMFS Regional Offices and the Justice Department when intervention is required on market power issues. Two of the criteria for determining this point will be the differences in their legal mandates and types of in-house expertise.