

4. Any consensus harvest sharing agreement or negotiated settlement between the affected participants in the fishery.
5. Potential biological yield of any species or species complex affected by the allocation.
6. Consistency with the Magnuson-Stevens Act national standards.
7. Consistency with the goals and objectives of the FMP.

The modification of a direct allocation cannot be designated as routine unless the specific criteria for the modification have been established in the regulations.

6.3.2 Formal Allocations

6.3.2.1 Sector Allocations of Sablefish North of 36° N. Latitude

Fixed allocations of sablefish are based on the ACL specified for the area north of 36° N. latitude (to the U.S.-Canada border). Sablefish allocations north of 36° N. latitude are determined by first deducting the tribal share from the ACL specified for north of 36° N. latitude, then deducting the estimated total mortality of sablefish in research and non-groundfish fisheries (these deductions are decided in the biennial process for specifying harvest specifications and management measures based on the best available information at the time of the decision), then dividing the remaining yield (non-tribal share) between open access and LE fisheries, with the LE share divided between the trawl and fixed gear (longline and fishpot) sectors. The proportions of each of these divisions are indicated in Figure 6-1. The LE fixed gear share is then generally divided 85 percent to the primary fishery for LE fixed gear vessels with sablefish endorsements and 15 percent for the daily-trip-limit fishery, for such vessels with and without sablefish endorsements.

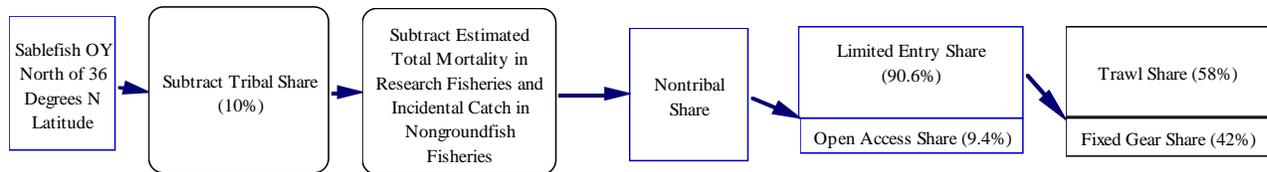


Figure 6-1. Fixed intersector allocations of sablefish north of 36° N. latitude.

6.3.2.2 Sector allocations of Pacific Whiting

Projected total mortalities of Pacific whiting in recreational, research, and non-whiting fisheries are first set aside (these deductions are decided in the annual process for specifying Pacific whiting harvest specifications and management measures based on the best available information at the time of the decision), then a yield amount is set-aside to accommodate tribal whiting fisheries. In some years the whiting set-aside may be increased to accommodate other programs, such as EFPs. The nontribal commercial share of whiting is allocated to LE whiting trawl sectors as follows: 42 percent for the shoreside whiting sector, 24 percent for the at-sea mothership whiting sector, and 34 percent for the at-sea catcher-processor whiting sector. No more than five percent of the shoreside whiting sector's allocation may be taken and retained south of 42° N. latitude prior to the start of the shore-based whiting season north of 42° N. latitude (in waters off Oregon and Washington).

6.3.2.3 Limited Entry Trawl Allocations for Amendment 21 Species

Formal allocations of species covered under Amendment 21 support Amendment 20 trawl rationalization measures. Annual OYs/ACLs are established for these species the same as for other groundfish species. The OYs/ACLs are then reduced by deducting the estimated total mortality of these species in research,

tribal, and non-groundfish fisheries, and the estimated exempted fishing permits set-asides. The remainder of the OYs/ACLs are then allocated according to the percentages in Table 6-1. The trawl percentage is for the non-treaty trawl fishery managed under Amendment 21. The non-treaty, non-trawl percentage is for the LE fixed gear fishery, the open access fishery, and the recreational fishery. Allocations to the directed non-trawl sectors (i.e., LE fixed gear, directed open access, and recreational) for the species allocated in Table 6-1 are decided, if needed, in the biennial harvest specifications and management measures process.

Trawl/Nontrawl Allocations

Table 6-1. Allocation percentages for limited entry trawl and non-trawl sectors specified for FMP groundfish stocks and stock complexes under Amendment 21 (most percentages based on 2003-2005).

Stock or Complex	All Non-Treaty LE Trawl Sectors	All Non-Treaty Non-Trawl Sectors
Lingcod	45.0%	55.0%
Pacific Cod	95.0%	5.0%
Sablefish S. of 36° N. latitude	42.0%	58.0%
PACIFIC OCEAN PERCH	95.0%	5.0%
WIDOW	91.0%	9.0%
Chilipepper S. of 40°10' N. latitude	75.0%	25.0%
Splitnose S. of 40°10' N. latitude	95.0%	5.0%
Yellowtail N. of 40°10' N. latitude	88.0%	12.0%
Shortspine N. of 34°27' N. latitude	95.0%	5.0%
Shortspine S. of 34°27' N. latitude	50 mt	Remaining Yield
Longspine N. of 34°27' N. latitude	95.0%	5.0%
DARKBLOTCHED	95.0%	5.0%
Minor Slope RF North of 40°10' N. latitude	81.0%	19.0%
Minor Slope RF South of 40°10' N. latitude	63.0%	37.0%
Dover Sole	95.0%	5.0%
English Sole	95.0%	5.0%
Petrale Sole	95.0%	5.0%
Arrowtooth Flounder	95.0%	5.0%
Starry Flounder	50.0%	50.0%
Other Flatfish	90.0%	10.0%

Shoreside Trawl Allocations for Initial Issuance

Under Amendment 20 trawl rationalization, the two existing LE trawl sectors delivering groundfish to shoreside processing plants (i.e., shoreside whiting and shoreside non-whiting) are managed as one sector under a system of IFQs. However, before quota shares can be allocated to eligible LE trawl permit holders, an initial one-time allocation was made to the two shoreside sectors. All species subject to formal allocation, including sablefish north of 36° N. latitude and excluding the three trawl-dominant overfished species (i.e., darkblotched rockfish, Pacific ocean perch, and widow rockfish) and yellowtail rockfish are allocated to the shoreside whiting and shoreside non-whiting sectors based on 1995-2005 sector catch percentages (Table 6-2). An initial allocation of 300 mt of yellowtail rockfish was made to the shoreside whiting sector prior to allocation of Amendment 20 quota shares. The estimated fishing mortality of Amendment 21 species in the at-sea whiting fishery (i.e., total catch by catcher-processors and vessels delivering whiting to motherships) other than the three trawl-dominant overfished species is

set-aside from the LE trawl allocations specified in Table 6-1 prior to making the initial shoreside trawl sector allocations. While set-aside amounts for the at-sea whiting fishery (Mothership and Catcher/Processor sectors) were preliminarily decided under Amendment 21, the actual set-aside amounts will be based on the best available information on bycatch by these sectors in the biennial harvest specifications and management measures decision process.

Table 6-2. Shoreside trawl sector catch percentages during 1995-2005 used to apportion the initial allocation of Amendment 21 species to LE trawl sectors delivering groundfish to shoreside processing plants (i.e., shoreside whiting and shoreside non-whiting).

Stock or Complex	1995-2005 Sector Catch Percentage	
	Non-whiting	Whiting
Lingcod	99.7%	0.3%
Pacific Cod	99.9%	0.1%
Pacific Whiting	0.1%	99.9%
Sablefish N. of 36° N. latitude	98.2%	1.8%
Sablefish S. of 36° N. latitude	100.0%	0.0%
Chilipepper S. of 40°10' N. latitude	100.0%	0.0%
Splitnose S. of 40°10' N. latitude	100.0%	0.0%
Shortspine N. of 34°27' N. latitude	99.9%	0.1%
Shortspine S. of 34°27' N. latitude	100.0%	0.0%
Longspine N. of 34°27' N. latitude	100.0%	0.0%
Minor Slope RF North of 40°10' N. latitude	98.6%	1.4%
Dover Sole	100.0%	0.0%
English Sole	99.9%	0.1%
Petrals Sole	100.0%	0.0%
Arrowtooth Flounder	100.0%	0.0%
Starry Flounder	100.0%	0.0%
Other Flatfish	99.9%	0.1%

Allocation of Trawl Dominant Overfished Species

Under Amendment 20, the at-sea whiting sectors (i.e., catcher-processors and motherships) are managed in a system of sector-specific harvest cooperatives. Each at-sea whiting sector will manage their bycatch of canary rockfish, darkblotched rockfish, Pacific ocean perch, and widow rockfish using sector-specific total catch limits. An initial allocation of these four species needs to be made to the four existing LE trawl sectors before initial allocation of quota shares under Amendment 20. Initial sector allocation of canary rockfish would be decided in the biennial harvest specification and management measures process immediately preceding implementation of Amendments 20 and 21. The initial sector allocation of the trawl-dominant overfished species under Amendment 21 is as follows:

Darkblotched Rockfish

Allocate 9 percent or 25 mt, whichever is greater, of the total LE trawl allocation of darkblotched rockfish to the whiting fisheries (at-sea and shoreside combined). The distribution of the whiting trawl allocation

of darkblotched to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Pacific Ocean Perch

Allocate 17 percent or 30 mt, whichever is greater, of the total LE trawl allocation of Pacific ocean perch to the whiting fisheries (at-sea and shoreside combined). The distribution of the whiting trawl allocation of POP to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Widow Rockfish

Initially allocate 52 percent of the total LE trawl allocation of widow rockfish to the whiting sectors if the stock is under rebuilding or 10 percent of the total LE trawl allocation or 500 mt of the trawl allocation to the whiting sectors, whichever is greater, if the stock is rebuilt. If the stock is overfished when the initial allocation is implemented, the latter allocation scheme automatically kicks in when it is declared rebuilt. The distribution of the whiting trawl allocation of widow to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Allocation of Pacific Halibut

Pacific halibut is a prohibited species in the west coast LE trawl fishery. Under Amendment 20, Pacific halibut bycatch in the shoreside trawl fishery north of 40°10' N. latitude is managed using a system of individual bycatch quotas (IBQs). Under Amendment 21, an allocation of Pacific halibut was decided as follows:

The trawl mortality limit for legal and sublegal Pacific halibut is set at 15 percent of the Area 2A (i.e., waters off California, Oregon, and Washington) constant exploitation yield for legal size halibut, not to exceed 130,000 pounds for the first four years of trawl rationalization and not to exceed 100,000 pounds starting in the fifth year. This total bycatch limit may be adjusted downward or upward through the biennial specifications and management measures process. Part of the overall total catch limit is a set-aside of 10 mt of Pacific halibut to accommodate bycatch in the at-sea whiting fishery and bottom trawl bycatch south of 40°10' N. latitude. The set-aside amount of Pacific halibut to accommodate the incidental catch in the trawl fishery south of 40°10' N. latitude and in the at-sea whiting fishery may be adjusted in the biennial specifications and management measures process in future years as better information becomes available.

Under Amendment 21, it was decided that any formal allocations be specified in the FMP. Future consideration for a re-allocation of FMP species subject to a formal allocation will require an FMP amendment. The provision to temporarily suspend formal allocation if a species is declared overfished (see Section 4.6.1(5) of the FMP) is maintained under Amendment 21.

All intersector allocations will be formally reviewed along with the formal review of the trawl rationalization program five years after implementation of Amendments 20 and 21.

[Amendment 18, 21]

6.4 Standardized Total Catch Reporting and Compliance Monitoring Program

Fishery managers participating in the Council process need accurate estimates of total fishing mortality. Total fishing mortality data are needed to set accurate harvest specifications and management measures and to adjust management measures inseason so that ACLs/OYs may be achieved, but not exceeded.