

## CDQ Panel Rule

Adopted by the CDQ Panel/  
Western Alaska Community Development Association (WACDA)

### **Resolution 2010-05** **Decennial Review Standards**

The WACDA Board of Directors intends for this Resolution to be a CDQ Panel Rule binding on each of the six CDQ Entities pursuant to the terms of the WACDA Membership Agreement and to the Magnuson-Stevens Fishery Conservation and Management Act. The preceding statement is required by section 2.A of the September 28, 2007 WACDA Membership Agreement.

The CDQ Panel/WACDA Board of Directors has conducted a review and determined that this CDQ Panel Rule is lawful in all aspects. The preceding determination is required by section 2.B of the September 28, 2007 WACDA Membership Agreement.

#### **I. Findings:**

*Whereas*, the Federal CDQ statute that governs the Western Alaska Community Development Quota (CDQ) Program (section 305(i)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 U.S.C. 1855(i)(1) et seq.)) requires the State of Alaska to evaluate the performance of each CDQ entity in a “decennial review” (16 U.S.C. 1855(i)(1)(H)(i)); and

*Whereas*, the Federal CDQ statute requires the “decennial review” of each CDQ entity be conducted beginning in 2012 and every ten years thereafter; and

*Whereas*, the CDQ Panel/WACDA Board of Directors has determined that this CDQ Panel Rule is necessary to fulfill the Federal CDQ statute’s requirement that the CDQ Panel “shall establish a “system” . . . that allows each entity . . . to assign relative values to . . . criteria to reflect the particular needs of its villages” for the decennial review process; and

*Whereas*, the Federal CDQ statute states that the criteria to be included in the system are: changes in population, poverty level and economic development; the overall financial performance of the entity including fishery and nonfishery investments; employment, scholarships and training supported by the entity; and achieving the goals of the entity’s community development plan; and

*Whereas*, the CDQ Panel/WACDA Board of Directors has reviewed the “decennial review” requirements in the Federal CDQ statute and has determined that the statutorily required criteria must be further defined to ensure consistency within the Decennial Review process and to reasonably comply with the “decennial review” requirements contained in the Federal statute; and

*Whereas*, the Federal CDQ statute requires the CDQ Panel/WACDA to “administer those aspects of the [CDQ] program not otherwise addressed by [the Federal CDQ statute]” and authorizes the CDQ Panel/WACDA to do so through private contractual arrangement;

*Whereas*, the Federal CDQ statute requires the six CDQ entities to “comply with...requirements established by” the CDQ Panel (16 U.S.C. 1855(i)(1)(E)(vi)); and

*Whereas*, on September 28, 2007, the six CDQ entities and CDQ Panel/WACDA entered into a WACDA Membership Agreement which establishes the process that the CDQ Panel/WACDA must follow in adopting any “requirements” pursuant to the Federal CDQ statute that are to be binding on the six CDQ entities;

## **II. Resolution/CDQ Panel Rule:**

Now, therefore be it resolved that the CDQ Panel/WACDA Board of Directors hereby adopts the following CDQ Panel Rule which shall be binding on all six CDQ entities:

### **Decennial Review Standards**

**Section 1. Decennial Review System:** For purposes of the Federal CDQ statute (16 U.S.C. 1855(i)(1) et seq.), the approved Decennial Review System shall mean “a program evaluation process performed by each CDQ Entity in the weighting of certain specified criteria, applying such weighting to the performance of the individual CDQ Entity’s performance over the measured period, and the reporting of that information to the State of Alaska.” For the purposes of this rule, any term not defined herein shall be given the meaning adopted by other CDQ Rules.

**Section 2. Decennial Review Period:** The Decennial Review Period shall mean “the preceding 10-year period” in consideration of the time frame between the two most recent issues of the *Census of the Population of the United States* as published by the U.S. Census Bureau. In the case of the initial review period performed in 2012, the Decennial Review Period shall commence with the adoption of the Federal CDQ statute, April 2006, and end at the close of business in December 2010.

**Section 3. Responsibilities of Individual CDQ Entity:** The Federal CDQ Statute, 16 U.S.C. 1855(i)(1)(H), requires that the CDQ Panel establish a system to allow each CDQ Entity to individually assign relative values to the criteria to reflect the needs of its villages. Accordingly each CDQ Entity shall use the following valuation system for the Criteria:

- a. The total value assigned to all four criteria shall equal 100 points.
- b. In performing its Decennial Review, each CDQ Entity shall allocate the total number of points between the Criteria in its sole discretion.

**Section 4. Criteria:** The Decennial Review System requires that each CDQ Entity conduct an internal program evaluation process of its performance over the measured period using the following criteria:

- a. Changes in population, poverty level, and economic development in the Entity's member villages.
- b. The overall financial performance of the Entity, including fishery and nonfishery investments in the Entity.
- c. Employment, scholarships, and training supported by the Entity.
- d. Achievement of the Entity's community development plan.

**Section 5. WACDA Support of Each Decennial Review:** It is the policy of WACDA to support the review conducted by each CDQ Entity of its performance under this CDQ Panel Rule. In the event the Decennial Review performed by a CDQ Entity demonstrates that the CDQ Entity has maintained or improved its overall performance, then WACDA shall advise the State of Alaska the allocations made to such entity should continue without adjustment for the next 10-year period.


**Section 6. Compliance and Penalties:** Any penalties for non-compliance with this CDQ Panel Rule shall be limited to those allowed under section 7 of the September 28, 2007 WACDA Membership Agreement.

**Section 7. Termination of Rule:** This CDQ Panel Rule shall automatically terminate on the date that is two years after the effective date identified below (in accordance with section 5.A of the September 28, 2007 WACDA Membership Agreement).

### III. Adoption of Resolution

(1) **First Approval:** By signing below, the six members of the CDQ Panel/WACDA Board of Directors unanimously approve this Resolution as a Proposed CDQ Panel Rule and certify that the approval of this Resolution has occurred at a regular or special meeting of the WACDA Board of Directors and in accordance with all relevant provisions of the WACDA Bylaws.

Signed this 14 day of December 2010:



Larry Cotter, Chief Executive Officer  
Aleutian Pribilof Community Development Association



Robin Samuelsen, President/Chief Executive Officer  
Bristol Bay Economic Development Corporation



Phillip Lestenkof, President  
Central Bering Sea Fishermen's Association



Morgen Crow, Executive Director  
Coastal Villages Region Fund



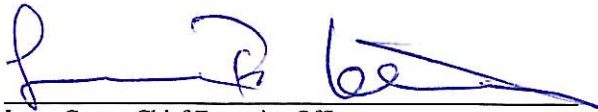
Simon Kinneen, Chief Operating Officer  
Norton Sound Economic Development Corporation



Ragnar Alstrom, Executive Director  
Yukon Delta Fisheries Development Association

**(2) Second Approval:** By signing below, the six members of the CDQ Panel/WACDA Board of Directors unanimously approve this Resolution as a CDQ Panel Rule and certify that: (1) this second approval has occurred at least 30 days after the first approval above; and (2) that the second approval of this Resolution has occurred at a regular or special meeting of the WACDA Board of Directors and in accordance with all relevant provisions of the WACDA Bylaws.

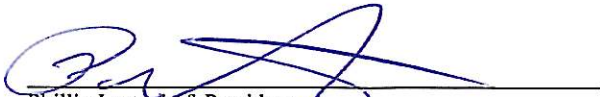
Signed this 15 day of March 2011:




Larry Cotter, Chief Executive Officer  
Aleutian Pribilof Community Development Association



Robin Samuelsen, President/Chief Executive Officer  
Bristol Bay Economic Development Corporation



Phillip Lestenkof, President  
Central Bering Sea Fishermen's Association



Morgen Crow, Executive Director  
Coastal Villages Region Fund



Simon Kinneen, Chief Operating Officer  
Norton Sound Economic Development Corporation

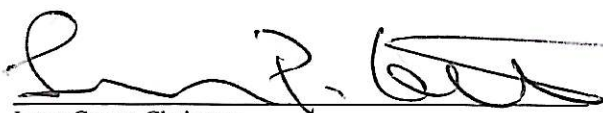


Ragnar Alstrom, Executive Director  
Yukon Delta Fisheries Development Association

**(3) Effective Date:** By signing below, the WACDA President and Executive Director certify on behalf of WACDA that the requirements of section 2 of the September 28, 2007 WACDA Membership Agreement have been satisfied and that notice of this Resolution as approved for the second time, including a copy thereof, was sent by WACDA to each of the six CDQ entities and to the National Marine Fisheries Service on the following date which shall therefore be the effective date of this Resolution and CDQ Panel Rule:

Effective Date: 4/28/11

Signed,



Larry Cotter, Chairman  
Western Alaska Community Development Association



Executive Director  
Western Alaska Community Development Association