

CDQ Panel Rule

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

Resolution 2010-07 **Community Development Plans**

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.

This Resolution and CDQ Panel Rule is adopted to amend the contents and extend the effective date of the CDQ Panel Rule adopted by WACDA Resolution 2008-03.

I. Findings:

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 (16 U.S.C. 1855(i)(1)(G)(iii)(I));

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;

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));

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.)) defined a “community development plan” in 16 U.S.C. 1855(i)(1)(J);

Whereas, the Federal CDQ statute in 16 U.S.C. 1855(i)(1)(H)(ii) allows an entity to assign a relative value to how it achieved the goals of its community development plan for the purposes of the required decennial review as set forth in 16 U.S.C. 1855(i)(1)(H);

Whereas, the CDQ Panel has reviewed both the decennial review requirements and the statutory definition of a community development plan in the Federal CDQ statute and has determined that each group should maintain a minimum level of community development plan and that the content and formatting of such a community development plan must be consistent among all 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:

Section 1. Community Development Plan. Each entity must maintain a community development plan (“CDP”) in compliance with 16 U.S.C. 1855(i)(1)(J)(i) or (ii).

Section 2. Minimum CDP Standards. If an entity chooses to maintain its CDP consistent with 16 U.S.C. 1855(i)(1)(J)(i), that CDP shall include the following information for each target CDQ fishery: 1) the type(s) of gear that will be used for harvest, 2) the general time period of such harvest, and 3) its bycatch avoidance plans with respect to the harvest of its share of fishery resources.

Section 3. Extended Reporting CDP Standards. If an entity chooses to maintain its CDP consistent with 16 U.S.C. 1855(i)(1)(J)(ii), that CDP shall include the following information and format:

Section 1	Executive Summary
Section 2	Community Profile
Section 3	Organizational Structure
Section 4	Harvesting and processing information
Section 5	Projects and programs that benefit the region

Section 4. Status, Filing, and Amendments. All CDPs must be kept up-to-date at least annually and also filed annually with WACDA. In addition to the foregoing, an entity may freely amend its CDP at any time; however, no amendments to a CDP can be made in the last twelve months of the decennial cycle if such amendments will be a basis for that entity’s evaluation purposes pursuant to 16 U.S.C. 1855(i)(1)(H).

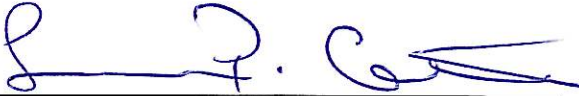
Section 5. Compliance and Penalties. Any penalties for non-compliance with this CDQ Panel Rule shall be limited to those allowed under section 7 of the September 28, 2007 WACDA Membership Agreement.

Section 6. Termination of Rule. This CDQ Panel Rule shall automatically terminate on December 31, 2012.

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.

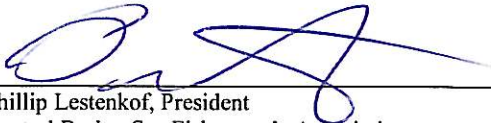
Signed this 14 day of December 2010,



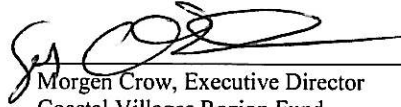
Larry Cotter, Chief Executive Officer
Aleutian Pribilof Community Development Association



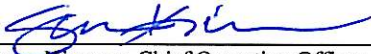
Robin Samuelsen, President/Chief Executive Officer
Bristol Bay Economic Development Corporation



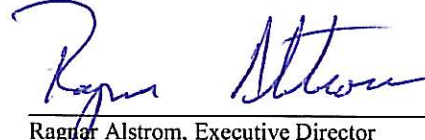
Phillip Lestenkof, President
Central Bering Sea Fishermen's Association



Morgen Crow, Executive Director
Coastal Villages Region Fund



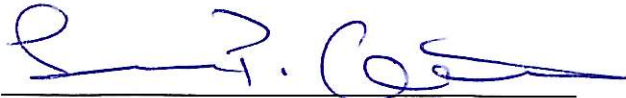
Simon Kinneen, Chief Operating Officer
Norton Sound Economic Development Corporation



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.

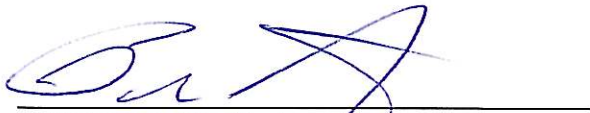
Signed this 15 day of March 2011:




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