

## **DRAFT COUNCIL OPERATING PROCEDURE**

### **Process for Initiating Allocation Reviews**

Approved by Council: TBD

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#### **PURPOSE**

To provide guidance for initiating reviews of fishery allocations that distribute specific quantities of fish to identifiable, discrete user groups or individuals (but not the initial allocation of catch shares to individuals).

#### **GENERAL**

The National Marine Fisheries Service (NMFS) Policy Directive 01-119, Fishery Allocation Review Policy, makes Councils responsible for identifying the triggers applicable to each of their fishery management plans (FMPs) that contain a fisheries allocation, as well as species that are managed internationally but for which a council may have authority for a domestic quota allocation (e.g. the Pacific halibut catch sharing plan, CSP). NMFS Procedural Directive 01-119-01 identifies three general types of triggers: public interest based, time based, and indicator based. Triggers are not mutually exclusive and may be complimentary (e.g. both time based and public interest based triggers may be specified for the same allocation). Where triggers are indicator based, the Council needs to identify how it will periodically monitor those indicators.

#### **PROCEDURE**

In general, allocation reviews, and especially revisions, are often time consuming and contentious, and once established should not be altered without good cause and adequate Council/agency capacity. Therefore, to ensure both of these issues are satisfied the Council will consider public interest requests for allocation reviews before it undertakes an allocation review that is not already specified in an FMP/CSP, triggered through an endangered species act (ESA) incidental take statement or required by court order,. This will ensure the Council has the flexibility to evaluate the need for a review and if so determined, to integrate the associated tasks and timelines into its workload planning process. For limited access privilege programs (LAPPs) that have periodic reviews specified, the Council will consider the need for review of allocations that are part of the LAPP during the initial scoping process for the LAPP review. However, new or revised allocations that are adopted as part of an FMP or FMP amendment may include other procedural pathways for future allocation review(s).

Based on this general procedural policy, the table at the end of this COP provides a list of the Council's FMP/CSP related allocations and the triggers that will be used for initiating reviews. In addition to identifying the FMP/CSP and the allocation, it also identifies when the allocation was first set and whether the allocations are formulaic (a specific formula in the FMP/CSP) or circumstantial (based on circumstances present at the time of each allocation) Examples of circumstantial allocations would be those made during the groundfish biennial specifications

process that are partially determined based on biological and socio-economic conditions expected for each biennial period. Subsequent columns in the table identify whether the allocation is part of a LAPP, the most recent review, the review trigger, and next scheduled review.

[Amounts of fish for tribes are not included in this draft of the COP. Possible inclusion will be subject to consultation with affected tribes.]

Management measures which have indirect allocational impacts are excluded from this procedure. For example, the specification of quotas for coastal pelagic species seasons does not directly allocate among groups but has geographic implications (particularly for processors and communities), since fish are concentrated along different areas of the coast at different times of year. The groundfish FMP Amendment 6 limited entry/open access allocations are infrequently used in management but included because the allocations remain in the FMP. For most species, the Amendment 6 allocations were superseded by the Amendment 21 trawl/nontrawl allocations. For many others, the allocations have not been relevant because of the rockfish conservation area closures that have largely limited fishing on the shelf. One of the stocks for which the Amendment 6 allocations have continued to be used is northern sablefish.

Once a review is initiated, a preliminary analysis will be conducted to determine whether alternative allocations should be considered, following the guidelines provided in NMFS Procedural Directive 01-119-01. If the Council moves forward with consideration of alternative allocations it will consult NMFS Procedural Directive 01-119-02 to ensure all appropriate factors are considered.

Table 1 (COP 27): Pacific Fishery Management Council non-Indian allocations (distributions of specific quantities of fish to identifiable, discrete user groups or individuals), reviews, and triggers.

FMP/CSP	Allocation	How/When Set?	Formulaic/ Circumstantial	Part of or Supporting a LAPP?	Past Reviews	Review Trigger	For Periodic Reviews: Review Schedule	Comments
		FMP/CSP/Mgt Process/Other						
<b>Coastal Pelagic Species</b>	Set-Asides from Directed for Incidental Fisheries and EFPs (Anchovy, Sardine, and Mackerel)	Annual Specifications	Circumstantial	No	Annually	Periodic	Annual	
	Live Bait/Other Commercial (Sardine and Anchovy)	Annual Specifications	Circumstantial	No	Amendment 13 (2011)	Periodic	Annual	The Council assumes about 2-4k metric tons of live bait per year, but it is not tracked until the end of season.
<b>Ground- fish</b>	Trawl/Nontrawl (Including Recreational) for: Lingcod, Pacific Cod, Sablefish S, Pacific Ocean Perch, Widow Rockfish, Chilipepper Rockfish S, Splitnose Rockfish S, Yellowtail Rockfish N, Shortspine Thornyhead S, Shortspine Thornyhead N, Longspine Thornyhead N, Darkblotched Rockfish, Slope Rockfish S, Slope Rockfish N, Dover Sole, English Sole, Petrale Sole, Arrowtooth Flounder, Starry Flounder, and Other Flatfish. (Also See Trawl Bycatch Allowance Under Pacific Halibut).	Established by FMP Amendment 21 (2011)	Formulaic	Yes	2017	Periodic	LAPP Rev Sched for 2022 and Every 6 Years Thereafter	

FMP/CSP	Allocation	How/When Set?	Formulaic/ Circumstantial	Part of or Supporting a LAPP?	Past Reviews	Review Trigger	For Periodic Reviews: Review Schedule	Comments
		FMP/CSP/Mgt Process/Other						
	Sablefish North of 36° N latitude (Trawl/Fixed Gear and Limited Entry/Open Access)	Trawl/Fixed Gear by 1989 Regulatory Amendment; and Limited Entry/Open Access by Amendment 6 (1994)  (The trawl/fixed gear allocation was memorialized in the FMP as part of Amendment 21 2011.)	Formulaic	Yes	2017	Public Interest	LAPP Rev Sched for 2022 and Every 6 Years Thereafter	
	Limited Entry/Open Access Allocations for Groundfish Species Not Listed Above	Amendment 6 (1994)	Formulaic	No	No	Public Interest	Not Scheduled	Largely outdated due to Amendment 21 and shelf closures.
	Trawl/Nontrawl Allocations Not Included in the FMP, As Needed.	Biennial Specifications	Circumstantial	Yes	Biennially	Periodic	Even Numbered Years	
	Subdivision of Nontrawl: Recreational/ Commercial Non-trawl (All Species)	Biennial Specifications	Circumstantial	Yes	Biennially	Periodic	Even Numbered Years	
	Pacific Whiting Among Trawl Sectors (Shorebased, Mothership, and Catcher-Processors)	1997 Regulatory Amendment  (The whiting allocation was memorialized in the FMP as part of Amendment 21 2011.)	Formulaic	Yes	2017	Periodic	LAPP Rev Sched for 2022 and Every 6 Years Thereafter	

FMP/CSP	Allocation	How/When Set?	Formulaic/ Circumstantial	Part of or Supporting a LAPP?	Past Reviews	Review Trigger	For Periodic Reviews: Review Schedule	Comments
		FMP/CSP/Mgt Process/Other						
	Set-asides from Directed Fisheries for Incidental Open Access, At-sea Whiting, Research, and EFPs (All Species)	Biennial Specifications	Circumstantial	No	Biennially	Periodic	Even Numbered Years	Activities covered by set-asides are not closed down unless an ACL is exceeded.
	Salmon Bycatch Between Whiting Trawl and All Other Fisheries	Incidental Take Statement (ITS) (1999)	Formulaic	No	Incidental Take Statements (2002, 2006, 2017)	Indicator: Re-initiation of ESA Consultation	Not Scheduled	The incidental take allowances in the 2017 ITS are based on Council recommendations.
<b>Highly Migratory Species</b>	No allocations							
<b>Pacific Halibut</b>	Commercial Directed/Incidental Salmon Troll/Sablefish Incidental/Recreational/Recreational Geographic	Annual Catch Sharing Plan	Formulaic	No	Annually	Periodic	Annual	Annual opportunity to review
	Trawl Bycatch Allowance, Including Allowances to Cover Individual Bycatch Quota for the Shoreside IFQ Fishery North of 40°10' N Lat., At-Sea Whiting Fishery Bycatch, and Bycatch in the South of 40°10' N Lat. Bottom Trawl Fishery	Groundfish FMP Amendment 21 (2011)	Formulaic	Yes	2017	Periodic	LAPP Rev Sched for 2022 and Every 6 Years Thereafter	
<b>Salmon</b>	North of Cape Falcon Recreational/Commercial Coho and Chinook Allocations; Recreational Catch/Port Area Coho Allocations (and Related Chinook Guidelines).	FMP Amendment-9 (1989) and Amendment-10 (1991)	Formulaic	No	Amendment-10 (1991); Amendment-14 (2000)	Public Interest	Not Scheduled	Flexible for preseason and inseason modification annually

FMP/CSP	Allocation	How/When Set?	Formulaic/ Circumstantial	Part of or Supporting a LAPP?	Past Reviews	Review Trigger	For Periodic Reviews: Review Schedule	Comments
		FMP/CSP/Mgt Process/Other						
	South of Cape Falcon, Recreational/Commercial Coho Allocation	FMP 1987 Amendment-7	Formulaic	No	Amendment- 10 (1991);  Amendment- 11 (1994)	Public Interest	Not Scheduled	Obsolete due to mark selective fisheries and ESA hatchery production cuts