Pacific Fishery
Management Council

COUNCIL OPERATING PROCEDURES

As amended through October 2026

Introduction

These Council Operating Procedures (COPs) have been developed and adopted by the Pacific Fishery Management Council (Council) to guide the process for development of fishery management plans, plan amendments, and regulatory measures for ocean fisheries off the coasts of Washington, Oregon, and California. COPs are specific to Council operations, rather than fishery regulations or management specifications. They specify how the Council and its advisory entities will run their meetings including how public comments will be entertained. They document the schedules for developing plan amendments and annual management measures, and they cover special processes of importance to the Council.

These procedures provide detailed specificity to the broader policies and procedures found in the Statement of Organization, Practices and Procedures (SOPP), adopted by the Council in amended language September 2004. Whereas revisions to the SOPP document require Secretarial approval, revisions to a COP may occur through Council review (including advisory body and public input) and adoption. This may occur with proper notice before a Council meeting or may occur over the course of two Council meetings, with preliminary action at the first meeting and final action at the second. After final Council action the revised COP would enter into effect. However, changes to existing COPs or the addition of a new COP must be consistent with the broader policies and procedures in the Council SOPP document.

The operating procedures are structured into two categories: Administrative and Process. Administrative COPs (1-8) are those that apply to the structure and function of the Council and advisory committees. Process COPs (9 and above) cover aspects of Council activities, for example management cycles, fishery management plan amendment cycles, and process reviews.

On November 9, 2010 the Council formally designated the following advisory bodies as being established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act:

Coastal Pelagic Species Advisory Subpanel
Ecosystem Advisory Subpanel
Groundfish Allocation Committee, nonvoting members
Groundfish Advisory Subpanel
Groundfish Essential Fish Habitat Committee
Habitat Committee
Highly Migratory Species Advisory Subpanel
Salmon Advisory Subpanel
Coastal Pelagic STAR Panels
Groundfish STAR Panels

List of Council Operating Procedures (COP)

Administrative

1. General Council Meeting Operations
2. Advisory Subpanels
3. Plan, Technical, and Management Teams
4. Scientific and Statistical Committee
5. Enforcement Consultants
6. Habitat Committee
7. Groundfish Allocation Committee
8. Ad-Hoc Committees

Process

9. Management and Activity Cycles
10. Preseason Salmon Management Process
11. Plan Amendment Cycles
12. Update and Communication of Research and Data Needs
13. Confidentiality of Statistics
14. Documentation of Outside Agreements
15. Salmon Estimation Methodology Updates and Review
16. Weather-related Adjustment to Salmon Fisheries
17. Foreign Fishing Permit Review Procedure
18. Protocol for Industry Sponsored Salmon Test Fishery Proposals
19. Protocol for Consideration of Exempted Fishing Permits for Groundfish Fisheries
20. Protocol for Consideration of Exempted Fishing Permits for Highly Migratory Species Fisheries
21. Highly Migratory Species Management Recommendations to Regional Fishery Management Organizations
22. Essential Fish Habitat Review Process
23. Protocol for Consideration of Exempted Fishing Permits for Coastal Pelagic Species Fisheries
24. Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species
25. Groundfish Methodology Reviews
26. Methodology and Data Review Process for Coastal Pelagic Species
27. Process for Initiating Allocation Reviews

COUNCIL OPERATING PROCEDURE

1

General Council Meeting Operations

Approved by Council: 04/06/95
Revised: 03/07/97, 06/25/99, 04/03/00, 12/15/03, 03/11/05, 11/09/07, 09/12/08, 06/13/11, 06/28/16, 04/11/17, 04/16/19, 2/15/23, 5/3/23, 7/27/23**,** 11/9/2024**, 10/14/2026**

PURPOSE

To establish general procedures for the Council meetings and administrative matters.

MEETINGS

The Council shall, generally, meet five times per calendar year. At the call of the Council Chair or upon request of a majority of its voting members, emergency meetings may be held. Upon receiving a request for an emergency meeting from any Council member or upon the Council Chair's own instigation, the Council Chair shall instruct the staff to conduct a poll of available voting Council members. If a quorum agrees, the Council Chair shall call such a meeting.

Public Participation

Council meetings are held for the purpose of conducting official Council business. However, the public will be provided an opportunity to address the Council at its meetings and submit information relevant to matters under consideration. To further encourage public participation, the Council, when practicable, shall establish a period at each meeting during which the public shall be granted an opportunity to address the Council on matters of concern to them. These discussions need not necessarily be related to items on the current meeting agenda. The following procedures shall be observed.

Written

The public shall be permitted to file written statements with the Council at any time before or after a meeting. Written statements will be accepted in either hard copy or through an electronic portal. This submission of written statements by the public is a statutory right which cannot be administratively hampered by arbitrary conditions of length, format, numbers of copies, typography, etc. All written information submitted to the Council by an interested person shall include a statement of the source and date of such information and a brief description of the background and interests of the person in the subject of the written statement. To ensure adequate review and timely action, the following procedure will be followed:

1. Written comments regarding matters on the Council agenda received at the Council office no later than a published deadline (approximately four weeks before a Council meeting), will be included in the Council members' briefing materials distributed prior to the meeting. If appropriate, these comments will be summarized by staff at the Council meeting.

2. Written comments submitted after the above deadline and by a published deadline during the week prior to the Council meeting will be made available at the meeting as supplemental briefing material.

3. Written comments received after the deadline specified in number 2, will only be accepted at the Council meeting and must be in support of oral testimony. In order to be available to the Council during an agenda item, written comments must be brought to the Secretariat no later than 5 pm the day before the corresponding agenda item is scheduled on the Council's agenda. Comments received by 5:00 p.m. will be uploaded by staff to the Council's E-Portal shortly thereafter. Any written comments received after that time will be uploaded the following day after 5:00 p.m. The public should be aware that the Council and its advisory bodies may not have time to thoroughly review written comments submitted at the meeting. The Council will not pay for comments transmitted to the meeting hotel. Comments submitted that are not in support of oral testimony will need to be resubmitted during an open comment period for a future Council meeting.

4. When multiple copies of the same or similar written public comment is received, Council staff will provide one copy of the material with a notation indicating the total number of copies received. This procedure will be used for written material received in advance of the Council meeting, per numbers 1 and 2 above.

Oral

Interested persons will be allowed to present oral statements or to participate in the discussion subject to such reasonable rules or procedures as may be established by the Council. Time limits on oral comments may be prescribed. Every effort should be made to set aside a portion of every meeting for public participation. Any oral statement shall include a brief description of the background and interests of the person in the subject of the oral statement. The following procedures will be followed:

1. The Council will publish in the *Federal Register* and Council meeting notices the public comment opportunities for each agenda item, as appropriate, and provide a time for public comment on items not on the agenda of the Council meeting.

2. Individuals wishing to address the Council may register via e-portal or by registering at the meeting room entrance. The following information shall be included, (1) name, (2) address, (3) affiliation, and (4) agenda item/subject of testimony. After public comment begins on each agenda item, further public comment registration will not be accepted for that agenda item.

3. For each agenda item, only one opportunity to testify per person will be allowed. Testimony on behalf of another person not in attendance will only be allowed within the period allowed for the person in attendance.

4. At his or her discretion, the Council Chair may establish a sequence for calling on individuals, according to topics to be discussed. Generally, oral testimony is limited to five minutes.

5. Depending upon time and Council wishes, the Council Chair may ask for comments from the public on subjects of interest to the Council after all comments have been made by individuals whom have registered.

6. When there are numerous public comments, the Council Chair may decide to use an alternative approach to expedite the comment process. The following procedure may be used when there are two opposing factions:

   - The Council Chair requests, in advance of the public comment period, that each side choose a panel to present the arguments.

   - Each panel makes its presentation.

7. If new information from a state or Federal agency or from a Council advisory entity is accepted by the Council, the Council Chair shall insure that the Council gives comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation or management measures (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act).

8. Council members shall be allowed to ask questions of individuals addressing the Council.

Public Notification of Meetings

News Releases

Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media in the major fishing ports of Washington, Oregon, and California (and in other regional areas having a direct interest in the affected fishery, e.g., Idaho). The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Federal Register Notices

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission of the notice to NMFS (at least 23 calendar days prior to the meeting) for publication in the *Federal Register*.

The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification

is to address an emergency action under section 305(c) of the Magnuson-Stevens Act, in which case public notice shall be given immediately.

Voting Procedures

Robert's Rules of Order will be strictly enforced. Makers of motions must first be recognized by the Council Chair, and if an action is to be reconsidered, the motion for reconsideration must be made by an individual who originally cast a vote for the prevailing side.

Motions

The maker of a motion must clearly and concisely state and explain the motion and will typically be asked to provide a written version of the motion to Council staff for broadcasting. Prior to receiving a second to the motion, the Chair will ask the motion maker to verify that the text of the motion as displayed is accurate and complete. After affirming accuracy and completeness, the Council Chair shall ask for a second. Upon receiving a second, the motion maker shall be invited to speak to their motion. Council discussion and a call for the question shall follow.

Motions must be recorded in written form visible to each Council member in attendance and the public if the action 1) requires approval or amendment of a fishery management plan (including any proposed regulations), 2) requests an amendment to regulations implementing a plan, or 3) is a recommendation for responding to an emergency. The written motion, as voted on, must be preserved as part of the record or minutes of the meeting, and include the exact vote of the Council members.

In the case of a telephonic vote, the Council Chair or the maker of the motion must clearly read the motion aloud immediately prior to the vote, such that everyone on the call understands the wording of the motion up for vote. The motion would then become part of the written record of the call/vote, which would also include the exact vote of the Council members.

Votes

At the request of any voting member of the Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate record of any Council meeting shall identify all roll call votes held, the name of each voting member in attendance during each roll call vote, and how each member voted on each roll call vote. All other votes shall be by verbal indication.

A voting member of the Council may not vote on any Council matter that would have a significant and predictable effect on a financial interest of that Council member. A designated official (NOAA General Counsel) will determine whether a Council decision would have a significant and predictable effect on a financial interest of a member. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) must be preserved as part of the record of the meeting.

Guidance and Member Comments

The Council may provide guidance during its deliberations to communicate its collective preferences, expectations, priorities, or observations and to help inform the development of subsequent work. Guidance is appropriate when the Council wishes to provide non-binding direction on work that remains under development or signal areas of interest while allowing flexibility for further analysis or implementation. Guidance reflects the consensus of the Council. Such guidance should be clearly given by a member of the Council or summarized by the Chair. The Chair should acknowledge when consensus regarding any guidance is reached.

Guidance should not be used in place of a motion when the Council intends to make a binding decision, exercise formal Council authority, direct a specific action, authorize or direct the use of resources, or otherwise establish formal Council action. Guidance also should not be used to override or modify a prior Council motion.

Questions and comments by individual Council members are part of the Council's deliberations but do not constitute Council guidance or Council direction. Individual member comments should not be characterized as the position of the Council unless the Council subsequently reaches consensus on the matter.

Council guidance and member comments should be distinguished from formal Council action taken by motion.

Measures to Improve Meetings

Report Presentation

- Council staff, advisory body representatives, invitational speakers, and Council members should shorten all oral reports to the extent possible. For lengthy written reports, provide brief executive summaries highlighting major points.

- Provide written reports on items that are only informational and do not require Council action.

- Advisory subpanel reports should describe areas of consensus and differences. Individual subpanel members shall not provide public testimony as part of the subpanel presentation.

- In general, lengthy detailed presentations will be provided during joint advisory body meetings (e.g., Scientific and Statistical Committee, Groundfish Management Team, Groundfish Advisory Subpanel joint meetings to review stock assessment information) rather than during the Council session. Council members should endeavor to attend these advisory body meetings.

SSC Reviews for Scientific Merit

- The SSC requires good documentation and ample review time in order to provide the best possible advice to the Council. Agencies and review document authors should be responsible for ensuring materials submitted to the SSC are technically sound, comprehensive, clearly documented, and identified by author. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of deliverables with the SSC Chair. In order that there be adequate time for careful review, documents and materials

destined for review by the SSC or any of its subcommittees must be received at the Council office at least two weeks prior to the meeting at which they will be discussed and reviewed, unless otherwise approved by the Executive Director. The Council will then provide copies to appropriate SSC members at least five working days prior to the meeting. If this deadline cannot be met, it is the responsibility of the author to contact the SSC Chair prior to the two-week deadline, so appropriate arrangements, rescheduling, and cancellations can be made in a timely and cost-effective manner. This deadline applies to all official SSC activities and meetings.

Public Comments

- The Council Chair will limit the length of oral testimony to five minutes. At the discretion of the Council Chair, less time may be allotted. If less time is to be provided, the Council Chair shall announce this prior to the start of public testimony on an agenda item.

- The Council Chair will urge members of the public to not repeat comments provided by a previous public commenter.

- Council member debate and record development should be avoided during the public testimony period. Questions should be for clarification only.

Structure of Agenda

- As appropriate, the Council Chair will advise Council members of time limits for each agenda item. Time limits will not be rigidly enforced, but they may serve as a guide or reminder to focus discussion and be concise.

- Avoid placing too many weighty issues near the end of the meeting. Intersperse major items throughout the agenda to the extent possible.

- Review workload and next meeting agenda at or near the end of each meeting. Establish priorities for activities. Priorities should be publicized.

- Provide time for advisory subpanels to complete their work.

Council Discussion and Debate

- Debate should be complete and not be arbitrarily limited, but it should be focused on the motion. (Robert's Rules limit members to two speeches per topic and ten minutes per speech.)

Decorum

Participants in the Council process are expected to participate in a manner that is professional and respectful of Council members, staff, advisors, committee members, and the public. Harassment will not be tolerated. Preventing harassment is everyone's responsibility and individuals who experience or observe harassment are strongly encouraged to come forward to ensure a safe working environment for everyone involved in the Council process. Council process participants who observe, experience, or receive a report of harassment, including but not limited to sexual harassment or assault, should report the matter as soon as possible to an appropriate official as described in the Harassment Procedures Policy. For purposes of this policy, harassment includes

unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). This policy does not cover allegations of incivility not based on a protected characteristic. However, this policy is not intended to limit in any way the Council's ability to address incivility, inappropriate behavior, or other issues in an appropriate manner for the context. The Council will not tolerate harassment or retaliation against those who report harassment.

MEETING RECORD

A detailed meeting record of each Council meeting, including summary minutes, except for any closed session, shall be kept and shall contain a record of the persons in attendance, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. At a subsequent meeting, the Council will review and adopt the meeting record. A copy of the official meeting record shall be submitted to NMFS. The Council Chair shall certify the accuracy of the record of each such meeting and submit a copy thereof to the Secretary. The meeting record shall be made available to any court of competent jurisdiction.

STAFF RESPONSIBILITIES

In addition to drafting meeting record, the staff will prepare brief, pre-Council meeting issue summaries, identifying issues and options for each agenda action item. These summaries are provided in the briefing books.

NEW MEMBER ORIENTATION

New Council members will be provided with a one-day to two-day briefing session with appropriate Council members, staff, and advisory Chairs (Scientific and Statistical Committee, advisory subpanels, and plan development/management Teams) prior to their first Council meeting. During this session, both mechanics of operation and management issues and techniqueswill be addressed. In addition, new members will attend at least one Council Chair's briefing during their first year of service on the Council in coordination with the Executive Director.

COUNCIL CHAIR'S BRIEFING

The Council Chair's briefing is for the purpose of briefing the Council Chair and not a forum for debate or discussion of the issues.

QUICK RESPONSE PROCEDURE

This procedure addresses Council comments to other entities on actions proposed by those entities. It does not include fishery management action items that are the responsibility of the Council and must be approved by the Council at a regular or emergency meeting.

For new policy matters that will be implemented or have a comment deadline prior to the next Council meeting, the Council Chair is authorized to send a letter on behalf of the Council using the following procedure:

Staff will distribute a summary of the issue and a proposed response to all Council members. If the Council Chair receives a response from at least one voting member from each state, staff may send an official Council comment letter taking into account the responses received from members. Consensus is not required.

OFFICERS

The Council Chair and up to two Vice Chairs of the Council shall be elected by majority vote of Council members in attendance and voting. Generally, elections are held during the June Council meeting. Officers shall serve one-year terms, which commence August 11 and end August 10 of the following year. Appointments may be renewed for additional one-year terms by majority Council vote at the next June meeting. The Council Chair normally serves two consecutive one-year terms.

STANDING COMMITTEES

Standing committees can consist of Council members or a combination of Council and non-Council members. Members are appointed by the Council Chair and serve indefinite terms.

Budget Committee

The Budget Committee shall be composed of Council members or Council-member designees and have no more than seven voting members, among whom include:

- The Council Chair;
- One voting member from each state, which could be an agency director/designee, an obligatory or at-large appointee. The Council Chair could serve as one of these members;
- One at-large member
- A representative of the Pacific States Marine Fisheries Commission and;
- A representative of the National Marine Fisheries Service West Coast Region.

The Budget Committee shall elect its chair and vice-chair from among its members. Appointments and election of officers shall generally occur at the June or September Council meetings.

Legislative Committee

The Legislative Committee shall be composed of no more than seven voting Council members or Council member designees appointed by the Council Chair and membership should represent a variety of geographic areas. Legislative Committee membership and elected officers will be reviewed after June Council meetings to account for possible turnover in Council membership.

FISHERY REGULATION DEEMING PROCESS
[Procedure for Implementing MSA Section 303(c)]

In taking final action on Pacific Fishery Management Council (Council) recommendations to adopt a fishery management plan (FMP) or FMP amendment, or to revise regulations implementing an FMP, the Council is deeming that regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In so doing, the Council implicitly requests the appropriate National

Marine Fisheries Service (NMFS) Region complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, after NMFS has prepared the regulatory language, the Council authorizes the Executive Director to review the regulations to verify that they are consistent with the Council action before submitting them, along with his determination, to the Secretary on behalf of the Council.

The Executive Director is authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in his determination, the proposed regulations are not consistent with the Council action.[1]

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[1] In cases where the consistency is in question, the Executive Director is expected to work with NMFS to resolve the issues. Returning the regulations to the Council would be a last resort when questions cannot be resolved without involving the whole Council.

COUNCIL OPERATING PROCEDURE

2

Advisory Subpanels

Approved by Council: 07/20/83
Revised: 11/17/89, 11/13/90, 04/06/95, 04/17/96, 10/25/96, 09/12/97, 09/18/98, 09/15/00, 11/01/02, 03/11/05, 09/14/06, 11/07/08, 09/17/09, 04/15/10, 06/17/10, 09/16/10, 11/09/10, 11/07/12, 11/08/18, 04/16/19, 09/15/21, 7/27/23**, 12/3/2024**

PURPOSE

To establish procedures for advisory subpanels which have been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

OBJECTIVES AND DUTIES

When requested by the Council Chair or Executive Director, the advisory subpanels shall:

1. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each fishery management plan (FMP) with particular regard to: a) the capacity and the extent to which the U.S. commercial and recreational fisheries will harvest the resources managed under their respective FMPs, b) the effect of such management measures on local economies and social structures, c) potential conflicts among groups using a specific fishery resource, or d) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

2. Offer advice to the Council on: a) FMPs, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, b) FMPs prepared by the U.S. Secretary of Commerce and transmitted to the Council for review, and c) the effectiveness of the FMPs, amendments, regulations, and other measures which have been implemented.

3. Attend public hearings on FMPs or amendments.

4. Attend Council meetings at the request of the Council Chair or Executive Director to advise the Council on specific fisheries, with particular reference to the socioeconomic implications of managing those fisheries.

5. Keep the Council advised of current trends and developments in fishery matters.

6. Identify specific legal or enforcement questions on proposals and request response through the Executive Director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration general counsel to attend subpanel meetings.)

7. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Sustainable Fisheries Act, and other applicable law.

COMPOSITION

1. Subpanels shall consist of not more than 21 members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of the subpanel.

2. The Council may establish or abolish subpanels as it deems necessary to perform the Council's duties as specified under the Magnuson-Stevens Act and other applicable law.

MEMBERSHIP

Terms

All members shall be appointed by the Council for three-year terms commencing January 1 and expiring December 31 three years thereafter and may be reappointed at the pleasure of the Council. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

Termination of Members

A subpanel member will be replaced at the Council's discretion if the member: 1) transfers employment or moves to a different location; 2) is absent from two meetings in any 12-month period; 3) appears unable to fulfill their obligations as a subpanel member; 4) their area of expertise is no longer required; 5) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of Commerce;* or 6) The Council Chair, in consultation with the Executive Director, determines that an Advisory Panel member should be removed for just cause (e.g., violation of marine resource regulation, felony conviction, investigated reports of sexual harassment, etc.; these examples are not all-inclusive.). This also includes removal of an advisory panel member who fails to adhere to proper decorum and to show respect for Council participants, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other Council participants. Reports of such behavior should be made to the Executive Director or Council Chair so that the incidents(s) can be properly investigated.

Replacement of Members

Upon receipt of a letter of resignation, completion of three-year terms, or following Council action to remove a member, the Executive Director shall advertise for qualified nominees. Announcements will be distributed widely and be specific about the duties, responsibilities, and approximate time commitment involved.

Nominations must be accompanied by adequate information on the amount and kinds of experience which qualify the nominee for the particular position. Nominations should be received on or before a deadline published by the Council.

The Council Chair is authorized to appoint replacement members on an interim basis to avoid a lack of representation for any of the advisory sectors at an advisory body meeting. In so far as possible, the Council Chair will consult with the Council prior to such interim appointments

Alternates

A subpanel member should attend all meetings, but may request an alternate with appropriate expertise for the position if unable to attend a meeting. Members may request an alternate for a subpanel meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval of the Executive Director. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least 30 days prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the advisory body meeting. The alternate will be reimbursed for travel expenses per the Council travel rules. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences.

Officers

The Chair and Vice Chair of each subpanel shall be elected by majority vote of subpanel members in attendance and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

Subcommittees

The subpanels may establish such subcommittees as they deem necessary to facilitate their duties.

Public-at-large Position

For those Subpanels with a position for "Public-at-large," the person selected for such a position should meet the following criteria:

1. Person has interest in and is knowledgeable about the fishery which is the subject of the subpanel's deliberations.

2. Person is not an appointed, elected, or paid representative of a recreational, commercial, or environmental organization.

3. Priority consideration will be given to individuals who represent port districts, coastal community businesses, seafood safety experts, or individuals who have expertise not

otherwise represented on the committee and would provide a valuable contribution to the advisory group.

4. Individual will not be considered solely on the basis of their participation in the sport or commercial fishery (including processing) or environmental activities.

MEETINGS

The subpanels shall meet at the request of the Council Chair or Executive Director, as often as necessary to fulfill their responsibilities. The Council will reimburse travel costs for non-Federal advisory body members while on official Council travel as per the *Council Travel Rules* document.

Public Participation

The public will be permitted to comment on items relative to the agenda, but may be limited if deemed necessary by the Subpanel Chair. Written statements also may be submitted prior to and during the meeting. The public may be permitted to interject comments during the meeting at the discretion of the Subpanel Chair. Members of the public may be asked to leave the meeting at the Subpanel Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the Subpanel Chair and such permission must be obtained in advance.

Upon request, copies of this operating procedure will be distributed to the public attending subpanel meetings.

Public Notification of Meetings

Timely public notice of each subpanel meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

MINUTES

As workload permits, Council staff shall attend and draft summary minutes of each subpanel meeting.

STAFF RESPONSIBILITIES

Council staff has responsibility for guiding, assisting, and coordinating activities of Advisory Subpanels including ensuring that Council policy, schedules, guidelines, and direction are followed; preparing agendas and *Federal Register* notices; attending meetings; conducting supportive analyses of complex technical and policy matters; presenting briefings to these Subpanels on necessary matters; supporting preparation of committee reports, minutes, or recommendations for presentation to the Council; and facilitating discussion among committee members to achieve consensus and maintain decorum. Council staff also facilitates communication and coordination among the various Council advisory bodies to resolve issues and promote consistency.

REPORTS TO COUNCIL

Subpanels shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe areas of consensus and differences. If necessary, reports will present the divergent views of the subpanel. The Subpanel Chair will present the reports to the Council.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Subpanel Chair.

NEW MEMBER ORIENTATION

Council staff will hold orientation sessions for new members, if necessary.

GROUNDFISH PERMIT REVIEW

When requested by the Council Chair or Executive Director, the Groundfish Advisory Subpanel (GAP) has the responsibility to review and comment on the groundfish limited entry permit system, in accordance with Amendment 6.

Note: Responsibility for making reports to the Council on the progress of the groundfish license limitation program and need for adjustments was assigned to the GAP at the April, 1996 Council Meeting. If a subcommittee of the GAP is appointed to carry out this responsibility, membership on the subcommittee will be determined by the Council Chair in consultation with the GAP Chair.

Objectives and Duties

1. Review appeals related to issuance of permits and gear endorsements, make recommendations through the Council to the regional director as to whether the appeal should be granted, and explain how the recommendation is consistent with the implementing regulations.

4. Make recommendations to the Council on whether non-Federal/non-state limited entry systems should be certified as being consistent with the goals and objectives of the limited entry program established by Amendment 6 to the groundfish FMP, as described in Section 14.3.1.4 of that amendment.

Meetings

1. The GAP-comprised review board shall meet at the request of the Council Chair or Executive Director as often as necessary to fulfill their responsibilities.

2. Notice of these meetings shall be published in the *Federal Register*, distributed to the news media, and via other means to ensure wide distribution.

Public Participation

Testimony on Appeals

The GAP-comprised review board shall receive testimony from appellants and members of the public on appeals under consideration. Testimony by the appellants shall be submitted to the limited entry office of NMFS in written form at least four weeks prior to the meeting.

Appellant written testimony will be made available to all interested persons in a timely manner prior to the meeting. At the meeting, the appellant may provide an oral summary of written testimony and additional oral testimony in response to questions by members of the GAP-comprised review board and public comment. Public comment shall be in written form and be provided to the NMFS Northwest Region limited entry office at least ten days in advance of the meeting. Members of the public may present oral summaries of written testimony. Time for oral testimony by both the appellant and the public may be limited by the Council Chair.

Testimony on Other Issues Considered by the Review Board

The GAP-comprised review board shall receive comments from members of the public on issues under consideration not related to appeals at a time specified on the agenda. Time for such testimony may be limited by the Council Chair.

Reports to the Council

The GAP-comprised review board shall report to the Council as directed by the Council Chair or Executive Director. Reports to the Council will be written and will describe both areas of consensus and differences.

Council's Role

The Council will consider GAP-comprised review board reports on appeals and forward recommendations to the NMFS West Coast Regional Administrator. This function is delegated to

the Council Chair when prompt action is required for timely rulings by the NMFS Regional Administrator. All testimony to the Council on permit appeals will be in written form.

REPRESENTATION ON SUBPANELS [1/]

Subpanel and Total Number of Members		Affiliation or Representation
Coastal Pelagic (10)	3	California Commercial Fisheries
	1	Oregon Commercial Fisheries
	1	Washington Commercial/Processor
	3	Processors (California, Washington, or Oregon)
	1	California Charter/Sport Fisheries
	1	Conservation Group
Ecosystem (9)	2	California at-large
	2	Oregon at-large
	2	Washington at-large
	3	At-large
Groundfish (22)	3	Fixed Gear Fisheries (at-large)
	1	Bottom Trawl Fisheries
	1	Mid-Water Trawl Fisheries
	2	At-Large Trawl Fisheries
	1	Open Access Fisheries north of Cape Mendocino
	1	Open Access Fisheries south of Cape Mendocino
	2	Processors (at-large)
	1	At-Sea Processor
	1	Washington Charter Boat Operator
	1	Oregon Charter Boat Operator
	1	California north of Pt. Conception Charter Boat Operator
	1	California south of Pt. Conception Charter Boat Operator
	1	Washington Sport Fisheries
	1	Oregon Sport Fisheries
	2	California Sport Fisheries
	1	Tribal Fisheries
	1	Conservation Group

REPRESENTATION ON SUBPANELS [1/]

Subpanel and Total Number of Members		Affiliation or Representation
Highly Migratory Species (14)	1	Commercial Troll Fisheries
	1	Commercial Purse Seine Fisheries
	1	Commercial Gillnet Fisheries
	1	Commercial Deep-Set Buoy Gear Fisheries
	1	Commercial north of Point Conception
	1	Commercial south of Point Conception
	1	Processor north of Cape Mendocino
	1	Processor south of Cape Mendocino
	1	Northern Charter Boat Operator
	1	Southern Charter Boat Operator
	1	Private Sport Fisheries north of Point Conception
	1	Private Sport Fisheries south of Point Conception
	1	Conservation Group
	1	Public At-Large
Salmon (17)	1	Washington Troll Fisheries
	1	Oregon Troll Fisheries
	1	California Troll Fisheries
	1	Gillnet Fisheries
	2	Processor
	1	Washington Charter Boat Operator
	1	Oregon Charter Boat Operator
	1	California Charter Boat Operator
	1	Washington Sport Fisheries
	1	Oregon Sport Fisheries
	1	Idaho Sport Fisheries
	2	California Sport Fisheries
	1	Tribal Fisheries (Washington Coast)
	1	Tribal Representative (California)
	1	Conservation Group

1/ These subpanels have been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

COUNCIL OPERATING PROCEDURE 3

Plan, Technical, and Management Teams

Approved by Council: 07/20/83
Revised: 09/16/87, 11/13/90, 04/06/95, 6/17/03, 03/11/05, 0/07/06, 9/14/06, 09/17/09, 11/05/09, 09/16/10; 11/07/12, 06/25/2013, 11/06/2013, 04/10/2014**,** 03/12/2015, 06/16/2015, 09/12/18, 11/08/18, 04/16/19, 09/15/21, **7/27/23**

PURPOSE

To establish procedures for plan, technical, and management teams and workgroups (Teams).

OBJECTIVES AND DUTIES

When requested by the Council Chair or the Executive Director, the Teams shall:

1. Furnish objective, scientific appraisals of particular fisheries and associated biological resources as assigned by the Council (for example, fisheries for salmon, groundfish, coastal pelagic species, or highly migratory species). It will not be the Team's responsibility to recommend preferred management options to the Council. However, Teams have the discretion to note Team Preferred Alternatives and the rationale for the preferred alternative to facilitate Council decision making.

2. Contribute to the development of fishery management plans (FMP) and FMP amendments, and develop proposed changes to regulations when it is determined by the Council that such FMPs or amendments are required.

3. In preparing a draft FMP, present alternative management goals and objectives to the Council for adoption. Management goals and objectives should be operational and as specific as possible. Goals and objectives should be based on measurable criteria, which will provide a basis for evaluating if management programs are meeting stated goals and objectives.

4. Present analyses that examine short-term and long-term tradeoffs, particularly when policy decisions have long-term implications (e.g., rebuilding rates).

5. In drafting the FMP or amendment, make decisions with regard to what is included in the successive drafts to be presented to the Council. The Scientific and Statistical Committee (SSC) and other advisory bodies may advise the Teams and Council, but their advice is not binding on the Teams. The Council shall decide if the FMP is to be modified and Teams shall comply with Council directives.

6. When presenting successive drafts of FMPs or amendments, submit in writing a list of problems and alternative solutions which require resolution by the Council. An analysis of

alternative management strategies shall be included prior to adoption of each FMP or amendment.

7. Contribute to documents and reports required by an FMP or the Council, such as Stock Assessment and Fishery Evaluation (SAFE) documents. In particular:

   - The Salmon Technical Team will compile annual abundance forecasts.
   - Council staff will prepare groundfish rebuilding plans, as required.

8. Evaluate, validate, document, and recommend changes to models used to estimate impacts of Council management proposals.

9. Assist the Council and National Marine Fisheries Service (NMFS) staff in the preparation of the necessary documentation required for Secretarial approval of a Council action by providing and reviewing appropriate written work elements from the duties described in items 1 - 9 above. This documentation may include an Environmental Assessment, Environmental Impact Statement, or other documents required under the National Environmental Policy Act, Regulatory Impact Reviews, Regulatory Flexibility Analyses, and all other documents required by applicable law. Except as directed by the Council, the Council staff shall be responsible for coordination of materials provided by the Teams into the necessary Federal documents and final submission to NMFS for Secretarial approval consideration.

10. Attend Council meetings at the request of the Council Chair or the Executive Director to advise the Council on specific fisheries, with particular reference to the biological and socioeconomic implications of managing those fisheries.

11. Be represented at meetings of the relevant advisory subpanel to provide technical information as requested by the subpanel, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.

12. Attend public hearings on the FMPs or amendments, with number of Team members present dependent on expertise, necessity, and competing workload assigned by the Council.

13. Present models, stock assessments, or fishery analyses of elevated scientific complexity for review by the SSC. When possible, the documents should be provided accordance with COP 4, SSC Objective and Duty 10.

14. Perform such other necessary and appropriate Team duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), National Environmental Policy Act, Endangered Species Act, and other applicable law.

15. Offer advice to the Council on the assessments, specifications, and management measures pertaining to each FMP with particular regard to (a) the capacity and the extent to which U.S. commercial and recreational fisheries will harvest the resources managed under their

respective FMPs, (b) the economic and social effects of such management measures, (c) potential conflicts among groups using a specific fishery resource, or (d) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

16. Offer advice to the Council on (a) FMPs, FMP amendments, and regulatory amendments during preparation of such FMPs or amendments by the Council, (b) FMPs prepared by the Secretary of Commerce and transmitted to the Council for review, and (c) the effectiveness of the FMPs, amendments, regulations, and other measures which have been implemented.

17. Identify specific legal or enforcement questions on proposals and request response through the Executive Director from the appropriate parties. (Note: The Council staff will attempt to anticipate the need for enforcement and legal advice and arrange for the Enforcement Consultants and/or National Oceanic and Atmospheric Administration General Counsel to attend subpanel meetings.)

COMPOSITION

1. Teams shall consist of not more than 12 members (unless additional members are deemed necessary by the Council), each concerned with carrying out the objectives and duties of their appointed Team.

2. The Council may establish or abolish such Teams as it deems necessary to perform Council duties as specified under the Magnuson-Stevens Act and other applicable laws.

3. Teams shall be composed of state, federal, tribal, and non-governmental specialists, as necessary. Areas of expertise may include stock assessment, economics, observer programs, fishery analysis, etc. Members are nominated by their agencies or organizations; qualifications of the members are reviewed by the SSC and Council members and are appointed by the Council.

MEMBERSHIP

Term of Members

Members shall be appointed by the Council and serve indefinite terms unless terminated by the Council per the procedure described below or the member resigns.

Termination of Membership

A Team member may be replaced at the Council's discretion if the member: 1) transfers employment or moves to a different location; 2) is absent from two or more consecutive meetings without giving adequate notification to the Team Chair or Council Executive Director; 3) appears unable to fulfill their obligations as a Team member; 4) is reassigned by sponsoring agency; 5) their area of expertise is no longer required; 6) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of*

Commerce; or 7) the Council Chair, in consultation with the Executive Director, determines that a Team member should be removed for just cause (e.g., violation of marine resource regulation, felony conviction, investigated reports of sexual harassment, etc.; these examples are not all-inclusive.). This also includes removal of a Team member who fails to adhere to proper decorum and to show respect for Council participants, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other Council participants. Reports of such behavior should be made to the Executive Director or Council Chair so that the incidents(s) can be properly investigated.

Replacement of Members

Upon receipt of a letter of resignation or following Council action to remove a member, the Executive Director shall contact the agency or organization the former member represented for a replacement nominee.

Alternates

A Team member should attend all meetings, but may request an alternate with appropriate expertise for the position if unable to attend a meeting. Members may request an alternate for a Team meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval of the Executive Director. The alternate is expected to fulfill the primary duties of the absent member and the Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least 30 days prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the Team meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences.

Officers

The Chair and Vice Chair of each Team shall be elected by majority vote of Team members in attendance and voting. Such officers shall be confirmed by the Council Chair and shall serve one-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

Subcommittees

The Teams may establish such subcommittees as they deem necessary to facilitate their duties.

MEETINGS

The Teams shall meet at the request of Council Chair or Executive Director, or their respective Team Chair with the approval of the Council Chair or the Executive Director, as often as necessary to fulfill their responsibilities.

Public Participation

Scheduled meetings of Teams and Team subcommittees shall be announced in advance in the *Federal Register* and by other means to ensure wide distribution (described below). Meeting notices will describe the purpose of the meeting and topics to be discussed. Unless otherwise announced, a scheduled Team meeting shall be of the same duration as the Council meeting during which it is held. These scheduled meetings shall be open to the public. Public comments will be accepted by the Team during a public comment period or at the discretion of the Team Chair. Public comments shall be limited to items on the Team agenda. Policy issues and decisions concerning final choices among options are the province of Council deliberations. Therefore, it is in the Council forum that public comments on such matters shall be received, not in Team meetings.

Minutes reporting major Team actions, and records and documents prepared for the Council, shall be filed in the Council office, where they will be available for public review.

Because Team meetings are essentially working sessions for drafting materials for Council review, public taping of those proceedings shall be permitted only as specifically authorized by the Council Chair. Draft work product, reports, or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Team Chair.

Copies of this operating procedure will be distributed on request to the public attending Team meetings.

Public Notification of Meetings

Timely public notice of each Team meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

MINUTES

If practicable, Council staff or a Team member shall draft summary minutes of each Team meeting

STAFF RESPONSIBILITIES

Council staff has responsibility for guiding, assisting, and coordinating activities of Teams including ensuring that Council policy, schedules, guidelines, and direction are followed; preparing agendas and *Federal Register* notices; attending meetings; conducting supportive analyses of complex technical and policy matters; presenting briefings to these Teams on necessary matters; supporting preparation of Team reports, minutes, or recommendations for presentation to the Council; and facilitating discussion among Team members to achieve consensus and maintain decorum. Council staff also facilitates communication and coordination among the various Council advisory bodies to resolve issues and promote consistency.

AGENCY OR ORGANIZATION POLICY POSITION ADVOCATES

Team members will not act as official policy advocates of agency or organization positions while acting in their capacity as Team members, which is not intended to prohibit Council members or their designees from serving on the Groundfish Endangered Species Work Group.

ADDITIONAL EXPERTISE

Teams are encouraged to invite individuals with specialized expertise to assist them as needed (e.g., when interpretation of observer program data is necessary). The Council Executive Director will consider reimbursing such experts for travel expenses on a case-by-case basis.

CURRENT REPRESENTATION ON TEAMS

Team and Total Number of Members	*Affiliation*
Coastal Pelagic (9)	*2 California Department of Fish and Wildlife* *Up to 4 National Marine Fisheries Service with at least one representing the Northwest Fisheries Science Center* *1 Washington Department of Fish and Wildlife* *1 Oregon Department of Fish and Wildlife* *1 Tribal Representative*
Groundfish (12)	*6 State fish management agency (two each from Washington, Oregon, California)* *1 NMFS Southwest Fisheries Science Center* *2 NMFS Northwest Fisheries Science Center* *2 NMFS West Coast Region* *1 Tribal Representative* *One of the members should be an economist*

CURRENT REPRESENTATION ON TEAMS

Team and Total Number of Members	*Affiliation*
Highly Migratory Species (8)	*2 NMFS Southwest Fisheries Science Center* *2 NMFS West Coast Region* *3 State Fish Management Agency (one each from Washington, Oregon, California)* *1 Tribal Representative*
Salmon (8)	*3 State Fish Management Agency (one each from Washington, Oregon, California)* *3 NMFS* *1 USFWS* *1 Tribal Representative*
Model Evaluation Workgroup (7-9)	*3 State Fish Management Agency (one each from Washington, Oregon, California)* *1 NMFS* *1 Northwest Indian Fisheries Commission* *1 Columbia River Inter-Tribal Fish Commission* *1 USFWS* *1 SSC (may be filled by one of the state or tribal agency representatives)* *1 STT (may be filled by one of the state or tribal representatives)*
Groundfish Endangered Species Work Group (13)	*3 State Fish Management Agency (one each from Washington, Oregon, California)* *2 NMFS West Coast Region* *1 West Coast Groundfish Observer Program* *1 Fish taxon expert* *1 Marine mammal taxon expert* *1 Seabird taxon expert* *1 Sea turtle taxon expert* *1 USFWS* *1 Tribal Representative* *1 Groundfish Advisory Subpanel Representative (appointed every two years consistent with the meeting schedule)* *Other representatives as necessary (may be short-term appointments)*

COUNCIL OPERATING PROCEDURE

4

Scientific and Statistical Committee

Approved by Council: 07/20/83
Revised: 07/10/85, 09/16/87, 04/06/95, 09/18/98, 09/15/00, 06/18/02, 03/11/05, 11/09/07, 09/16/10, 6/14/17, 11/08/2018, 04/16/19, 09/15/21, **7/27/23**

PURPOSE

The purpose of this Council Operating Procedure is to specify the role, responsibilities, and function of the Scientific and Statistical Committee (SSC).

OBJECTIVES AND DUTIES

When requested by the Council, Council Chair or Executive Director, the SSC shall:

1. Provide expert scientific and technical advice to the Council on the development of fishery management policy. SSC scientific and technical advice is intended to inform policy decisions by the Council. SSC review shall focus on the scientific merit of a proposed action and remain separate and independent from Council policy decisions such as determining allocations; setting quotas and harvest guidelines within acceptable biological catch levels or rebuilding optimum yields recommended by the SSC; and deciding between estimates deemed equally probable by the SSC.

2. Provide the Council advice in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any Fishery Management Plan in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the National Standards as amended through January 12, 2007.

3. Provide the Council ongoing scientific advice for active fishery management decisions including, but not limited to, evaluations and recommendations on acceptable biological catch, stock status assessments, stock status forecasts, proposed management measures, defining and achieving maximum sustainable yield, achieving rebuilding targets for overfished species, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices. Such advice shall be based on the review and evaluation of statistical, biological, economic, social, and other scientific information, analyses, analytical methodologies, literature, research, and other information relevant to Council decision-making. Such advice shall be provided in written statements to the Council that include recommendations as appropriate on scientific quality of available information, both in terms of status as the best available science and soundness of science for use in fishery management decision-making, uncertainty, and risk management.

a. The SSC requires good documentation and ample review time in order to provide the best possible scientific advice to the Council on scientific merit. Analysis or report authors should be responsible for ensuring materials submitted to the SSC are technically comprehensive, clearly documented, and complete. If there is any uncertainty on the part of authors regarding SSC expectations, authors should clarify assignments and expectations of materials to be reviewed with the SSC Chair. In order that there be adequate time for careful review, documents and materials destined for review by the SSC or any of its subcommittees must be received at the Council office at least two weeks prior to the meeting at which they will be discussed and reviewed, unless otherwise approved by the Executive Director. The Council staff will then provide copies to appropriate SSC members. If this deadline cannot be met, it is the responsibility of the author to contact the SSC Chair prior to the two-week deadline, so appropriate arrangements, rescheduling, and cancellations can be made in a timely and cost-effective manner. This deadline applies to all official SSC activities and meetings.

b. SSC reviews, evaluations, analyses, and recommendations are intended to provide an independent peer-review process. SSC members directly involved in the development of reviewed materials, such as stock assessments, fishery or habitat models, or fishery or ecosystems analyses, shall limit themselves to providing information and answering questions regarding SSC deliberations of such items.

4. Assist the Council in identifying statistical, biological, economic, social, or other scientific research needs and identify entities with ongoing research programs that may be able to develop needed information for the implementation of Council obligations under the Magnuson-Stevens Act. (See Council Operating Procedure Number 12 entitled Update and Communication of Research and Data Needs and West Coast Economic Data Plan.)

5. Advise the Council on preparing comments on any application for foreign fishing transmitted to the Council by the U.S. Department of State.

6. Provide scientific advice to the Council on preparing comments on any FMP or amendment prepared by the U.S. Secretary of Commerce (Secretary) or the Secretary's delegate which are transmitted to the Council pursuant to Section 304(c) of the Magnuson-Stevens Act.

7. Review qualifications of Plan Team and SSC nominees and present recommendations to the Council.

8. Perform such other necessary and appropriate duties as may be required by the Council to carry out its functions under the Magnuson-Stevens Act and other applicable laws.

COMPOSITION

Committee members shall be appointed for each category listed below. The Council shall strive to include on the committee three social scientists, of which at least two shall have economic sciences expertise. More generally, the Council shall strive to ensure that SSC membership reflects the range of expertise needed for all Council FMPs.

1. State fishery management agencies (4)

    - Washington Department of Fish and Wildlife
    - Oregon Department of Fish and Wildlife
    - California Department of Fish and Wildlife
    - Idaho Department of Fish and Game

2. National Marine Fisheries Service (4)

    - Northwest Fisheries Science Center (2)
    - Southwest Fisheries Science Center (2)

3. West Coast Indian tribal agency with fishery management responsibility (1)

4. At-large positions (9)

MEMBERSHIP

Term of Members

Non at-large Federal, state, and tribal agency members shall be appointed by the Council to serve indefinite terms. At-large members shall be appointed by the Council for three-year terms commencing on January 1 and expiring December 31 three years thereafter and may be reappointed at the pleasure of the Council. At-large vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

Compensation

Federal employees on the SSC shall serve without compensation. However, non-Federal employees will be reimbursed for expenses while traveling to and participating at meetings of official Council business, as per the *Council Travel Rules* document. Subject to the availability of appropriations and approval by the Council, a stipend may be paid to members who are not employed by the Federal Government or a State marine fisheries agency.

Termination of Membership

An SSC member may be replaced at the Council's discretion if a member: 1) transfers employment or moves to a different location; 2) is absent from two or more consecutive meetings or has excessive non-consecutive absences without giving adequate notification to the SSC Chair or Council Executive Director; 3) appears unable to fulfill their obligations as an SSC member; 4) their area of expertise is no longer required; 5) is reassigned by sponsoring agency; 6) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of Commerce;* or 7) The Council Chair, in consultation with the Executive Director, determines that a member should be removed for just cause (e.g., violation of marine resource regulation, felony conviction, investigated reports of sexual harassment, etc.;

these examples are not all-inclusive.). This also includes removal of a member who fails to adhere to proper decorum and to show respect for Council participants, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other Council participants. Reports of such behavior should be made to the Executive Director or Council Chair so that the incidents(s) can be properly investigated.

Replacement of Members

Upon receipt of a letter of resignation, from either the individual in an at-large position or the sponsoring fishery management agency for an agency seat, expiration of three-year terms, or after Council action to remove a member, the Executive Director shall: 1) contact the agency which the former member represented for a nominee, or 2) for an at-large member, advertise for a replacement. Announcements for nominations for at-large members shall be distributed widely and be specific about the duties and responsibilities.

Alternate Members

Members should attend all meetings, but members may, with prior approval by the Executive Director, request an alternate. When an appointed member will not be able to attend a meeting, an alternate may be appointed by the Executive Director if notified in advance in writing with the name, contact information, and a description of the individual's qualifications for the proposed alternate at least 30 days prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the advisory body meeting. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences. Such alternates may participate in committee deliberations as a regular member and non-federal alternates shall be reimbursed for expenses per the Council travel rules.

Officers

The Chair and Vice Chair of the SSC shall be elected by majority vote of SSC members in attendance and voting. Such officers shall be confirmed by the Council Chair and shall serve two-year terms. There is no limit as to the number of terms that individuals may serve as officers. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

Subcommittees

The committee may establish such subcommittees as it deems necessary to facilitate its duties. Subcommittee reports will not be considered final until approved by the full SSC.

Disclosure of Financial Interest

Within 45 days of appointment to the SSC, each member must disclose any financial interest and any financial relationship-

(1) that they, their spouse, their minor child, or their partner, has in or with any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken in association with any fishery over which the Council has jurisdiction;
(2) that they have associated with any organization (other than the Council) in which they are serving as an officer, director, trustee, general partner, or employee, if that organization is involved in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken in association with any fishery over which the Council has jurisdiction; and
(3) that they have with an individual or organization (other than the Council) involved in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken in association with any fishery over which the Council has jurisdiction.

Members are required to complete Council and/or Department of Commerce forms to disclose the above information. Such forms will be kept on file by the Council and the Assistant Administrator for Fisheries, on behalf of the Secretary of Commerce. Financial disclosure forms must include the period three years prior to signing and members must update his or her disclosure form at any time any such financial interest is acquired or substantially changed.

MEETINGS

The subcommittee shall meet at the request of the Committee Chair, with the approval of the Council Executive Director, as often as necessary to fulfill its responsibilities. Generally, the SSC will meet for two days at each Council meeting, typically the day before and day of the first day of the Council meeting.

Public Participation

The public will be permitted to comment on items relative to the agenda at a time to be announced in the *Federal Register* and in a Council news release. Comments may be limited if deemed necessary by the SSC Chair. Written statements also may be submitted during the public comment period. The public will not be permitted to interject comments during the meeting at any time other than the established comment period unless asked to do so by the SSC Chair or a committee member. Members of the public may be asked to leave the meeting at the SSC Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the SSC Chair and such permission must be obtained in advance.

Draft work products, reports, or statements prepared and discussed at these meetings will be available in final form after submission to the Council. Distribution prior to submission to the Council will be limited to SSC members, unless authorized by the SSC Chair.

Copies of this operating procedure shall be available upon request from the Council office.

SSC Closed Sessions

At the discretion of the SSC Chair, SSC closed sessions may be scheduled in advance of or initiated during an SSC meeting. Closed sessions are closed to all except SSC members, Council members, Council staff, and others designated by the SSC Chair to discuss litigation, advisory body appointments, and other personnel matters.

Public Notification of Meetings

Timely public notice of each SSC meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate National Marine Fisheries Service (NMFS) regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

MINUTES

As workload permits, a Council staff member shall attend and draft minutes of each committee meeting. Such minutes shall be submitted for approval by a majority of committee members at the next committee meeting.

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, Council staff has responsibility for guiding, assisting, and coordinating activities of the Committee including ensuring that Council policy, schedules, guidelines, and direction are followed; preparing agendas, and *Federal Register* notices; attending meetings; conducting supportive analyses of complex technical and policy matters; presenting briefings to the Committee on necessary matters; supporting preparation of committee reports, or recommendations for presentation to the Council; and facilitating discussion among committee members to achieve consensus and maintain decorum. Council staff also facilitates communication and coordination among the various Council advisory bodies to resolve issues and promote consistency.

COUNCIL OPERATING PROCEDURE 5

Enforcement Consultants

Approved by Council: 11/13/85
Revised: 04/06/95, 03/11/05, 09/16/10, 8/12/15, 11/21/16, 11/08/18, **09/15/21**

PURPOSE

To establish procedures for the Enforcement Consultants.

OBJECTIVES AND DUTIES

When requested by the Council Chair or Executive Director, the Enforcement Consultants shall provide advice to the Council concerning the feasibility of proposed management measures from an enforcement standpoint.

MEMBERSHIP

One each from:
U.S. Coast Guard, Southwest District
U.S. Coast Guard, Northwest District
National Marine Fisheries Service, West Coast Division, Office of Law Enforcement
Washington Department of Fish and Wildlife
Oregon State Police
California Department of Fish and Wildlife

Term of Membership

An Enforcement Consultant member must be appointed by the appropriate agency head who shall notify the Council of that appointment. The appointed individual will serve an indefinite term unless the appointing agency head determines otherwise.

Termination and Replacement of a Member

An Enforcement Consultant serves the Council at the discretion of the appointing agency and may be replaced at the discretion of the appointing agency.

Alternates

An Enforcement Consultant should attend all meetings, but may request an alternate with appropriate expertise for the position if unable to attend a meeting. An Enforcement Consultant may request an alternate for a meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval by the Executive Director. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least 30 days prior to the first day of the meeting, or the first day of the Council meeting held in conjunction with the enforcement meeting. Non-federal alternates will be

reimbursed for travel expenses per the Council travel rules as long as the official member is not in attendance. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences.

ORGANIZATION

1. Each member will have one vote.

2. Additional representatives of an agency may attend meetings, but may not vote.

OFFICERS

1. An EC Chair will be elected by majority vote to serve a two-year term. The term will run from October 1 of the first year through September 30 of the second year.

2. There will generally be two vice-chair seats (co-vice chairs), permanently filled by U.S. Coast Guard representatives on the EC, one from the Northwest District and one from the Southwest District.

MEETINGS

With the approval of the Executive Director, the Enforcement Consultants will meet in conjunction with each Council meeting or as determined by the EC Chair to achieve Council enforcement objectives. The Council will reimburse travel costs for nonfederal Enforcement Consultant members while on official Council travel as per the *Council Travel Rules* document.

MEETING ATTENDANCE

1. Enforcement Consultants or their alternates will attend all Council meetings. In the event the EC Chair is unable to attend, the EC Vice Chair will assume all responsibilities of the EC Chair.

2. The EC Chair will ensure that they are kept abreast of Council developments by maintaining close contact with Council staff. The EC Chair will be responsible for seeing that attendance is provided for at all meetings pertinent to the business of the Enforcement Consultants. The person appointed to attend such meetings shall provide the necessary information on the meeting attended to the EC Chair for information dissemination.

3. The EC Chair will call a meeting of the Enforcement Consultants, as authorized by the Council Executive Director, prior to or at Council meetings when issues affecting enforcement are to be addressed.

4. Other agencies and Council groups are welcome to attend Enforcement Consultants' meetings. Individuals wishing to address an issue with the Enforcement Consultants should notify the EC Chair prior to the meeting.

REPORTING PROCEDURES

1. The Enforcement Consultants Chair will represent the consensus position of the group to the Council. In the absence of the EC Chair, the EC Vice Chair will act in the EC Chair's place.

2. Group positions to be presented to the Council will be established by majority vote.

3. Any member agency having an agency position differing from that of the group may present its position to the Council. Such a position must be given separately from the group report and clearly state that it is a divergent view and does not represent the view of the group.

4. Items presented to the Council will be summarized in writing in addition to the oral report. Copies will be provided to members of the Enforcement Consultants.

NOTIFICATION OF MEETINGS

The EC Chair shall give notice of Enforcement Consultant meetings, which shall be published in the agenda of the upcoming Council meeting. Scheduled meetings shall be open to the public.

PUBLIC PARTICIPATION AT MEETINGS

The public will be permitted to comment on items relative to the agenda, but may be limited if deemed necessary by the EC Chair. Written statements also may be submitted prior to and during the meeting. The public may be permitted to interject comments during the meeting at the discretion of the EC Chair. Members of the public may be asked to leave the meeting at the EC Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the EC Chair and such permission must be obtained in advance.

Upon request, copies of this operating procedure will be distributed to the public attending Enforcement Consultants meetings.

MINUTES

Minutes reporting major actions, records, and documents prepared for the Council shall be filed in the Council office where they will be available upon request.

COUNCIL OPERATING PROCEDURE 6

Habitat Committee

Approved by Council: 04/06/95
Revised: 04/12/96, 03/05/97, 04/08/97, 09/18/98, 09/15/00, 11/01/02, 10/17/03, 03/11/05, 09/16/10, 11/09/10, 11/19/15, 11/08/18, 04/16/19, **7/27/23**

PURPOSE

To establish procedures for the Habitat Committee (HC) which has been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

OBJECTIVES AND DUTIES

When requested by the Council Chair or Executive Director, the HC shall:

1. Facilitate communication and coordinated action on important habitat issues which have regional significance to fisheries managed by the Council.

2. Work with key agency and public representatives to develop strategies to resolve present habitat problems and avoid future habitat conflicts.

3. Make recommendations to the Council for actions which help achieve the Council's habitat objectives as defined in its fishery management plans.

4. Make recommendations to the Council for actions which help achieve the Essential Fish Habitat mandates in the Magnuson-Stevens Fishery Conservation and Management Act.

COMPOSITION

The HC shall consist of 16 members as specified from each entity or category below. The representatives selected for the HC should have experience in habitat issues and/or expertise in strategic planning.

- One member from NMFS Northwest or Southwest Fisheries Science Center.
- One member from National Marine Fisheries Service (NMFS West Coast Region.
- One member from U.S. Fish and Wildlife Service (USFWS).
- One member from Pacific States Marine Fisheries Commission (PSMFC).
- Four members from among the four state fishery agencies (Washington, Idaho, Oregon, and California).
- Two tribal representatives (one Klamath, one Northwest or Columbia River).
- Two members representing the fishing industry - one commercial and one sport.
- One member representing a conservation group.
- One member from National Marine Sanctuaries (NMS).
- Two members at-large.

MEMBERSHIP

Terms

The HC members representing NMFS, USFWS, PSMFC, NMS, and the state agencies will be appointed for indefinite terms and replaced only as needed or at the pleasure of the Council Chair. The other HC members (tribal, industry, conservation, and at-large) will be appointed for three-year terms. The Council Chair may select members that best serve the needs of the HC and Council rather than adhering to a strict rotation among the entities represented by each position.

Termination of Membership

A committee member may be replaced at the Council's discretion if a member: 1) transfers employment or moves to a different location; 2) is absent from two or more consecutive meetings without giving adequate notification to the HC Chair or Council executive director; or 3) appears unable to fulfill their obligations as a committee member; 4) their area of expertise is no longer required; 5) is reassigned by sponsoring agency; 6) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of Commerce;* or 7) The Council Chair, in consultation with the Executive Director, determines that a member should be removed for just cause (e.g., violation of marine resource regulation, felony conviction, investigated reports of sexual harassment, etc.; these examples are not all-inclusive.). This also includes removal of a member who fails to adhere to proper decorum and to show respect for Council participants, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other Council participants. Reports of such behavior should be made to the Executive Director or Council Chair so that the incidents(s) can be properly investigated.

Replacement of Members

Upon receipt of a letter of resignation, expiration of three-year terms, or after Council action to remove a member, the Executive Director shall, depending on the member's position, do one of the following; 1) contact the agency which the former member represented for a nominee or 2) advertise for replacement of the industry, conservation, or public at-large members. Announcements for nominations shall be distributed widely and be specific about the duties and responsibilities.

Alternates

Committee members should attend all meetings, but may request an alternate with appropriate expertise if unable to attend a meeting. Members may request an alternate for a meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval by the Executive Director. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least 30 days prior to the first day of the HC meeting, or the first day of the Council meeting held in conjunction with the

HC meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences.

Officers

A Chair (or co-chairs) will be recommended by the HC to be appointed by the Council Chair from among the HC members for a one-year term. Officers will rotate to ensure sharing of the workload and diverse representation.

MEETINGS

With the approval of the Executive Director, the HC will meet in conjunction with each Council meeting or as determined by the HC Chair to achieve Council habitat objectives. The Council will reimburse travel costs for nonfederal HC members while on official Council travel as per the *Council Travel Rules* document.

Public Notification of Meetings

Timely public notice of each HC meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

STAFF RESPONSIBILITIES

Council staff has responsibility for guiding, assisting, and coordinating activities of the Committee including ensuring that Council policy, schedules, guidelines, and direction are followed; preparing agendas and *Federal Register* notices; attending meetings; conducting supportive analyses of complex technical and policy matters; presenting briefings to the Committee on necessary matters; supporting preparation of committee reports, minutes, or recommendations for presentation to the Council; and facilitating discussion among committee members to achieve consensus and maintain decorum. Council staff also facilitates communication and coordination among the various Council advisory bodies to resolve issues and promote consistency.

REPORTS TO COUNCIL

The HC Chair or designee will report to the Council on all HC actions.

ISSUE SCREENING AND REVIEW PROCEDURES

The following criteria will guide HC and Council procedures:

- All issues must have a significant impact on Council managed fisheries. This may include habitat policy issues of regional or national scope as well as effects of specific projects or resource developments.
- Direct presentation of issues to the HC should be at the request of the Council or the HC Chair and coordinated with the appropriate individual fishery management entities.
- Private individuals or organizations may submit requests for Council action directly to the HC.
- Direction and assignments to the HC shall originate from the Council.
- Habitat Committee-related, Council action will require approval of a majority of Council members when a quorum is in attendance (except as noted under the "Quick Response Procedures" in Council Operating Procedure 1).
- All issues submitted to the HC should include the HC Proposed Action Form and have sufficient supporting information to allow clear identification of the issue(s) and evaluation of the need for Council action and/or support.

COUNCIL OPERATING PROCEDURE

Groundfish Allocation Committee 7

Approved by Council: 03/11/05
Revised: 10/31/05, 9/14/06, 09/16/10, 11/09/10, 11/08/18, **09/15/21**

PURPOSE

The purpose of this Council Operating Procedure is to specify the role, responsibilities, and function of the Groundfish Allocation Committee which has been established under the authority of Section 302(g)(2) of the Magnuson-Stevens Act.

OBJECTIVES

Per the Groundfish Fishery Management Plan, direct allocation decisions must be made through a Council process over the course of at least two meetings to allow the Council to fully consider the alternatives and comments from its advisory entities and the public.

The Groundfish Allocation Committee is charged with developing options for allocating certain groundfish species (e.g., "overfished" species) among the commercial and recreational sectors, and among gear groups within the commercial sector.

The purpose of the Groundfish Allocation Committee is to distribute the harvestable surplus among competing interests in a way that resolves allocation issues on a short or long-term basis.

National Standard 4 of the Magnuson-Stevens Fishery Conservation and Management Act (50CFR600.325) requires that "allocations shall be: (1) fair and equitable to all such fishermen; (2) reasonably calculated to promote conservation; and (3) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges." Moreover, National Standard 4 states "conservation and management measures shall not discriminate between residents of different states."

COMPOSITION

The Groundfish Allocation Committee will be composed of voting and nonvoting members. Voting members will include the Council Chair, and one representative each from Washington, Oregon, and California management agencies, National Marine Fisheries Service, and Pacific States Marine Fisheries Commission. Nonvoting members will include one advisor representing each of the following sectors: non-whiting trawl, whiting fishery, open access, fixed gear, recreational, processor, and conservation. NOAA General Counsel will provide legal advice.

Member Terms

Groundfish Allocation Committee members (voting and nonvoting members) serve indefinite terms. However, a Committee member may be replaced at the Council's discretion if the member

1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the Committee Chair or Council Executive Director, or 3) appears unable to fulfill their obligations as a Committee member. The Council Chair is authorized to appoint nonvoting members and replacements on an interim basis to avoid a lack of representation for any of the nonvoting advisory sectors at a GAC meeting. In so far as possible, the Council Chair will consult with the Council prior to such appointments.

Alternate Members

Committee members should attend all meetings, but may request an alternate with appropriate expertise for the position if unable to attend a meeting. Members may request an alternate for a meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval by the Executive Director. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least 30 days prior to the first day of the meeting, or the first day of the Council meeting held in conjunction with the Allocation Committee meeting. The alternate will be reimbursed for travel expenses per the Council travel rules. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences. Such designees may participate in committee deliberations as a regular member.

Officers

The Council Chair will act as Chair of the Groundfish Allocation Committee.

MEETINGS

The Groundfish Allocation Committee shall meet at the request of the Council Chair as often as necessary to fulfill its responsibilities. Committee members may request the Council Chair to convene a Committee meeting, but the Council Chair ultimately decides whether a meeting is necessary. The Council will reimburse travel costs for nonfederal Committee members while on official Council travel as per the *Council Travel Rules* document.

Public Participation

The public will be permitted to comment on items relative to the agenda at a time to be announced in the *Federal Register* and a Council news release. Comments may be limited if deemed necessary by the Committee Chair. Written statements also may be submitted during the public comment period. The public will not be permitted to interject comments during the meeting at any time other than the established comment period unless asked to do so by the Committee Chair or a Committee member. Members of the public may be asked to leave the meeting at the Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the Committee Chair and such permission shall be obtained in advance of the meeting. Copies of this operating procedure shall be available upon request from the Council office.

Public Notification of Meetings

Timely public notice of each Groundfish Allocation Committee meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the Federal Register.

Minutes and Reports

A Council staff member shall attend and draft minutes of each committee meeting. Such minutes shall be submitted for approval by the majority of committee members prior to or at the next committee meeting.

The Groundfish Allocation Committee shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, reports will present the divergent views of the Committee. The Committee Chair will present the reports to the Council.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Committee Chair.

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics (e.g., *Federal Register* and meeting notices), and to provide other expertise needed by the Committee on a case-by-case basis.

COUNCIL OPERATING PROCEDURE

8

Ad Hoc Committees

Approved by Council: 03/11/05
Revised: 09/16/10, 11/08/18, 04/16/19, 09/15/21, **7/27/23**

PURPOSE

To establish procedures for creating, operating, and terminating Ad Hoc Committees.

CREATION AND TERMINATION

Ad Hoc Committees are created to address specific (or short term) issues and are intended to be in place for a limited duration. Ad Hoc Committees are created and terminated by vote of the Council. Current Ad Hoc Committees (including names and affiliations, but not contact information) shall be listed in the Council Roster.

OBJECTIVES AND DUTIES

Objectives, duties, and expected duration for each Ad Hoc Committee shall be specified at the time the committee is created.

MEMBER COMPOSITION AND TERMS

Based on the advice of Council members and advisory committees, the Council Chair appoints Ad Hoc Committee members.

Member Terms

Ad Hoc Committee members serve until the tasks assigned to the Ad Hoc Committee are completed. However, an Ad Hoc Committee member may be replaced at the Council Chair's discretion if a member; 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the Committee Chair or Council Executive Director, or 3) appears unable to fulfill their obligations as a Committee member.

Termination of Membership

An Ad Hoc Committee member may be replaced at the Council Chair's discretion if a member: 1) transfers employment or moves to a different location; 2) is absent from two or more consecutive meetings without giving adequate notification to the Ad Hoc Committee Chair or Council Executive Director; or 3) appears unable to fulfill their obligations as a Committee member; 4) their area of expertise is no longer required; 5) is reassigned by sponsoring agency; 6) violates the *Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils, U. S. Department of Commerce;* or 7) The Council Chair, in consultation with the

Executive Director, determines that a member should be removed for just cause (e.g., violation of marine resource regulation, felony conviction, investigated reports of sexual harassment, etc.; these examples are not all-inclusive.). This also includes removal of a member who fails to adhere to proper decorum and to show respect for Council participants, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other Council participants. Reports of such behavior should be made to the Executive Director or Council Chair so that the incidents(s) can be properly investigated.

Alternate Members

Due to the limited and specific nature of Ad Hoc Committees, members shall, generally, not be allowed to appoint alternates and are strongly encouraged to attend all Ad Hoc Committee meetings. However, a member may request an alternate to a meeting no more than twice per calendar year under the following terms. All requests for alternates require prior approval by the Executive Director. The Executive Director must be notified in advance in writing with the name of and contact information for the proposed alternate at least 30 days prior to the first day of the committee meeting, or the first day of the Council meeting held in conjunction with the committee meeting. Non-federal alternates will be reimbursed for travel expenses per the Council travel rules. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences. Such designees may participate in Ad Hoc Committee deliberations as a regular member.

Officers

The Chair and Vice Chair of each Ad Hoc Committee shall be appointed by the Council Chair and shall serve for the duration of the Ad Hoc Committee. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

MEETINGS

The committee shall meet at the request of the Council Chair or Executive Director as often as necessary to fulfill their responsibilities.

Public Participation

The public will be permitted to comment on items relative to the agenda at a time to be announced in the *Federal Register* and a Council news release. Comments may be limited if deemed necessary by the Committee Chair. Written statements also may be submitted during the public comment period. The public will not be permitted to interject comments during the meeting at any time other than the established comment period unless asked to do so by the Committee Chair or a Committee member. Members of the public may be asked to leave the meeting at the Committee Chair's discretion if their conduct is impeding the orderly progress of the meeting.

The granting of permission for the public to tape all or any part of the meeting is at the discretion of the Committee Chair and such permission shall be obtained in advance of the meeting.

Copies of this operating procedure shall be available upon request from the Council office.

Public Notification of Meetings

Timely public notice of each Ad Hoc Committee meeting, including the time, place, and agenda topics for the meeting, shall be widely distributed via facsimile machine, electronically (e-mail and Council website), and/or U.S. Postal Service to individuals on mailing lists maintained by the Council and to local media. The notice also may be announced by such other means as will result in wide publicity. For purposes of this notice, the term "timely" will be defined as two weeks prior to the actual meeting. However, the Council recognizes that due to the expediency of some Council actions and/or other reasons deemed valid, such two-week advance notice may not always be possible.

Timely notice of each regular meeting, emergency meeting, and hearing also shall be published in the *Federal Register*. Council staff shall prepare this notice in coordination with the appropriate NMFS regional office. In this context, the term "timely" shall denote submission (at least 23 calendar days prior to the meeting) of the notice to NMFS for publication in the *Federal Register*.

Minutes and Reports

As workload permits, a Council staff member shall attend and draft minutes of each Ad Hoc Committee meeting. Such minutes shall be submitted for approval by the majority of committee members prior to or at the next committee meeting.

Ad Hoc Committees shall report to the Council as directed by the Council Chair or Executive Director.

Reports will describe both areas of consensus and differences. If necessary, reports will present the divergent views of the Ad Hoc Committee. The Committee Chair will present the reports to the Council.

Draft reports or statements prepared and discussed at these meetings will be available to the public in final form after submission to the Council. They will not be distributed to the public during the meeting unless authorized by the Committee Chair.

STAFF RESPONSIBILITIES

In addition to drafting meeting minutes, Council staff has responsibility for guiding, assisting, and coordinating activities of these committees including ensuring that Council policy, schedules, guidelines, and direction are followed; preparing agendas, *Federal Register* notices; attending meetings; conducting supportive analyses of complex technical and policy matters; presenting briefings to these committees on necessary matters; supporting preparation of committee reports or recommendations for presentation to the Council; and facilitating discussion among committee members to achieve consensus and maintain decorum. Council staff also facilitates communication

and coordination among the various Council advisory bodies to resolve issues and promote consistency.

COUNCIL OPERATING PROCEDURE 9

Management and Activity Cycles

Approved by Council: 07/10/85
Revised: 09/16/87, 04/06/95, 11/03/99, 03/11/05, 11/06/13, 04/10/14, 09/17/14, 6/28/16, 11/21/16, 9/18/17, 09/17/20, 09/18/20, 11/22/22, 7/27/2023, 10/20/2023, **11/9/2024**

PURPOSE

To establish management and activity cycles conducted by the Pacific Fishery Management Council (Council), its advisory entities, staff for the groundfish, salmon, coastal pelagic species, halibut, and highly migratory species fisheries, and administrative matters.

MANAGEMENT AND ACTIVITY CYCLES

Schedule 1 Biennial management cycle and activities related to groundfish management.

Schedule 2 Annual management cycle and activities related to salmon management.

Schedule 3 Annual management cycle and activities related to coastal pelagic species management.

Schedule 4 Annual management cycle and activities related to halibut management.

Schedule 5 Biennial management cycle and activities related to highly migratory species management.

Schedule 6 Annual administrative management cycle and activities.

Schedule 7 Fiscal management cyle and activities.

SCHEDULE 1. Biennial management cycle and activities related to groundfish management. Groundfish harvest specifications and management measure process are on a biennial cycle. Schedule 1 describes this cycle sequentially. This cycle contains three overlapping and interrelated processes: 1) stock assessment process, 2) harvest specifications and management measure biennial process, and 3) adoption of new and/or revised groundfish stock definitions. The following table shows the complete cycle, starting in June as Year 1 and concluding in June of Year 3, which starts the next biennial cycle.

Year	Month	Entity and Management Activity
Year 1 *Odd Numbered Years*	June	The ***Council staff*** provide biennial groundfish harvest specifications and management measure schedule and process to the Council. The ***Scientific and Statistical Committee (SSC)*** endorses stock assessments completed in Year 1 and recommends appropriate harvest specifications[1] to begin development of specifications for the next biennial management period (Years 3 and 4), as appropriate. The ***Groundfish Management Team (GMT)*** and ***Groundfish Advisory Subpanel (GAP***) meet to provide recommendations to inform Council action on harvest specifications and management measures for Years 3 and 4. The ***GMT*** and ***GAP*** meet review current fishery status, consider/analyze new and/or routine inseason management and provide recommendations to inform ***Council*** action, as necessary, for Year 1. ***Council*** recommends routine inseason management adjustments as necessary.
	September	The ***SSC*** endorses stock assessments completed in Year 1 and recommends appropriate harvest specifications[2] to begin development of specifications for the next biennial management period (Years 3 and 4), as appropriate. The ***GMT*** and the ***SSC*** review and incorporate new impact assessment methodologies, including new observer data from January through December of the previous year, approve stock assessments completed in Year 1, and recommend appropriate harvest specifications to begin development of specifications for the next biennial management period (Years 3 and 4). The ***GMT*** and ***GAP*** meet to provide recommendations to inform Council action on harvest specifications and management measures for Years 3 and 4. The ***Council*** adopts final modeling methodologies, stock assessments for the next biennial period for Years 3 and 4, final preferred overfishing limits (OFLs) and sigmas, as recommended by the ***SSC***. The ***Council*** also adopts a range of P*/acceptable biological catches (ABCs), if applicable, including preliminary preferred values.

[1] Stock assessments could be adopted as early as June in the Odd Year depending on the assessment schedule. Council action could be postponed from September to November for any stock assessments recommended for further review by the SSC.

[2] *Id.*

SCHEDULE 1. Biennial management cycle and activities related to groundfish management.		
Year	**Month**	**Entity and Management Activity**
Year 1 *Odd Numbered Years*	September (cont.)	The ***Council*** provides initial fishery management guidance, including a preliminary range of management measures necessary to keep catch within or attain a specification or to address habitat or protected resources concerns for analysis and implementation in Years 3 and 4. The ***GMT*** and ***GAP*** meet to review current fishery status to inform ***Council*** action on routine inseason management[3] recommendations, as necessary, for Year 1. The ***Council*** recommends routine inseason management adjustments, as appropriate.
	October	The ***SSC Groundfish Subcommittee*** meets, as appropriate, to review overfished species rebuilding analyses as well as any stock assessments approved for further review by the Council at the "mop-up" stock assessment review panel for Years 3 and 4. The ***GMT*** meets to review new stock assessments and rebuilding analyses. The ***GMT*** drafts a recommended range of annual catch limits (ACLs) and preliminary management measures for consideration at the November Council meeting for Years 3 and 4.
	November	***Coastal treaty tribes*** initiate allocations and/or regulations specific to the tribes by written request to the Council and NOAA's Regional administrator prior to the November Council meeting for Years 3 and 4. *The* ***Council*** adopts rebuilding analyses and any assessments sent to the ***SSC Groundfish Subcommittee*** for "mop-up" panel review and any recommended by the **SSC**, as appropriate. The ***Council*** adopts final preferred P*/ABCs; preliminary preferred non-overfished species ACLs, and, if necessary; a range of overfished species ACLs and preliminary preferred ACLs for overfished species for Years 3 and 4. The ***Council*** selects a range of 2-year allocations, final range of management measures for detailed analysis necessary to keep catch within or attain a specification or to address habitat or protected resources concerns, and preliminary exempted fishing permit (EFP) applications for Years 3 and 4. The ***GMT*** and ***GAP*** meet to review current fishery status to inform ***Council*** action on routine inseason management, as necessary, for Years 1 and 2. ***Council*** recommends routine inseason management adjustments as appropriate. ***U.S. Department of Commerce*** makes status determinations for stocks of managed groundfish species.

[3] Routine management measures have been previously analyzed and are defined in regulation and include adjustments to rockfish conservation area boundaries and most trip limits, bag limits and size limits. Routine measures may be changed after a single Council meeting.

SCHEDULE 1. Biennial management cycle and activities related to groundfish management.		
Year	**Month**	**Entity and Management Activity**
Year 2 *Even Numbered Years*	January	The ***GMT*** meets to review and analyze ***Council*** actions relative to harvest specifications and management measures provided in Year 1, as necessary, for Years 3 and 4.
	March	The ***Council*** receives an informational briefing from ***GMT/Council Staff*** on selected results of the harvest specifications and management measures analysis for Years 3 and 4, if requested. The ***Council*** may be asked to provide guidance or take action on emerging issues, as necessary. The ***GMT*** and ***GAP*** provide recommendations to inform ***Council*** action on harvest specifications and management measures for Years 3 and 4, if necessary. The ***Council*** adopts, for public review, 1) a preliminary list and schedule of stocks for assessment in next two groundfish biennial harvest specification and management measure cycles and 2) Groundfish Stock Assessment Terms of Reference (TOR) for assessments, methodology reviews, and rebuilding analyses. The ***SSC***, ***GMT***, and ***GAP*** meet to consider/review new information related to defining groundfish stocks and provide recommendations to inform ***Council*** action on stock definitions, as appropriate. The ***Council*** scopes revisions to groundfish stock definitions and adopts, for public review, a Range of Alternatives (ROA) for defining and/or revising groundfish stock(s) definitions for the next biennial period, as applicable. The ***GMT*** and ***GAP*** meet to review proposed management measures and recommend prioritization of new management measures for analysis, as appropriate. The ***Council*** adopts a list of proposed new management measures[4] and may prioritize measure(s) from the list for analysis, as appropriate. This process occurs annually. The ***GMT*** and ***GAP*** meet to review current fishery status to inform ***Council*** action on routine inseason management, as necessary, for Year 2. ***Council*** recommends routine inseason management adjustments, as necessary. The members of the Joint Management Committee (JMC), established under the U.S./Canada Agreement, inform the Council on the annual total allowable catch (TAC) for Pacific whiting recommended by the JMC and the outcomes of the treaty process.[5,6] In years when the JMC is unable to reach agreement the Council may recommend a TAC to National Marine Fisheries Service for its consideration in setting the US TAC.

[4] New management measures are those not previously analyzed and implemented in regulation.

[5] The Pacific whiting process is subject to the JMC's schedule, this item could be postponed, as appropriate.

[6] NMFS, under the delegation of authority of the Secretary of Commerce, in consultation with the Secretary of State, will accept or reject the recommendation of the JMC.

SCHEDULE 1. Biennial management cycle and activities related to groundfish management.		
Year	**Month**	**Entity and Management Activity**
		The ***GMT*** and ***GAP*** meet to review Pacific whiting harvest specifications and management measures as well as current fishery status and routine inseason management recommendations for Year 2. The ***Council*** may consider recommending set-asides and adjustments to management measures for the Pacific Whiting fishery in Year 2, as appropriate.
Year 2 *Even Numbered Years*	April	The ***GMT*** and ***GAP*** meet to provide recommendations to inform Council action on remaining harvest specifications and management measures for Years 3 and 4. The ***Council*** adopts its final preferred alternative (FPA) for harvest specifications. The ***Council*** adopts its preliminary preferred alternative (PPA) for management measures for public review and for Years 3 and 4. The ***GMT*** and ***GAP*** meet to review current fishery status to inform ***Council*** action on routine inseason management, as necessary for Year 2. ***Council*** recommends routine inseason management adjustments, as necessary.
	June	The ***Coastal treaty tribes*** refine requests for allocations and/or regulations specific to the tribes by written notice to the ***Council*** and NOAA's Regional Administrator prior to the June Council meeting for Years 3 and 4. The ***Council*** adopts FPA and recommends implementation by ***National Marine Fisheries Service*** (***NMFS***) for EFP applications and biennial management measures, as well as any corrections to harvest specifications for Years 3 and 4. The ***Council*** adopts: 1) FPA list and schedule of stocks for assessment in the next two groundfish biennial harvest specification and management measure cycles and 2) Groundfish Stock Assessment TOR for assessments, methodology reviews, and rebuilding analyses. The ***SSC***, ***GMT***, and ***GAP*** meet to consider/review scoping material to define groundfish stocks and provide recommendations to inform the ***Council*** PPA decisions for stock definitions, as appropriate. ***Council*** adopts a PPA for revisions to groundfish stock definitions, as appropriate. The ***GMT*** and ***GAP*** meet to review current fishery status to inform ***Council*** action on routine inseason management, as necessary for Year 2. ***Council*** recommends routine inseason management adjustments, as necessary.
	July	The ***Council*** staff, ***NMFS*** staff, and ***GMT*** (*as appropriate*) complete analyses and National Environmental Policy Act (NEPA) documents, as necessary, for biennial management specifications and submit them to NMFS for Years 3 and 4.
	September	The ***GMT*** and ***GAP*** meet to review current fishery status to inform ***Council*** action on routine inseason management, as necessary for Year 2. ***Council*** recommends routine inseason management adjustments, as necessary. The ***GMT, GAP,*** and ***Council*** participate in off-cycle management activities, as appropriate for Year 3.

SCHEDULE 1. Biennial management cycle and activities related to groundfish management.		
Year	**Month**	**Entity and Management Activity**
		The ***SSC***, ***GMT***, and ***GAP*** meet to consider/review the Council's groundfish stock definition PPA and provide recommendations to inform the ***Council*** FPA decisions for stock definitions, as appropriate. ***Council*** adopts a FPA for revisions to groundfish stock definitions, as appropriate.
	November	The ***GMT***, ***GAP***, and ***Council*** participate in routine inseason management activities and off-year activities, as appropriate for Years 2 and 3. The ***GMT*** and ***GAP*** meet to review current fishery status to inform ***Council*** action on routine inseason management, as necessary, for Year 2. ***Council*** recommends routine inseason management adjustments, as necessary. The ***GMT, GAP,*** and ***Council*** participate in off-cycle management activities, as appropriate for Year 3. The ***U.S. Department of Commerce*** makes overfishing stock status determinations based on Year 1 mortality estimates.
Year 3 *Odd Numbered Years*	January	The ***U.S. Department of Commerce*** implements harvest level specifications and management measures for next biennial management period (Years 3 and 4). The ***U.S. Department of Commerce*** approves groundfish stock definitions for next biennial management period (Year 5 and 6). The **GMT** meets to review and analyze Council-directed tasks and management actions for Year 3.
	March	The members of the Joint Management Committee (JMC), established under the U.S./Canada Agreement, inform the Council on the annual total allowable catch (TAC) for Pacific whiting recommended by the JMC and the outcomes of the treaty process.[7,8] In years when the JMC is unable to reach agreement the Council may recommend a TAC to National Marine Fisheries Service for its consideration in setting the US TAC. The ***GMT*** and ***GAP*** meet to review Pacific whiting harvest specifications and management measures as well as current fishery status and routine inseason management recommendations for Year 2. The ***Council*** may consider recommending set-asides and adjustments to management measures for the Pacific Whiting fishery in Year 3, as appropriate. The ***GMT*** and ***GAP*** meet to review proposed management measures and recommend prioritization of new management measures for analysis, as appropriate. ***Council*** adopts a list of proposed new management measures[9] and may prioritize measure(s) from the list for analysis, as appropriate. This process occurs annually.

[7] The Pacific whiting process is subject to the JMC's schedule, this item could be postponed, as appropriate.
[8] NMFS, under the delegation of authority of the Secretary of Commerce, in consultation with the Secretary of State, will accept or reject the recommendation of the JMC.
[9] New management measures are those not previously analyzed and implemented in regulation.

SCHEDULE 1. Biennial management cycle and activities related to groundfish management.		
Year	**Month**	**Entity and Management Activity**
		The ***GMT*** and ***GAP*** meet to review current fishery status, consider/analyze new and/or routine inseason management and provide recommendations to inform Council action, as necessary, for Year 3. ***Council*** recommends routine inseason management adjustments, as necessary. The ***GMT, GAP,*** and ***Council*** participate in off-year cycle management activities, as appropriate for Year 3.
	April	The **GMT** and **GAP** meet review current fishery status, consider/analyze new and/or routine inseason management and provide recommendations to inform ***Council*** action, as necessary, for Year 3. ***Council*** recommends routine inseason management adjustments as necessary. The ***GMT, GAP,*** and ***Council*** participate in off-cycle management activities, as appropriate for Year 3.
	June	Repeat management activities of June in Year 1 to begin development of next biennial cycle (e.g., Years 5 and 6). The ***GMT*** and ***GAP*** meet review current fishery status, consider/analyze new and/or routine inseason management and provide recommendations to inform ***Council*** action, as necessary, for Year 3. The ***Council*** recommends routine inseason management adjustments as necessary. The ***GMT, GAP,*** and ***Council*** participate in off-cycle management activities, as appropriate for Year 3.

SCHEDULE 2. Annual management cycle and activities related to salmon management. [1]

Month	Entity and Management Activity
January	***Salmon Technical Team (STT)*** meets to draft annual fishery review for the previous season.
February	***STT*** meets to draft the report providing projected stock abundances and potential management measure impacts.
March	***Council*** meets to adopt no more than three annual salmon fishery management alternatives and conducts public hearings (hearings may extend into April). ***Salmon Advisory Subpanel (SAS)*** meets with the Council to develop initial annual management alternative recommendations.
March (cont.)	***STT*** meets to develop impact analyses of the Council's proposed annual management alternatives, identifies management concerns, and participates in public hearings.
April	***Council*** meets to adopt final annual salmon fishery management measures. ***STT and SAS*** meet with Council to assist in selection and analysis of final annual management measures. ***SSC*** meets to identify methodology issues which merit review, informs the Council of methodologies selected for review, and establishes a review schedule. ***U.S. Department of Commerce*** reviews and implements the Council's recommendations in time for May 16 season opening.
May through October	***Council, STT, and National Marine Fisheries Service (NMFS)*** monitor fisheries to implement inseason management provisions, as necessary.
October or November	***SSC, STT, and SAS*** meet with Council to provide direction as needed, especially with regard to the review of prediction and harvest impact modeling procedures, conservation objectives, and the annual management measure process.

[1] For additional detail, see operating procedure for "Annual Salmon Management Process."

SCHEDULE 3. Management cycles and activities related to coastal pelagic species management.

Month	Entity and Management Activity
	PACIFIC MACKEREL
Pacific mackerel assessments will be conducted on a rotating cycle. Every four years, a full assessment is conducted, and every alternating four years a catch-only projection is conducted. Annual specifications are set on a biennial basis. In assessment years (either full or catch-only projection), the following schedule will be followed:	
April	***Assessment authors*** prepare draft assessment documents.
May	***Coastal Pelagic Species Management Team (CPSMT), Coastal Pelagic Species Advisory Subpanel (CPSAS), and public*** review draft assessments, executive summaries, and recommended harvest guidelines.
June	***Assessment authors*** submit final assessments, executive summaries, and recommended harvest guidelines to Council staff for inclusion in June Council meeting briefing book.
	SSC reviews assessments, executive summaries, and recommended harvest guidelines.
	Council adopts annual harvest level specifications and management measures. Annual harvest level specifications for Pacific mackerel are adopted for two consecutive fishing years.
	U.S. Department of Commerce implements annual harvest level specifications and management measures, for two consecutive fishing years. Pacific mackerel season opens July 1.
March	***Council*** may consider inseason action to transfer unused incidental set-aside to the directed fishery.
	PACIFIC SARDINE
February	***Assessment authors*** prepare draft assessment documents.
March	***CPSMT, CPSAS, and public*** review draft assessment, executive summary, and recommended harvest guideline.
April	***SSC*** reviews assessment, executive summary, and recommended harvest guideline. ***Council*** adopts annual harvest level specification and management measures. ***U.S. Department of Commerce*** implements annual harvest level specification and management measures. Pacific sardine season opens July 1.

CENTRAL SUBPOPULATION OF NORTHERN ANCHOVY

The schedule and process for the management for the central subpopulation for northern anchovy is described below and the flowchart in Figure 1.

A benchmark assessment will be conducted every eight years unless a trigger is met, and a new benchmark assessment is conducted sooner. Assessment results will provide the mean long-term biomass estimate for the previous 10-year period used to establish a new overfishing limit (OFL) and acceptable biological catch (ABC).

During intervening years between benchmark assessments, at two-year intervals both the short-term three-year mean biomass estimate from survey results and catch attainment will be examined:

1) At each biennial evaluation the trigger for a change to the ABC would be a short-term biomass that results in an ABC at least a proportion of 0.4 less than the ABC from the last assessment (i.e., less than or equal to 60% of ABC). If that ABC trigger is hit, the ABC would be reduced for the next two fishing years. When next evaluated, if short- term biomass is no longer below that trigger threshold, the ABC for the following two fishing years would revert to the ABC determined from the last assessment.

2) If catch has exceeded 90% of the ABC for two years, then the Council will evaluate if a new assessment should be scheduled for the following year.

The details of this flowchart process and explicit calculation formulas can be found in the Coastal Pelagic Species Stock Assessment and Fishery Evaluation document. Assessments are done every eight years, but trigger points are checked every two years which may change the assessment cycle. The following schedule will be used for assessments and examination of survey results and catch attainment in years that they occur:

Month	Entity and Management Activity
April	***Assessment authors*** prepare draft assessment documents. CPSMT reviews available abundance estimates from NMFS CPS surveys for short-term (three-year mean) biomass and catch attainment for last two years and determines whether management action triggers occurred.
May	***CPSMT, CPSAS, and public*** review draft assessment, executive summary, and calculated harvest specifications in years that an assessment occurs.

Month	Entity and Management Activity
June	***SSC*** reviews assessment, executive summary, and recommends harvest specifications. If the CPSMT reports that management action triggers occurred, the SSC reviews survey results and catch attainment and recommends a new short-term ABC or the ABC from the last assessment if indicated by survey results. ***Council*** adopts long- and/or short-term harvest level specifications and management measures. If catch attainment exceeded 90 percent of the ABC for two years in a row, Council evaluates and determines if a new assessment should be conducted the following year. ***U.S. Department of Commerce*** implements annual harvest level specification and management measures. Central subpopulation of northern anchovy season opens January 1.

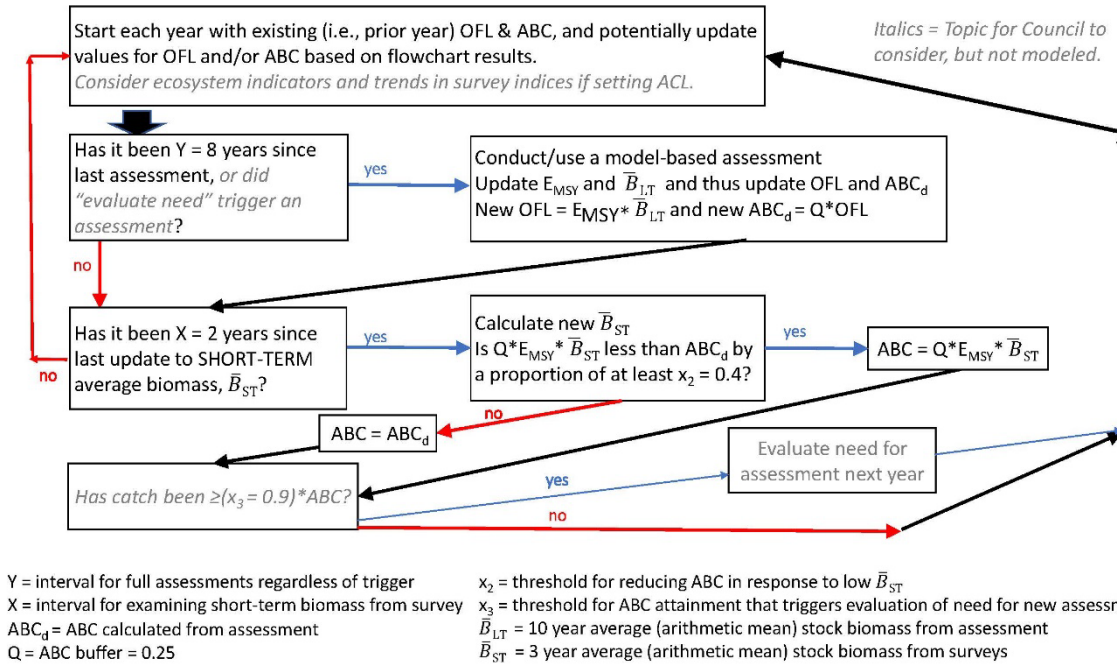


Figure 1. Flowchart depicts the framework for managing the central subpopulation of northern anchovy with the parameter values to be utilized.

OTHER CPS STOCKS

For other stocks, the CPS FMP specifies tracking trends in landings, and qualitative comparison to available abundance data, but without periodic stock assessments or periodic adjustments to target harvest levels. After harvest specifications have been established, they will remain in place until the Council takes action to adjust the harvest specifications. If the Council wishes to adjust harvest level specifications or management measures, the process will follow that for Pacific mackerel and

Pacific sardine. Assessment authors will present a draft stock assessment in advance of a review by the CPSMT, CPSAS, and the public. Final assessments and recommended harvest specifications and management measures will be included in the appropriate briefing book, for review by the SSC. The Council adopts final specifications, and the U.S. Department of Commerce implements the harvest specifications and management measures.

NOTE: The Stock Assessment and Fishery Evaluation (SAFE) document for CPS will be prepared and made available by the November Council meeting.

SCHEDULE 4. Annual management cycle and activities related to Pacific halibut management.

Year	Month	Entity and Management Activity
Year 1	September	***Council*** receives a report on the status of the current Pacific halibut fishery. With regard to next year's season (Year 2), the ***Council*** hears management recommendations from the states and public; and, if necessary, adopts for public review proposed changes to non-tribal commercial and recreational season structuring, Federal regulations, and minor changes to the Pacific halibut (halibut) catch sharing plan for fisheries in Year 2 (e.g., opening dates, days per week, early season/late season ratios, and port/area sharing). ***SSC*** reviews proposed halibut bycatch estimates or other halibut estimation methodologies as necessary prior to NMFS submission to the International Pacific Halibut Commission (IPHC).
	September or October	***States*** conduct public workshops on the proposed changes to the catch sharing plan or management measures, as appropriate.
	October or November	***Council*** receives a report on the status of the current halibut fishery. Within the scope of the proposed changes formulated at the September meeting and with further public input, the ***Council*** adopts recommendations for management changes to the catch sharing plan, NMFS then implements annual management measures consistent with the catch sharing plan through annual rules published in the Federal Register halibut fisheries in the coming season (Year 2).
Year 1 (cont.)	November through January	***IPHC*** staff distributes draft documents that impact Area 2A to the Council office and NMFS. ***Council*** will host a meeting (webinar or in-person) of the Area 2A governmental management entities, Council members, and appropriate advisory panel members after the IPHC's interim meeting. The purpose of the meeting will be to assist the

SCHEDULE 4. Annual management cycle and activities related to Pacific halibut management.		
Year	Month	Entity and Management Activity
		management entities in coordinating their input to the IPHC annual meeting and to prepare the Council representative for the annual meeting. The meeting will be open to the public and the meeting agenda will provide for a public comment period.
Year 2	January	***IPHC*** meets to distribute halibut mortality limits to each IPHC Regulatory Area.
	February/ March	***NMFS*** publishes proposed rule to implement the catch sharing plan and prepares appropriate NEPA documents, as needed.
	March	***Council*** adopts, for public review, a range of landing restrictions for incidental halibut harvest in the non-tribal salmon troll fishery for the May 16-May 15 period. If necessary, the Council recommends inseason action to modify previously set landing restrictions for the April 1-May 15 period. If necessary, the Council adopts final landing restrictions for incidental halibut harvest in the non-tribal sablefish primary fishery north of Point Chehalis, Washington. ***Council*** holds public hearings to receive input on salmon season alternatives and landing restrictions options for incidental halibut harvest in the non-tribal salmon troll fishery for the May 16-May 15 period.
	April	***Council*** adopts final recommendations for incidental harvest in the non-tribal salmon troll fishery for the May 16 to May 15 period.
	April/May	***NMFS*** publishes the final rule to implement management measures consistent with the catch sharing plan, non-tribal commercial regulations for the directed halibut fishery, incidental retention of halibut in the non-tribal salmon troll fishery, the non-tribal sablefish primary fishery north of Point Chehalis, and sport seasons and regulations, as appropriate.
	May through November	***NMFS*** regional director makes inseason adjustments to subquotas, sport seasons, non-tribal directed halibut fishery season and vessel limits, incidental halibut landing limits in the non-tribal salmon troll fishery and the sablefish primary fishery north of Point Chehalis, as necessary.

SCHEDULE 5. Biennial management cycle and activities related to highly migratory species management.

Year	Month	Entity and Management Activity
Even-Numbered Years	September	***Highly Migratory Species Management Team (HMSMT)*** provides update to the Council on status of the HMS fisheries and, as appropriate, proposed adjustments to the numerical estimates of MSY, OY, and SDC in a preliminary SAFE report. If necessary, Council directs HMSMT to prepare draft regulatory analysis to implement revised estimates of reference point values, ACLs or other harvest objectives and/or management measures.
	November	Council adopts final recommendations to NMFS, Department of State, and Congress for international measures to end overfishing and/or rebuild stocks and proposed regulations necessary for domestic fishery management.
Odd-Numbered Years	March	Council adopts final action and submits to NMFS for approval

NMFS implements domestic fishery management regulations as soon as practicable after Council final action while fulfilling applicable statutory requirements related to rulemaking.

As detailed above the HMS FMP established a biennial management cycle with the regulatory/statistical year April 1 to March 31, which provides sufficient time for data analysis, provides for timely response to fishery problems, and allows most fishers adequate access to the management process, as scheduled.

The Council would schedule HMS for the September, November, and March Council meetings.

Under this biennial cycle, the HMSMT would conduct ongoing reviews of HMS fisheries and stock status. The HMSMT would prepare an annual SAFE document for the Council's September meeting.

This management cycle may be altered to a different annual or multi-year management cycle by majority vote of the Council without necessity of an FMP amendment, provided the Council gives six-month advance notice to the public of any intent to alter the management cycle.

SCHEDULE 6. Annual administrative management cycle and activities.

Month	Management Activity
Year-Round	• Review any needed changes in the Council's policies and procedures for revisions to the Statement of Organizations, Practices, and Procedures. • Fill vacancies in advisory body positions, as necessary.

SCHEDULE 6. Annual administrative management cycle and activities.

Month	Management Activity
	• Plan staff workload and Council meeting agendas.
June	• Elect Council Chair and Vice Chair, effective August 11. • Every third year review the composition of all term-limited Advisory Body positions (SSC at-large positions; HC tribal, industry, conservation, and at-large positions; and all Advisory Subpanel positions) and adopt proposed changes for public review.
September	• Every third year adopt final compositions of term-limited Advisory Body positions and request nominations to fill the next three-year term.
November	• Every third year appoint membership of the term-limited Advisory Body positions for three-year terms beginning January 1.

SCHEDULE 7. Fiscal management cycle and activities.

Month	Management Activity
	Administrative Grant
First Meeting	At the new grant cycle, Council staff prepares for the Council's Budget Committee consideration a draft comprehensive grant application that documents proposed Council priorities to be pursued in the first year of the grant together with detailed, first-year fiscal implications, and which proposes broader Council priorities to be pursued in the succeeding years.
Second Meeting	Budget Committee considers, approves and forwards the grant application for Council consideration. Council adopts its grant application and submits to NMFS for approval.
As Appropriate	Council staff prepares and submits any necessary application for extension of the grant with information related to financial balances and performance obligations remaining within the grant, immediately informing the Chair of the Budget Committee of the application, and briefing the Budget Committee of the circumstances at its next meeting.

Annual Budget

September	Council Staff prepares for consideration by the Budget Committee a proposed preliminary annual budget for Council operations which documents all major aspects of the Council's fiscal affairs and identifies balances, performance obligations, potential amounts and sources of current and future fiscal year funding, current and projected costs of activities, and addresses multi-year cash-flow needs, staffing stability and other contingencies while generally associating higher priority Council activities with secure funding sources.
November	Budget Committee modifies/approves the proposed preliminary budget and forwards recommendations to the Council for approval and provisional use beginning January 1 of the next year.
When Appropriate	At the first opportunity following Congressional appropriations, confirmation of fiscal assumptions, updates, and resolution of uncertainties contained in the preliminary annual budget, Council staff prepares updated final annual budget for Budget Committee review, approval, and forwarding to the Council for approval at the earliest opportunity, including potentially at the same meeting.

Independent Audit

June or September (depending on timing)	Council Staff provides a report to the Budget Committee which summarizes findings of an annual, independent audit of the Council's financial practices, together with a summary of the Council's response to the audit's findings.

COUNCIL OPERATING PROCEDURE 10

Preseason Salmon Management Process

Approved by Council: 09/22/88
Revised: 03/06/90, 04/06/95, 03/11/05, 11/06/13, **09/17/20**

PURPOSE

To establish a schedule and procedures governing the annual salmon management process beginning in January and ending in April. The process is limited by available time, as stock abundance forecasts are not available until early February and regulations must be in place by May 16. Therefore, the process must be as efficient as possible while maximizing the opportunity for public involvement. The principal features of the process are; 1) a March meeting to adopt realistic preliminary ocean salmon fishery management alternatives, 2) public hearings, 3) an April meeting to adopt final management recommendations, and 4) publication of Preseason Reports I, II, and III that combined serve as an Environmental Assessment of the alternatives as required by the National Environmental Policy Act. Several non-Council meetings are also complementary to this process including; meetings held prior to the March Council meeting in which state/federal managers review Salmon Technical Team preseason forecast reports with Salmon Advisory Subpanel members and members of the general public and meetings of the North of Cape Falcon Forum occurring between the March and April Council meetings.

For this process to be effective, the Council should adopt allowable ocean harvest levels as early as possible, and alternatives developed in March should be consistent with the management objectives defined in the fishery management plan (FMP). The April meeting should focus on how to structure ocean fishing seasons which meet, to the maximum practicable extent, the social and economic objectives of the Council.

PROCEDURE

January	Notice published in the *Federal Register* announcing the availability of Salmon Technical Team and Council documents, the dates and locations of the two Council meetings, the dates and locations of the public hearings, and publishing the complete schedule for determining proposed and final modifications to the management measures. ***Salmon Technical Team (STT)*** meets to draft the review of ocean salmon fisheries for the previous year.
February through Early March	***STT*** meets in February to draft preseason report providing stock abundance forecasts and harvest and escapement estimates when recent regulatory regimes are projected on current year abundance.

	State and Tribal management meetings occur in February or early March to assess expected stock abundances and possible season options. The STT reports, which summarize the previous salmon season and project the expected salmon stock abundance for the coming season, are available to the public from the Council office.
First or second full week of March[a/]	The Council and advisory entities meet to adopt not more than three regulatory alternatives for formal public hearings, which are expected to meet FMP management objectives. Prior to adoption of alternatives, the Pacific Salmon Commission (PSC) will be asked to document and articulate to the Council any agreements reached that impact Council management. The alternatives will represent a range of anticipated total allowable harvest and stock impacts in Council fisheries. Proposed options are initially developed by the Salmon Advisory Subpanel and further refined after analysis by the Salmon Technical Team, public comment, and consideration by the Council. The Council will consider any potential emergency changes to fishery management objectives or other provisions of the FMP. Any request for an emergency change must meet the attached criteria.
Week after March Council meeting	The Council public hearing announcement and Preseason Report II are released which outline Council-adopted alternatives.
Prior to April Council Meeting	Agencies, tribes, and public meet to agree on allowable ocean and inside waters harvest levels north of Cape Falcon. The Council's ocean fishery options are refined to meet allowable ocean harvests based on conservation and allocation objectives.
Last week of March and first week of April	General time frame for formal public hearings on the proposed salmon management alternatives.
First or second full week of April[a/]	The Council and advisory entities meet to adopt final regulatory measure recommendations for implementation by the Secretary of Commerce. Agreements reached in other forums are presented in writing on Tuesday of the April meeting. New options or analyses presented at the April meeting must be reviewed by the Salmon Technical Team and public prior to action.
Second or Third week of May	Final notice of Secretary of Commerce decision and final management measures published in *Federal Register*.

a/ The March Council meeting is set as late as possible while ensuring no less than three to four weeks between the end of the March meeting and the beginning of the April meeting. Working backward from the May 16 implementation date, the April Council meeting is generally set as late as possible while not extending past April 15 for approval of final salmon management recommendations.

CRITERIA FOR REQUESTING EMERGENCY CHANGES TO THE SALMON FMP

Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act allows the Secretary of Commerce to implement emergency regulations independently or in response to a Council recommendation of an emergency if one is found to exist. The Secretary has not published criteria for determining when an emergency exists. A Council FMP may be altered by emergency regulations, which are treated as an amendment to the FMP for a limited period of 180 days and which can be extended for an additional 180 days.

Council FMPs can be changed by the amendment process which takes at least one to two years, or modified temporarily by emergency regulations, which can be implemented in a few weeks. Framework plans, like the Council's salmon FMP, have been developed to allow flexibility in modifying management measures between seasons and during the season.

Some measures, like most conservation objectives and allocation schemes, are deliberately fixed in the plan and can be changed only by amendment or temporarily modified by emergency regulation. (Certain conservation objectives also may be changed by court order or without an amendment if, in the view of the Salmon Technical Team, Scientific and Statistical Committee, and Council, a comprehensive review justifies a change.) They are fixed because of their importance and because the Council wanted to require a rigorous analysis, including extensive public review, to change them. Such an analysis and review were conducted when these management measures were originally adopted. It is the Council's intent to incorporate any desired flexibility of conservation objectives into the framework plan, making emergency changes prior to the season unnecessary. The Oregon coastal natural coho conservation objective is an example of a flexible objective, which is more conservative when stock abundance is low.

The use of the emergency process essentially "short circuits" the plan amendment process and reduces public participation, thus there needs to be sufficient rationale for using it. Moreover, experience demonstrates that if there is disagreement or controversy over a council's request for emergency regulations, the Secretary is unlikely to approve it. An exception would be an extreme resource emergency.

To avoid protracted, last-minute debates each year over whether or not the Council should request an emergency deviation from the salmon FMP, criteria have been developed and adopted by the Council to screen proposals for emergency changes. The intent is to limit requests to those which are justified and have a reasonable chance of approval, so that the time spent in developing the case is not wasted and expectations are not unnecessarily raised.

Criteria

The following criteria will be used to evaluate requests for emergency action by the Secretary:

1. The issue was not anticipated or addressed in the salmon plan, or an error was made.

2. Waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences.

3. In the case of allocation issues, the affected user representatives support the proposed emergency action.

4. The action is necessary to meet FMP objectives.

5. If the action is taken, long-term yield from the stock complex will not be decreased.

Process

The Council will consider proposals for emergency changes at the March meeting and decide whether or not a specific issue appears to meet all the applicable criteria. If the Council decides to pursue any proposal, it will direct the Salmon Technical Team to prepare an impact assessment for review by the Council at the April meeting, prior to final action. Any proposals for emergency change will be presented at the public hearings between the March and April meetings. It is the clear intent of the Council that any proposals for emergency change be considered no later than the March meeting in order that appropriate attention be devoted at the April meeting to developing management recommendations, which maximize the social and economic benefits of the harvestable portion of the stocks.

The Council may consider other proposals for emergency change at the April meeting if suggested during the public review process, but such proposals must clearly satisfy all of the applicable criteria and are subject to the requirements for an impact assessment by the Salmon Technical Team.

COUNCIL OPERATING PROCEDURE

11

Plan Amendment Cycles

Approved by Council: 07/10/85 Revised: 09/16/87, 04/06/95, 03/11/05, **10/14/2026**

PURPOSE

To serve as a guide to fishery management plan (FMP) amendment sponsors and establishes a general schedule for FMP amendments conducted by the Council, its advisory entities, and staff.

GENERAL PLAN AMENDMENT SCHEDULE

The Council may initiate the amendment process at any time as management needs are identified. Potential amendments should be clearly identified by the sponsoring parties and address the criteria below which will be used by the Council and its advisory entities to assess the need for pursuing the amendment:

a. Assessment of need for action and compatibility with the objectives of the pertinent fishery management plan
b. Alternative ways to address the problem without plan amendment
c. Potential impacts from the proposed action
d. Possible amendment alternatives
e. Complexity or controversial nature of the proposed action

Technically complex amendment issues may require special meetings or assignments to advisory entities to develop basic data or modeling tools before the Council determines whether or not to proceed with the amendment process.

Once the Council decides to proceed with a plan amendment, Council staff will consult with the National Marine Fisheries Service to determine whether an environmental assessment or Environmental Impact Statement (EIS) must be prepared. If an EIS will be prepared, a notice of intent (NOI) must be published in the *Federal Register*. Scoping may occur before the NOI is published and must occur afterwards.

The first Council meeting listed in the schedule below occurs after the preliminary identification described above has occurred. The subsequent meetings are not necessarily consecutive meetings, but depend on the specific amendment schedule the Council develops at the first meeting.

The schedule below is intended as a general guide. Where consistent with the relevant FMP, the Council may use an accelerated schedule, including combining steps that would otherwise occur at separate Council meetings, when the purposes of those steps can otherwise be satisfied. In determining whether an accelerated schedule is appropriate, the Council should consider whether the action is thoroughly analyzed and documented; subject to broad agreement, as reflected in advisory body reports, public comment, and/or Council discussion; widely considered low-controversy or noncontroversial; and whether adequate public notice and opportunity for participation can be provided.

Meeting or Interim	Management Activity
First Meeting	The Council formally identifies pertinent amendment issues based on input from advisory entities and the public.[5] All major issues should be identified at this time. This scoping may be conducted within the normal Council meeting agenda and/or in one or more advertised scoping sessions outside of the Council meeting agenda. [a] The Council establishes a schedule for completion of the amendment, taking into account its current meeting schedule, workload, budget, requirements of the National Environmental Policy Act (NEPA), and other relevant issues. The Council also considers the Executive Director's recommendation as to whether a particular action is suitable for an accelerated process. The Council instructs the pertinent advisory entities and staff to prepare an initial analysis. [a]
First Interim	The staff and pertinent advisory entities prepare the initial draft amendment package for Council review.
Second Meeting	Pertinent Council advisory entities and the public provide comments on the preliminary draft amendment package. The Council considers the comments, decides on the issues and the range of alternatives to be included in the amendment, selects preferred alternatives, if possible, adopts a draft amendment package for public review, and instructs the staff and other pertinent personnel to complete all necessary documentation. If the Council believes additional alternatives should be developed, additional analysis prepared, or additional public review is necessary, it may direct a repeat of the first interim and second meeting steps. [a]
Second Interim	Staff and pertinent advisory entities complete the final draft amendment, including a preliminary environmental impact analysis and make it available for public comment. For amendments that are controversial and/or have wide ranging impacts, public hearings may be held during this interim period in strategic locations pertinent to the impacts of the amendment. In other cases, there may be a formal hearing linked to the third Council meeting, or the hearing is held during a final comment period during the agenda of the third meeting.
Third Meeting	The Council considers final advisory entity and public comments and adopts the final amendment for implementation by the Secretary of Commerce.[a] If an EIS is prepared for the action, the Council may authorize staff to release a complete draft for the required statutory public comment period after either the second or third meeting.

[5] Action required.

COUNCIL OPERATING PROCEDURE

12

Update and Communication of Research and Data Needs

Approved by Council: 07/08/87
Revised: 01/14/88, 03/08/90, 07/10/92, 04/06/95, 03/10/00, 03/11/05, **11/09/07**

PURPOSE

To enhance the accomplishment of the Council's research and data needs by providing a formal and effective procedure for updating these needs and communicating them to organizations which may be able to provide support in their achievement.

The Council, to the extent possible within its workload priorities, will update and maintain a research and data needs document which lists and prioritizes unmet Council research and data collection needs for each fishery management plan (FMP); including separate sections on economic, social, and ecosystem research and data needs.

The research and data needs document does not bind any agency to addressing or responding to Council needs. The key to the effectiveness of these documents is clear and timely communication of needs to parties with an interest and ability to respond. Particular emphasis is placed on strengthening communication with the National Marine Fisheries Service (NMFS). The procedure outlined below is timed to have the best chance of influencing annual NMFS operating plans and NMFS budget requests for upcoming years.

PROCEDURE

Contingent upon its overall workload priorities, the Council will strive to develop and maintain relevant documents which display and communicate the Council's research and data needs for 5-year periods using the following schedule of tasks as a standard guide.

Continuous

Year-Round	Council staff keeps track of research and data needs as they arise in various forms throughout the year and, as appropriate, advocates for efforts to address Council (such advocacy shall not include the lobbying of Congress).

Five-Year Update Cycle

April	Council staff presents updated research and data documents to the Scientific and Statistical Committee (SSC) and other advisory bodies for review at the April Council meeting. Advisory bodies provide written comments to the SSC. (Item is not on Council agenda).
June	The SSC presents recommended revisions to the Council. Other advisory bodies provide comment to the Council. The Council approves draft documents for public review.
September	After reviewing comments from the public and Council advisory entities, the Council adopts its research and data needs. The document is submitted to NMFS West Coast regions and centers and the states. The final document is also transmitted to West Coast and National Sea Grant institutions and posted on the Council web page.
Early December	Council Chair and staff meet with representatives from NMFS West Coast regions and centers and Pacific States Marine Fisheries Commission (PSMFC) to develop a consensus on high priority initiatives needed to respond to Council needs. Council Chair writes a letter to NMFS to transmit the conclusions from the meeting.

Out-of-Cycle Modifications to the Needs List

If a situation arises that would benefit from an out-of-cycle modification to the documents, the Council may announce its intent to modify the research and data needs document outside the 5-year process and make such a modification at its next meeting.

COUNCIL OPERATING PROCEDURE 13

Confidentiality of Statistics

Approved by Council: 01/11/84
Revised: 07/11/84, 04/06/95**, 03/11/05**

PURPOSE

In accordance with Section 302 (i) (4) of the Magnuson-Stevens Fishery Conservation and Management Act, establish policies and procedures to ensure confidentiality of statistics submitted to the Council by federal or state authorities, and voluntarily submitted to the Council by private persons, including restriction of Council employee access and prevention of conflicts of interest. In the case of statistics submitted by a state or federal entity, policies and procedures must be consistent with the laws and regulations of the federal or state entity submitting the statistics.

DEFINITIONS
(For purposes of these procedures.)

Aggregate of Summary Form - Restructuring confidential data or information in such a way that the person submitting the data cannot be identified, either from the present release of the restructured data being processed or in combination with preceding or other releases.

Authorized Use - That specific use which is allowable within the constraints imposed on a Council by federal or state statutes, regulations, and directives; by Council policies and procedures; or by commitments made by the Council or Council staff to persons submitting data under data collections sponsored by the Council.

Authorized User - A Council staff member or contractor specified by the Council Executive Director as having a need to use confidential data, who has met other requirements specified in these procedures, is cognizant of these procedures, has agreed to comply with the requirements herein, and has signed a "Statement of Nondisclosure" affirming the user's understanding of Council policies and procedures with respect to confidentiality of statistics, including obligations to comply with federal and state confidentiality laws, regulations, and procedures. Contractors specified to have need to access state or federal confidential data must obtain those data directly from the federal or state entity and comply with the federal, state, and Council laws, regulations, and procedures.

Confidential - Information, the disclosure of which may be prejudicial or harmful, including data received from state or federal agencies labeled confidential and Council-sponsored data collections where confidentiality was pledged to the person submitting the data.

Conflict of Interest - Access to confidential data that will provide personal gain, reward, or competitive advantage.

Contract/Agreement - All binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

Data, Information, and Statistics - Used interchangeably; all three may be confidential.

Data Base Administrator - For National Marine Fisheries Service (NMFS) or state-sponsored data gathering, an employee in each NMFS data management center responsible for the direction

and development of data management systems. The Council's data base administrators are the Northwest Fisheries Science Center (NWFSC) and Southwest Fisheries Science Center (SWFSC) data base administrators. For Council-sponsored data gathering, the Executive Director will serve as data base administrator.

Need to Know - The request for access is consistent with the use for which the data are obtained.

Refer to National Oceanic and Atmospheric Administration (NOAA) Directives on Confidential Fisheries Statistics for additional definitions.

POLICY

Disclosure

Confidential data received from federal or state agencies will not be disclosed without authorization from that agency. Disclosure of confidential data collected under Council sponsorship shall be in accordance with guidelines established by NOAA directive governing confidential fishery statistics.

Access

All users having access to confidential data shall be informed that the data are confidential and be required to sign a statement of nondisclosure. When there is a potential for, or possible appearance of, conflict of interest, access will not be permitted. Council staff specified by the Executive Director as authorized users shall sign a statement to ensure no conflict of interest.

Operational Responsibilities

The Council Executive Director will serve as the Council's data base administrator for purposes of Council-sponsored data collections. The Executive Director will coordinate with NMFS data base administrators as it relates to federal confidential data and with designated state officials for state confidential data.

PROCEDURES

Obtaining Confidential Data

From State or Federal Agencies

Council Executive Director, or Council staff member designated as authorized user, may request confidential data from state or federal agencies to carry out Council responsibilities where direct access to confidential data has not been granted.

Council-sponsored Data Collection

Data submitted are voluntary. If a pledge of confidentiality is made to the person submitting data, these data are to be treated as confidential. The Executive Director is responsible for making the determination as to when a pledge of confidentiality may be made. Persons submitting data will be advised, in all cases, orally or in writing, of the purpose for collecting data, uses that may be made of the data, and that submission of the data is voluntary. If a pledge of confidentiality is made, the person submitting the data shall be advised in writing.

If the Council contracts to have data gathered on its behalf, contractors and their employees are subject to the same civil and criminal penalties as any authorized user. Contractor personnel will be required to sign a statement of nondisclosure. Confidential data collected under contract are to be transferred on a timely basis to authorized Council staff. No copies of these data can be retained by the contractor. Aggregated data may be retained. A data return clause shall be included in the contract.

Conflict of Interest

Authorized users are prohibited from using confidential data for personal gain, reward, or competitive advantage. If a potential conflict of interest or the appearance of a conflict of interest exists, the Executive Director will refer the matter to the NOAA Office of General Counsel, Northwest Region, for determination.

Maintenance

Security

An inventory will be maintained by the Council Executive Director of all confidential data received from state or federal agencies or collected by Council. The inventory will include a record of distribution and final disposition of each data set. Data will be maintained in a secure fashion whether hard copy or electronic.

Access

Access Control. Access to confidential data received from state or federal agencies shall be approved by a designated agency official. Access to confidential data collected under Council sponsorship shall be approved by the Council Executive Director in accordance with Council policies and procedures.

Users. Access will be limited to authorized users. Council authorized users are the Council staff members specified by the Executive Director.

Identified Council technical staff would have routine access (through the office microcomputer or other means) to confidential data.

1. All confidential data will be adequately protected in any electronic files (on-line or off-line storage) or in standard files.

2. Council staff with access to confidential data will not release confidential data, data derived from confidential data (e.g., aggregated data), or the results of any analysis of confidential data to anyone until:

    A. Confidential data, data derived from confidential data, or results of any analysis of confidential data have been classified as being not confidential by the NWFSC and SWFSC data base administrators. The timely review and classification of material can be done by long-distance computer hookups.

B. Confidential data have been approved for release by the data base administrators because of established "need to know" presented by the Council Executive Director to the data base administrators.

Reproduction. Reproduction of any confidential data must be approved by the Executive Director and entered into the data inventory.

Contractors. Council contractors may be authorized access to confidential data collected under Council sponsorship with the approval of the Executive Director. Requests for access by a contractor to confidential data submitted to the Council by a state or federal agency shall be submitted to the designated agency official for approval. Documentation of that approval must be entered into the data inventory.

Statement of Nondisclosure. Each user or clerical who handles the data is required to sign a statement (see attachment) which states he/she understands the confidential nature of the data and the penalties for unauthorized use and disclosure. The statements shall be kept on file by the Executive Director.

Release of Confidential Data

Release of Confidential Data (Public Requests)

Verbal requests will be refused. Written requests are to be treated as Freedom of Information Act requests and will be forwarded to NMFS for decision.

Requests from Congress and Federal and State Agencies

Requests shall be submitted to NMFS.

Subpoenas for Data

Subpoenas should be submitted immediately to NOAA Office of General Counsel, Northwest Region.

Requests for Release of Aggregate Data

Requests for aggregate data compiled from confidential data shall be approved by the data base administrators for submitting agency or the Executive Director for Council-sponsored data collections.

STATEMENT OF NONDISCLOSURE, CONFLICT OF INTEREST,
AND CONFIDENTIALITY PROCEDURES

I will not disclose any statistics identified as confidential by a state, the National Marine Fisheries Service (NMFS), or a fishery management council to any person or persons except authorized users in accordance with NMFS, Council, and/or state applicable procedures and policies.

I will use any NMFS, Council, or state confidential data for authorized purposes only and not for personal gain or competitive advantage.

I will follow the "Pacific Fishery Management Council Confidentiality of Statistics Procedures," a copy of which has been given to me.

I am fully aware of the civil and criminal penalties for unauthorized disclosure, misuse, or other violation of the confidentiality of such statistics as provided for in the Magnuson Fishery Conservation and Management Act and other applicable law.

_____ _____

Signature Date

_____

Affiliation

Approved:_____

Executive Director

COUNCIL OPERATING PROCEDURE 14

Documentation of Outside Agreements

Approved by Council: 01/14/88
Revised: 04/06/95, **10/31/05**

PURPOSE

Some management recommendations adopted by the Council are the result of joint recommendations or agreements among stakeholders and managers developed outside the direct Council process (e.g., Klamath Fishery Management Council and north of Cape Falcon stakeholder and agency meetings). The results of these meetings and specific agreements need to be clearly documented to guide the Council in its preseason deliberations, to assure management intent is not subverted by inseason action, and to allow for participation and understanding by interested or affected persons. Guidelines presented below are provided to assure a clear and sound basis for the Council's management recommendations and to allow for an accurate assessment of the effectiveness of the Council in meeting management objectives.

REQUIRED DOCUMENTATION

The Council requests documentation of all management recommendations brought before it which represent positions or agreements arrived at in a joint agency and stakeholders meeting or process outside the Council's scheduled advisor meetings or public hearings. The Council suggests that one participating agency act as lead agency/entity to document the meeting/process. Wherever possible, Council staff will be available to assist the lead agency in this task. The following information should be documented:

1. Date(s), location(s), and purpose of the meeting/process.
2. Meeting participants (indicate designated agency and user group representatives).
3. Identify affected parties not represented at the meeting.
4. Summarize the recommendations being presented to the Council and summarize minority opinions, if any. List specific recommendations to the Council, which result from this meeting and the rationale for the recommendations, including compliance with approved management plans and agreements previously available for Council review.
5. Provide a copy of any signed or draft agreement resulting from this meeting/process that affects Council management.
6. Identify pertinent technical modeling used to base the recommendations on and describe coordination with or review by the pertinent Council advisory body. Only technical data or models previously recognized by the appropriate entities of the Council, Pacific Salmon Commission or similar management authority should be utilized.

This information should be available to the Council in writing before the time it is discussed at a Council meeting and will be incorporated in the Council meeting record.

Management recommendations from outside processes which become part of the Council's recommended ocean salmon management shall be evaluated by the Salmon Technical Team in its annual postseason review.

COUNCIL OPERATING PROCEDURE 15

Salmon Estimation Methodology Updates and Review

Approved by Council: 07/10/85
Revised: 11/19/87, 03/09/89, 04/06/95, 06/23/97, 03/11/05; **3/14/08**

PURPOSE

To establish procedures for the review and Council approval of salmon estimation methodologies, utilizing the Scientific and Statistical Committee (SSC), the Salmon Technical Team (STT), and the Model Evaluation Workgroup (MEW). The review of current and proposed methodologies for abundance and harvest projection, exempted fishing permits (EFPs), and conservation objectives is intended to help clarify the technical basis for the Council's management actions. The procedure is intended to provide peer review of the technical estimation and modeling procedures, to ensure the best and most objective technical analyses possible, to minimize confusion during the preseason option development process, and to resolve disputes over methodology.

OBJECTIVES AND DUTIES

During the March and April meetings or at other appropriate times, the SSC, in conjunction with the STT and MEW, will identify methodology issues which need documentation and/or merit a full review. The SSC is responsible for reviewing new or changed methodology as opposed to specific applications of the methodology. Examples of issues that could merit a full review include new model algorithms, methods for incorporating base data into models, forecasting methods for major PFMC stocks, experimental design of proposed experimental fisheries, and technical changes to stock complexes or conservation objectives. Examples of issues that do not merit full review include updating existing data sets in models, changing coded-wire-tag representation for modeled stocks, adding new stocks to models, and changing data ranges used to estimate parameters in models. Issues in this latter category will be reviewed within the MEW or STT, and can be implemented without formal review by the SSC and approval of the Council; provided both the Council and SSC receive updates on such changes; however, if warranted, the Council may require additional review by the SSC.

At the September meeting the SSC will inform the Council of the methodologies ready for review and recommend a review schedule. The SSC also will notify the Council of assistance needed from management entities and the MEW to accomplish the review.

The appropriate management entities, either themselves or with assistance from the MEW, are expected to provide background information on procedures and data bases for methodologies undergoing full review, as well as early notification and documentation of anticipated changes in procedures for methodologies not under full review in a particular year. Management entities, who submit proposals for the Methodology Review, are responsible for ensuring that materials they provide to the SSC and Council are technically sound, clearly documented, and identified by author. Documents should receive internal entity review before being sent to the Council. To

provide adequate review time for the SSC, materials must be received in the Council office at least two weeks before scheduled review meetings.

The SSC and STT will report to the Council at the November meeting on the results of these reviews and provide recommendations for all proposed methodology changes. During the November meeting, the Council will adopt all proposed changes to be implemented in the coming season or will provide directions for handling any unresolved methodology problems.

During each March meeting, the STT will report on the status of all current estimation procedures and models used in analyzing the management options and identify any problems or potential changes to model inputs or parameters that could occur prior to completion of the annual preseason management process in April.

COUNCIL OPERATING PROCEDURE 16

Weather-related Adjustment to Salmon Fisheries

Approved by Council: 09/18/92
Revised: 04/06/95, **03/11/05**

PURPOSE

To provide guidance for making weather-related adjustments to salmon fisheries.

GENERAL

The Council approved this policy on September 18, 1992, after reviewing public comments on the reports and recommendations of an ad hoc committee formed to explore this issue in July 1991.

PROCEDURE

Preseason

To provide the most effective and least confusing management with regard to weather impacts on fishers and stock conservation, the Council will strive to give adequate consideration to potential weather and safety conflicts when developing preseason management recommendations. In particular, the Council will attempt to avoid establishing extremely short open periods for non-quota fisheries which may be lost to severe weather.

Inseason

The Council's policy for inseason adjustments to fishery seasons due to both beneficial and negative impacts of weather are outlined below. Inseason adjustments for weather are constrained by the complexity of determining whether effects on harvest levels and the need to assure achievement of harvest allocations and stock conservation objectives.

For quota fisheries scheduled for a season duration of one month or less, the normal inseason management process may be used to consider the need for season adjustments due to weather. Adjustments for weather may be recommended to the National Marine Fisheries Service regional office when data clearly indicate that unusually adverse weather has precluded a fishery from reaching a specific quota or other management guideline. Potential sources of data should include, but not be limited to, records from wind buoys, U.S. Coast Guard assessment of weather conditions, and evidence of extremely low effort. Seasons may not be extended if such an extension could be expected to reduce the escapement of any critical stock to levels below that expected in the preseason escapement projections.

For quota fisheries scheduled for more than one month's duration, weather adjustments generally should not be made. The complexities of calculating differential stock impacts and weather effects

on fishing effort and harvest over extended periods is generally beyond the capabilities of inseason management.

For seasons that are constrained by time and area restrictions, inseason adjustments for weather are unnecessary. The models used to determine these seasons generally contain an average weather factor which, over time, should balance fishing opportunity and stock protection. (An example of a season constrained by time and area restrictions is that imposed to protect Klamath River fall chinook in the troll fishery south of Point Arena in 1991.)

COUNCIL OPERATING PROCEDURE

17

Foreign Fishing Permit Review Procedure

Approved by Council: 07/15/82 and 09/19/85
Revised: 11/19/87, 04/05/89, 04/06/95, **03/11/05**

PURPOSE

To establish, in accordance with Section 204(b) of the Magnuson-Stevens Fishery Conservation and Magnuson Act, a procedure for reviewing foreign fishing permit applications and providing comments and recommendations to the U.S. Secretary of Commerce regarding approval/disapproval of the requests and any special conditions or restrictions for the permits. The fisheries managed by the Council are, in general, fully utilized by domestic fishers and processors, or precluded from further harvest by necessary management constraints. However, certain limited cases may arise that allow for consideration of requests for foreign fishing permits that meet or do not impact Council management intent.

FOREIGN FISHING PERMIT REVIEW PROCEDURE

The Council has 45 days from time of receipt from the U.S. Secretary of Commerce to provide its comments and recommendations on a foreign fishing permit application. The Council review procedure will vary as provided below, depending on the timing and type of operation requested.

When possible to meet the comment deadline, the Council will review permit applications for foreign vessels to operate in joint ventures (JVs) and directed fisheries at the first Council meeting after the applications are received by the Council. Applications are expected to be complete and to have been published in the *Federal Register* preceding this Council meeting.

If deemed to be expedient by virtue of the fact the application is either noncontroversial or it is not possible to review the permit application at a Council meeting within the comment deadline, the Council Chair may appoint an ad hoc committee to review and provide recommendations on permit applications. These recommendations may be forwarded to the U.S. Secretary of Commerce following the "Quick Response" procedures in COP 1. In addition, the executive director may act upon the following types of applications without consulting with Council members.

1. Permit applications for vessels which would not be involved in fishing or processing *per se*; e.g., transport, supply, and fuel vessels.
2. Replacement or new vessels for operations (species or countries) which have already been approved by the Council. The executive director shall take into account any pending legal action against vessels in the foreign fleet when considering an application for a replacement vessel.

PERMIT REVIEW CRITERIA

Applications will be reviewed and recommended for approval or denial based upon the merits of the proposed operation compared to previously approved or denied applications and the availability of resources.

Priority will be granted to operations involving foreign processing vessels and U.S. harvesters. Preference will be given to those nations which demonstrate a willingness to involve U.S. industry in all phases of the operation and which give strongest support to the development of the domestic industry for underutilized species. No directed fishing will be authorized without at least an equal JV operation.

The Council will use the criteria in Table 1 on a provisional basis to evaluate joint operation requests relative to each other and make its recommendations to the National Marine Fisheries Service. These criteria will become especially important when biologically available surplus is insufficient to meet all demands. In such cases, approval or disapproval will depend on Council's ranking of all joint operations.

Tonnages by species requested on foreign permit applications for JVs are to be firm targets.

Table 1. Provisional criteria for the review of JV requests[10].

- Potential net economic benefits and contributions of JVs to the nation as a whole
- Compatibility of joint operation with other U.S. fisheries and incidental species (i.e., gear conflicts, ground preemption, environmental degradation, bycatch of highly valued species totally utilized by U.S. industry, etc.)
- Destination and final marketing of products and competition with U.S. products
- Purchase of finished or semi-finished U.S. product, especially underutilized species
- Efforts to lower or remove trade barriers
- Foreign participation in fisheries research off Washington, Oregon, and California
- Reporting of fishery and market information beyond that required by law

[10] No priorities meant or implied

COUNCIL OPERATING PROCEDURE 18

Protocol for Industry Sponsored Salmon Test Fishery Proposals

Approved by Council: 11/02/99
Revised: **03/11/05**

DEFINITION

For the purpose of this protocol, a salmon test fishery can be characterized as a conceptual proposal made by an individual or entity representing the fishing industry without the authority or capability to collect and assess the target data. A test fishery generally relies on participation by unpaid fishermen (the available fleet) to provide landings which can be sampled by a funded and authorized entity to obtain stock composition or other pertinent information from which to determine precise fishery impacts or other data beneficial to future fishery management decisions. Such test fisheries often are set to occur in a restricted area and/or time which may be outside the normal or standard season parameters with the intent of establishing fisheries which minimize impacts on stocks of concern while providing local economic and social benefits.

PURPOSE

Test fisheries have been proposed by the fishing industry during the preseason salmon management process with varying degrees of planning, justification, and management agency support. Because of the difficulty of fully developing, assessing, and budgeting for such proposals during the relatively short and intensive preseason process, the Council believes the procedures below are necessary to more adequately consider and implement test fisheries in the most effective and beneficial manner. This test fishery protocol is based on the protocol developed at therequest of the Council by an eleven-member work group of California Department of Fish and Game and National Marine Fisheries Service (NMFS) staff which met in Healdsburg, California on May 27, 1999. The protocol includes procedures and specifications for submitting, reviewing, reporting, and implementing the results of test fisheries. The Council urges all test fishery sponsors to coordinate their proposals with the appropriate management entities.

PROTOCOL

A. Submission

1. Proposals for test fisheries must be submitted to the Council office approximately three weeks prior to the November Council meeting preceding the season in which the test fishery would be implemented. The exact cutoff date each year may be obtained by contacting the Council office.

2. Council staff will screen proposals and distribute complete proposals to Council members and advisors with briefing materials for the November meeting. Proposals that do not meet minimum content requirements will be returned to applicants.

3. Multi-year test fisheries approved for the initial year will not require resubmission under the protocol to receive consideration for the follow-up years.

B. Review and Approval

1. November Council Meeting

   a. The Scientific and Statistical Committee (SSC), Salmon Technical Team (STT), and Salmon Advisory Subpanel (SAS) will initiate review of the proposals and may provide preliminary comments to the Council.

   b. The states, tribes, and NMFS may supply comments on the proposals through their STT members, including resources available for test fisheries.

2. March Council Meeting

   a. The STT, SSC, and SAS will provide written evaluations of the proposals to the Council.

   b. The Council will determine which test fisheries to include in the options for public review.

3. April Council Meeting - The Council will make its final decision on adoption of test fisheries and provide an explanation of why test fisheries have been accepted or rejected.

C. Proposal Contents

1. Project Summary - Include a statement of objectives, methods to be employed, and the potential impact of the project. Relate the proposal to the Council Research and Data Needs and the NMFS Strategic Plan for Fisheries Research.

2. Project Personnel - Identify the project manager (the person responsible for overall coordination of the project from beginning to end), and other staff or organizations necessary to complete the project, including specific responsibilities related to technical, analytical, and management roles. Provide evidence that the work proposed is appropriate for the experience of the investigators.

3. Objectives

   a. Make a clear statement of the specific purposes of the study (may be stated as a hypothesis in the form of a question).

   b. Benefits - Identify potential benefits to fisheries management and coastal communities, or specific stocks, such as improved estimates of key harvest model parameters (e.g., stock contact rates, hooking mortality rates, gear selectivity on encounter rates).

4. Research Design and Methodology

    a. Specify the major elements of the design, including sample size, number of years the test fishery will run, potential limitations of the proposed approach, and geographic scope.

    b. Data Collection - describe sampling methods, personnel, and protocols.

    c. Data Synthesis and Analysis - describe how the data will be analyzed and evaluated.

    d. Reporting - provide a timetable for delivering report(s) to the Council.

    e. Discuss compatibility with existing seasons and other test fisheries, potential difficulties with processors or dealers, additional enforcement requirements, and potential negative impacts of the study (e.g., species listed under the Endangered Species Act, allocation shifts, shortened season length, etc.).

5. Ability to Conduct Proposed Research - Identify the total costs (including collection of samples, tissue, and data analysis) associated with the test fishery and sources of funding; identify any existing commitments for participation in, or funding of the project.

D. Report Contents

1. Summary of the work completed.

2. Analysis of data.

3. Conclusions and recommendations.

4. Include raw data as well as summaries.

E. Application of Results

1. In general, at least three years of data should be accumulated before incorporating the results of test fisheries into appropriate harvest models.

2. The STT may consider interim results from test fisheries to inform decisions on harvest management if appropriate.

3. The SSC requires information relevant to methodology changes be submitted by the November meeting prior to the season of implementation.

COUNCIL OPERATING PROCEDURE 19

Protocol for Consideration of Exempted Fishing Permits for Groundfish Fisheries

Approved by Council: 09/10/03
Revised: 03/11/05; 09/14/07; **06/10/11**

DEFINITION

An exempted fishing permit (EFP) is a federal permit, issued by the National Marine Fisheries Service, which authorizes a vessel to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations for the purpose of collecting limited experimental data. EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested.

PURPOSE

The specific objectives of a proposed exempted fishery may vary. The Pacific Fishery Management Council's (Council) fishery management plan (FMP) for West Coast groundfish stocks provides for EFPs to promote increased utilization of underutilized species, realize the expansion potential of the domestic groundfish fishery, and increase the harvest efficiency of the fishery consistent with the Magnuson-Stevens Act and the management goals of the FMP. However, EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fisheries, provide access to constrained stocks while directly measuring the bycatch associated with those fishing strategies, and to evaluate current and proposed management measures.

GENERAL PROCESS

The Council process for considering and recommending groundfish EFP proposals is a biennial one that is synchronized with the decision-making process for considering new biennial groundfish harvest specifications and management measures. Approved EFP activities may continue for one or both years of the biennial management cycle. The Council's EFP process begins at the November meeting in odd-numbered years when alternatives for biennial harvest specifications and management measures are decided for detailed analysis. The Council also decides preliminary preferred yield set-asides for overfished and non-overfished species at this November meeting, including the yields necessary to conduct EFPs. Therefore, EFP applications for the following two-year management cycle are first considered at this November meeting. Any EFP proposals recommended for further consideration are given final consideration at the June meeting in even-numbered years, when final harvest specifications and management measures are decided. The Council may task the Scientific and Statistical Committee (SSC) or other advisors to do a more thorough review of refined EFP proposals that are recommended in November, prior to the June Council meeting, when EFPs are given final consideration. Those EFPs recommended at the June

Council meeting are forwarded to NMFS for implementation in the next biennial management cycle.

PROTOCOL

A, Submission

1. The Pacific Fishery Management Council and its advisory bodies [Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP), and SSC] should review EFP proposals prior to issuance; the advisory bodies may provide comments on methodology and relevance to management data needs, and make recommendations to the Council accordingly. The public may also comment on EFP proposals.

2. Completed applications for EFPs from individuals or non-government agencies, for Council consideration, must be received by the Council for review the earlier of the briefing book deadline or two weeks prior to the November Council meeting in odd-numbered years.

3. Applications for EFPs from federal or state agencies must meet the briefing book deadline for the November Council meeting in odd-numbered years.

B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:

   a. There is adequate justification for an exemption to the regulations.

   b. The potential impacts of the exempted activity have been adequately identified.

   c. The exempted activity would be expected to provide information useful to management and use of groundfish fishery resources.

2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:

   a. Date of application.

   b. Applicant's names, mailing addresses, and telephone numbers.

   c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.

   d. Valid justification explaining why issuance of an EFP is warranted.

e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities). Note that EFPs are considered every other year for the following two-year management cycle. However, the EFP can be developed to cover only one year of the two-year cycle.

g. Number of vessels covered under the EFP.

h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest estimates of overfished species.

i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted.

j. A description of the proposed data collection and analysis methodology.

k. A description of how vessels will be chosen to participate in the EFP.

l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.

m. The signature of the applicant.

n. The GMT, GAP, SSC, and/or Council may request additional information necessary for their consideration.

C. Review and Approval

1. The GMT, GAP, and SSC will review EFP proposals in November of odd-numbered years and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the June Council meeting in even-numbered years. Only those EFP applications that were considered in November may be considered the following June; EFP applications received after the November Council meeting for the following two-year management cycle will not be considered.

2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted. Also, EFP proposals must include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.

3. The Council will give priority consideration to those EFP applications that:

a. Emphasize resource conservation and management with a focus on bycatch reduction (highest priority).

b. Encourage full retention of fishery mortalities.

c. Involve data collection on fisheries stocks and/or habitat.

d. Encourage innovative gear modifications and fishing strategies to reduce bycatch.

e. Encourage the development of new market opportunities.

f. Explore the use of higher trip limits or other incentives to increase utilization of underutilized species while reducing bycatch of non-target species.

4. The GMT review will consider the following questions:

   a. Is the application complete?

   b. Is the EFP proposal consistent with the goals and objectives of the West Coast Groundfish FMP?

   c. Does the EFP account for fishery mortalities, by species?

   d. Are the harvest estimates of overfished species within the amounts set aside for EFP activities?

   e. Does the EFP meet one or more of the Council's priorities listed above?

   f. Is the EFP proposal compatible with the federal observer program effort?

   g. What infrastructure is in place to monitor, process data, and administer the EFP?

   h. How will achievement of the EFP objectives be measured?

   i. Is the data ready to be applied? If so, should it be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?

   j. What are the benefits to the fisheries management process to continue an EFP that began during the previous management cycle?

   k. If the EFP proposes to integrate the data into management, what is the appropriate process?

   l. What is the funding source for at-sea monitoring?

m. Has there been coordination with appropriate state and federal enforcement, management, and science staff?

5. SSC Review:

a. All EFP applications should first be evaluated by the GMT for consistency with the goals and objectives of the groundfish FMP and the Council's strategic plan for groundfish.

b. When a proposal is submitted to the GMT that includes a significant scientific component that would benefit from SSC review, the GMT can refer the application to the SSC groundfish subcommittee for comment. Those EFPs recommended at the November meeting that are also recommended for an SSC review, can be reviewed at the March, April, and/or June SSC meetings during even-numbered years prior to a final Council decision on the EFP in June of even-numbered years.

c. In such instances, the groundfish subcommittee will evaluate the scientific merits of the application and will specifically evaluate the application's: a) problem statement, b) data collection methodology, c) proposed analytical and statistical treatment of the data, and d) the generality of the inferences that could be drawn from the study. The SSC groundfish subcommittee's evaluation shall be presented to the full SSC for review and comment.

d. EFP proposals can be deferred to allow adequate time for SSC review.

D. Other considerations:

1. EFP candidates or participants may be denied future EFP permits under the following circumstances:

a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding $1,000 within the last three years; or within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than $5,000; or, has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of groundfish. Documented fish receiving tickets indicating mis-reporting or under-reporting of groundfish will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the GMT and GAP at the November Council meeting of

the odd-numbered year during the management cycle in which the EFP activity was conducted. The report should provide the EFP catch of species made to date and announce the sponsor's intent to continue the EFP activity in the second year of the management cycle (assuming the approved EFP activity was scheduled for a two-year duration). If the EFP was scheduled for two years and the EFP sponsors announce their intent to terminate the EFP early, the Council can recommend a release of EFP yield set-asides for other uses.

2. A final written report on the results of the EFP and the data collected must be presented to the GMT, GAP, SSC, and the Council at the September Council meeting of the year following the management cycle in which the EFP activity was conducted.

3. The final report should include:

    a. A summary of the work completed.

    b. An analysis of the data collected.

    c. Conclusions and/or recommendations.

4. Timely presentation of results is required to determine whether future EFPs will be recommended.

COUNCIL OPERATING PROCEDURE 20

Protocol for Consideration of Exempted Fishing Permits for Highly Migratory Species Fisheries

Approved by Council: 11/02/05
Revised: 8/6/14, 4/11/17, 9/24/25, **6/15/26**

DEFINITION

An exempted fishing permit (EFP) is a federal permit, issued by the National Marine Fisheries Service that authorizes a vessel to engage in an activity otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) or other fishery regulations. EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested.

PURPOSE

The specific objectives of an EFP may vary. The Pacific Fishery Management Council (Council) fishery management plan (FMP) for West Coast highly migratory species (HMS) fisheries provides for EFPs to promote increased utilization of underutilized species, realize the expansion potential of the domestic HMS fisheries, and increase the harvest efficiency of the HMS fisheries consistent with the MSA and the management goals of the FMP. EFPs are commonly used to explore ways to encourage innovation and efficiency in the fisheries, measure bycatch associated with different fishing gears and/or fishing strategies (e.g., during certain times or in certain areas), and to evaluate current and proposed management measures.

NMFS AND COUNCIL ROLES

NMFS has the authority to issue or deny EFPs and specifies the application, review, and issuance requirements and process through nationwide federal regulations (50 CFR 600.745). The regulations allow NMFS to share applications and related information with the Council and other federal and state agencies, consult with the Council, and take comments at a Council meeting. The Council conducts its own EFP review process as described below. The Council will review, comment, and make recommendations to NMFS on EFP applications, and may request changes and/or additional information.

PROTOCOL

A. Submission

1. The Council and its advisory bodies [HMS Management Team (HMSMT), HMS Advisory Subpanel (HMSAS), and when appropriate, the Scientific and Statistical Committee (SSC) and/or Enforcement Consultants] should review EFP applications prior to issuance; the advisory bodies may provide comment on methodology and relevance to management data needs and make recommendations to the Council accordingly. The public may also comment on EFP applications.

2. Applications for EFPs may be submitted to NMFS at any time (per NMFS regulations at 50 CFR 600.745) but will only be initially considered at the November and/or March Council meetings. A completed application should be received from NMFS by the Council in time for inclusion in the November or March advanced briefing book, the deadline for which Council staff will set in advance. The Council may endorse applications and forward their recommendation to NMFS or request additional review and consideration. Applications which the Council determines need additional information, review or public input, may receive further consideration at a subsequent Council meeting, either the March meeting, the following November meeting, or another meeting with HMS agenda items at the Council's discretion. Submitted applications should contain the elements listed at 50 CFR 600.745 and should also contain the elements listed in Section B.

B. Application Contents

1. EFP applications should contain sufficient information for the Council to determine if:
    a. There is adequate justification for an exemption to the regulations;
    b. The potential impacts of the exempted activity have been adequately identified;
    c. The exempted activity would be expected to provide information useful to management and use of HMS fishery resources.
2. In addition to the NMFS EFP requirements, EFP applicants are encouraged to provide the following information for Council consideration:
    a. A description of applicant's relevant experience and their ability to successfully conduct activities under the EFP, including existing gear, if any, and vessels that can conduct EFP activities;
    b. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities);
    c. A description of a proposed mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for;
    d. A description of the proposed data collection and analysis methodology, if applicable;
    e. A description of how vessels will be chosen to participate in the EFP (e.g. level of experience with similar gear types), if applicable;

    The HMSMT, HMSAS, SSC, and/or Council may request additional information necessary for their consideration.

C. Review, Comment, and Recommendation

1. The Council will consider EFP applications received from NMFS at the November and/or March Council meetings. Applications must be received by the Council by the advanced briefing book deadline prior to the Council meeting at which the application will be considered. The HMSMT and HMSAS will review EFP applications and make recommendations to the Council for action. The Council may refer the application to the SSC and/or the Enforcement Consultants for review and comment. The Council may take final action to endorse an EFP application in a single meeting or may request the applicant

to submit a revised application at a future meeting (either March, the following November or another meeting with HMS agenda items) after addressing Council concerns.

2. EFP applications should contain a mechanism for data collection, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP applications should include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.

D. Other considerations

1. The Council may not endorse EFP applications under the following circumstances:

   a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding $1,000 within the last three years;

   b. Within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than $5,000;

   c. Has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of HMS. Documented fish receiving tickets indicating mis-reporting or under-reporting of HMS will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Reporting

1. After each season of EFP fishing concludes, NMFS will report to the Council on the data collected from EFPs and/or EFP reports submitted by EFP holders.

   a. EFP holders are also encouraged to report to the Council on their experiences consistent with the guidance in the HMS Roadmap.

COUNCIL OPERATING PROCEDURE 21

Highly Migratory Species Management Recommendations to Regional Fishery Management Organizations

Approved by Council: 06/11/07

PURPOSE

The purpose of this Council Operating Procedure (COP) is to facilitate effective communication of management advice through the appropriate U.S. commissions, U.S. advisory committees, and, to the extent practicable, the members of the U.S. delegation to the regional fishery management organizations (RFMOs) involved in highly migratory species (HMS) management in the Pacific Ocean. The provision of such advice should be coordinated with any input provided by the Western Pacific Fishery Management Council (WPFMC). This operating procedure will be consistent with the memorandum of understanding (MOU) described at §503(f) in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. This COP may be amended from time to time to ensure consistency with the contents of any such MOU. The procedures herein also may be used to develop and submit recommendations to the Secretary of State and Congress as provided for at §304(i)(B) of the Magnuson-Stevens Act, provisions for international overfishing.

BACKGROUND

HMS are wide-ranging, likely to be fished by multi-national fleets beyond U.S. waters, have productivity potentials ranging from very low to very high, and can seldom be directly surveyed for abundance. Their management usually requires international cooperation, for which there must be active U.S. participation at international forums. The principal forum is the Inter-American Tropical Tuna Commission (IATTC), a multi-lateral organization, which, through its member nations and parties, manages HMS in the eastern Pacific Ocean, generally east of 150° W longitude. The IATTC normally holds an annual meeting in June, during which parties may adopt resolutions outlining measures to be implemented through member states and parties, for example by domestic regulation. The Western and Central Pacific Fisheries Commission (WCPFC), through agreement by member states and parties, has jurisdiction over HMS in the Pacific Ocean generally west of 150° W longitude. The WCPFC normally holds its annual meeting in December. In addition, one of the five U.S. Commissioner seats for this organization is reserved for the chair or member of the Pacific Council. Many of the species in the management unit are also within the management unit for the WPFMC's Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region. Therefore, the Pacific Council needs to coordinate management advice with the WPFMC. This operating procedure outlines measures to facilitate the communication of recommendations from the Council to RFMOs and for the Council to consider RFMO actions requiring a response within the domestic management framework.

PARTICIPATION IN RFMO MEETINGS

Subject to the MOU referenced above, representatives of the Council participate in the U.S. delegations to Pacific Ocean RFMOs and are included in all delegation meetings. Participation may include Council members, members of the Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS), and Council staff.

REVIEW OF STOCK ASSESSMENTAND OTHER SCIENTIFIC INFORMATION

NMFS SWFSC will provide a report to the Council annually on stock assessments completed in the previous year and any other scientific reports relevant to issues taken up by RFMOs (e.g., bycatch, fleet capacity). The SWFSC will also report on upcoming stock assessments and/or reports to facilitate Council planning. (Stock assessments for HMS are typically prepared by organizations outside the purview of the Council, such as the IATTC, International Scientific Committee for Tuna and Tuna-like Species, and the Scientific Committee of the WCPFC.) The Council may ask its SSC to review and provide advice on stock assessments. If a stock assessment will form the basis for a Secretarial status determination (i.e., overfishing or overfished) the SSC will review and report, and the Council may comment, before the status determination is formally communicated.

The RFMO science issues report will normally be delivered at the **September** or **November** Council meeting.

RECOMMENDATIONS TO THE IATTC – U.S. SECTION

The HMSMT will prepare a report containing draft recommendations for a Council position on issues that will be addressed at the next annual IATTC meeting. The HMSAS will review this report and provide their comments. They may provide a separate set of recommendations or combine them with those made by the HMSMT. To promote greater coordination and communication between the WPFMC and the PFMC, the HMSMT will confer with the WPFMC's Pelagics Plan Team.

The Council will review the HMSMT and HMSAS reports and any other relevant information and finalize Council recommendations to the U.S. Section to the IATTC. These recommendations will be forwarded to the U.S. Section through the National Marine Fisheries Service (NMFS) Southwest Regional Administrator, who usually serves as a Commissioner to the IATTC, with copies made to the Chair of the General Advisory Committee for the IATTC and the Executive Director of the WPFMC.

The recommendations to the IATTC will normally be forwarded after the **April** Council meeting. In some circumstances the Council may need to revisit their recommendations at the **June** Council meeting because of extraordinary developments. Because the IATTC annual meeting normally occurs shortly after the June Council meeting, special arrangements may be needed to communicate revised recommendations to the U.S. Section. This could be accomplished by forwarding the recommendations to the U.S. Section through the NMFS Southwest Regional Administrator, who usually serves as a Commissioner to the IATTC. In addition, Council

members, advisory body members, or staff could attend the IATTC meeting as part of the U.S. delegation.

IATTC MEASURES – DOMESTIC IMPLEMENTATION

The NMFS SW Regional Administrator will report to the Council on any action by the IATTC that requires the implementation of domestic management measures under the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for HMS. The report should include the time period within which Council action is required. The Regional Administrator's report on IATTC activities will normally be delivered at the **September** Council meeting.

Depending on the type of action required, the Council follows established procedures (in either the Operating Procedures or the FMP) for an FMP amendment, regulatory adjustment within the FMP framework, or other type of action.

RECOMMENDATIONS TO THE WCPFC – COUNCIL COMMISSIONER

Section 503(a) of the Magnuson-Stevens Reauthorization Act of 2006 states that one of the five Commissioners for the WCPFC will be the chair or member of the Pacific Council. The Council will forward its advice through this Commissioner for the development and negotiation of the U.S. position on issues before the WCPFC. Subject to the Memorandum of Understanding referenced above, other members of the Council, members of the HMSMT and HMSAS, and Council staff may join the U.S. delegation.

The HMSMT will prepare a report containing advice for the Council with respect to issues that will be addressed at the next annual WCPFC meeting. The HMSAS will review this report and provide their comments. They may provide a separate set of recommendations or combine them with those made by the HMSMT. To promote greater coordination and communication between the WPFMC and the PFMC, the HMSMT will confer with the WPFMC Pelagics Plan Team.

The Council will review the HMSMT and HMSAS reports and any other relevant information and formulate any recommendations for the Council member serving on the U.S. Commission. Recommendations formulated by the Council also may be communicated to the Executive Director of the WPFMC in advance of the WCPFC annual meeting.

The Northern Committee provides scientific advice to the WCPFC related to stocks occurring north of 20° N latitude. Such stocks (including North Pacific albacore and bluefin tuna) are important HMS FMP management unit species and the Council will likely want to communicate with this body as well. The Northern Committee normally holds an annual meeting in September.

The development of recommendations for the Northern Committee will normally occur at the **September** Council meeting and for the WCPFC annual meeting (through the Commissioner) at the **November** Council meeting.

WCPFC MEASURES – DOMESTIC IMPLEMENTATION

The NMFS SW Regional Administrator will report to the Council on any action by the WCPFC that requires the implementation of domestic management measures under the HMS FMP. The report may include the time period within which Council action is required.

Depending on the type of action required, the Council follows established procedures (in either the Operating Procedures or the FMP) for an FMP amendment, regulatory adjustment within the FMP framework, or other type of action.

The Regional Administrator's report on WCPFC activities normally will be delivered at the **April** Council meeting.

ADJUSTMENTS TO THE TIMING OF COUNCIL ACTIVITIES

Although Council meetings at which RFMO-related activities will normally occur have been identified in this COP, the Council may reschedule these activities as appropriate.

NOMINATIONS FOR RFMO ADVISORY COMMITTEES

Advisory committees to the U.S. Commissioners for both the IATTC and WCPFC have been established under U.S. law (§953 of the Tuna Conventions Act and §503(d) of the Western and Central Pacific Fisheries Convention Implementation Act, respectively). IATTC Advisory Committee members serve for a three-year term; the WCPFC Advisory Committee members serve for a two-year term. Members are selected by the Secretary of Commerce (WCPFC) or State (IATTC) from nominees who represent various groups concerned with fisheries in the respective RFMO regions. When nominations are solicited, the Council may propose nominees. Council nominees should be active in the Council process and willing to present viewpoints consistent with any Council policies related to HMS management, in addition to representing the viewpoints of their own group. In identifying nominees, the Council should consider representatives from the following groups: West Coast commercial fisheries for HMS species, West Coast recreational fisheries for HMS species, West Coast HMS processors, and nongovernmental conservation organizations. West Coast HMS processors may include companies that have facilities and operations in areas other than the West Coast, but have some West Coast presence (for example, their company headquarters).

COUNCIL OPERATING PROCEDURE 22

Essential Fish Habitat Review Process

Approved by Council: 6/13/07
Revised: 9/11/08; 4/12/11, **9/17/19**

PURPOSE

To guide the Council's review and modification of essential fish habitat (EFH) provisions in fishery management plans (FMPs), including identification and description of EFH, fishing and non-fishing impacts, recommended conservation measures, habitat areas of particular concern (HAPC), and other provisions of EFH.

OBJECTIVES

1. To ensure that the EFH provisions in the Council's FMPs are consistent with the best scientific information available.
2. To ensure a transparent and efficient science-based process for review of new information, and consideration of any potential changes to EFH provisions.

EFH PERIODIC REVIEW PROCESS

No more than five years after completing a review and any modifications of an FMP's EFH provisions, the Council should initiate a new review. The Council may conduct a review of some EFH elements, such as HAPCs, in the interim period; however, changes to HAPCs or other EFH elements in between full EFH review will only be contemplated in unusual cases in which notable harm might result by inaction. The review should include the evaluation of published and unpublished scientific literature and reports, information from interested parties, and previously unavailable or inaccessible data. The Council will identify the appropriate Council and/or National Marine Fisheries Service staff lead(s) to coordinate the review, working with subject area experts, Council Advisory Bodies, and others to complete a review consistent with Federal regulatory guidance at 50 CFR 600, Subpart J.

In determining the scope and schedule of the review, the Council should clearly identify the purpose and objectives for the review, as well as measurable habitat conservation objectives for any amendments to EFH. The Council should also consider lessons learned from prior reviews and solicit input from its Advisory Bodies and the public.

As appropriate, the review may occur in two phases with a separate scoping process and objectives for each phase. In the first phase the project lead(s) and subject matter experts (i.e., Federal/state agencies, tribes, academia) will conduct a thorough review of the best available scientific information relevant to EFH provisions for species in a particular FMP. Based on this review and considering input from its advisory bodies and the public, the Council may embark on a second phase in which changes to EFH provisions for that FMP, as well as commensurate minimization

measures, are considered for Council adoption. At the completion of an EFH Review/Revision Process, the Council should conduct a debrief to capture lessons learned.

Prior to initiating a review, the Council should adopt a process and schedule for both the review phase, and if necessary, the second phase in which changes to EFH provisions are considered. The process and schedule will contain details such as key participants and steps relevant to the subject FMP. This process may utilize procedures already described in individual FMPs, as appropriate.

COUNCIL OPERATING PROCEDURE 23

Protocol for Consideration of Exempted Fishing Permits for Coastal Pelagic Species Fisheries

Approved by Council: 11/4/2012
Revised: **9/14/22**

DEFINITION

An exempted fishing permit (EFP) is a one-year Federal permit, issued by the National Marine Fisheries Service (NMFS), which authorizes a party to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations, for the purpose of collecting limited experimental data. The Pacific Fishery Management Council's (Council) fishery management plan (FMP) for coastal pelagic species (CPS) allows for EFPs, consistent with Federal regulations at 50 CFR§600.475. EFPs can be issued to Federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested. The NMFS Regional Administrator may require any level of industry-funded observer coverage for these permits.

PURPOSE

This Council Operating Procedure (COP) provides a standard process for the Council, its advisory bodies, and the public to consider EFP proposals. The specific objectives of a proposed exempted fishing activity may vary. EFPs can be used to explore ways to improve stock surveys and assessments, encourage innovation and efficiency in the fisheries, or to evaluate current and proposed management measures.

GENERAL PROCESS

The Council process for considering and recommending CPS EFP proposals is an annual one that is synchronized with the decision-making process for establishing annual harvest specifications and management measures. The Council's EFP process begins at the November meeting, well in advance of EFP research that is likely to occur during the summer field season.

Any EFP proposals recommended for further consideration are typically given final consideration at the April meeting. After the Council takes final action (i.e., providing a recommendation on the proposal), the applicants then submit the EFP application to the NMFS West Coast Region. Council staff will transmit the Council's recommendation directly to the NMFS West Coast Region. The Council may task the Scientific and Statistical Committee (SSC) or other advisors to do a more thorough review of specific EFP proposals prior to the April Council meeting. In all cases, EFP materials must be submitted prior to the briefing book deadline for the relevant Council meeting. The CPS EFP proposal timeline is provided below:

November Council meeting:

- Proponents of new EFP proposals (those that include new EFP research activities or research activities that are substantially different from previously-conducted EFP research) submit a full proposal, consistent with Section A below, and should be prepared to describe the proposal to the CPS Management Team (CPSMT), CPS Advisory Subpanel (CPSAS), and the full Council. New EFP proposals are considered by the Council and may be adopted for public review.
- Proponents of recurring EFP proposals (those that are substantially similar to previously conducted EFP research) submit a letter of intent, with a copy of the final EFP proposal from the previous year. The letter of intent should specify the general timing, the amount of fish that will be requested, general survey protocols, and the purpose of the EFP research, along with any anticipated changes from the previous years' research.
- The CPSMT may refer an EFP proposal for SSC review and comment (see section B below)
- Council advisory bodies and the public may comment on proposals.

April Council meeting:

- Proponents of both new and recurring EFP research submit final versions of their proposals.
- The CPSMT, CPSAS, and possibly the SSC (see section B below) review the proposal(s) and make recommendations to the Council.
- Council advisory bodies and the public may comment on proposals.
- The Council reviews the proposal(s) and takes final action regarding support for the EFP proposal.

A. Proposal Contents

3. EFP proposals must contain sufficient information for the Council to determine if:
    a. There is adequate justification for an exemption to the regulations.
    b. The potential impacts of the exempted activity have been adequately identified.
    c. The exempted activity would be expected to provide information useful to management and use of CPS fishery resources.
4. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
    a. Date of application.
    b. Applicant's names, mailing addresses, and telephone numbers.
    c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.

d. Valid justification explaining why issuance of an EFP is warranted.

e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

f. A statement whether the applicant intends to continue the EFP activities for more than one year. NMFS issues EFPs for only one year at a time. However, if an EFP proposal has a multi-year focus, this information should be included in the proposal.

g. Number of vessels and processors covered under the EFP, as well as vessel names, skipper names, and vessel ID and permit numbers.

h. A description of the species to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include estimates of harvest impacts to non-target species.

i. A reasonable justification for the amount of EFP fish to be harvested. For statistical purposes, this could include a power analysis or other means to estimate a reasonable amount or number of fish. Any other justification that supports the amount of fish proposed for EFP activities should also be included.

j. A description of a mechanism, such as at-sea or dockside fishery monitoring, to ensure that the harvest or impact limits for targeted and incidental species are not exceeded and are accurately accounted for and reported.

k. A description of the proposed data collection methods, including procedures to ensure and evaluate data quality during the experiment, and data analysis methodology and timeline of stages through completion.

l. A description of how vessels will be chosen to participate in the EFP.

m. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will occur, and the type, size, and amount of gear to be used.

n. The signature of the applicant.

5. The CPSMT, CPSAS, SSC, and/or Council may request additional information necessary for their consideration.

B. Review and Approval

1. The CPSMT will consider the following questions:

a. Is the application complete?

b. Is the EFP proposal consistent with the goals and objectives of the CPS FMP?

c. Can catch of target and impacts to non-target species be adequately monitored and reported in a timely manner?

d. Does the EFP account for fishery mortalities, by species?

e. Can the impact estimates of overfished and/or protected species be accommodated?

f. Is the EFP proposal compatible with the Federal observer program effort?

g. What infrastructure is in place to monitor, process data, and administer the EFP?

h. How will achievement of the EFP objectives be measured?

i. What are the benefits to the fisheries management process?

j. If the EFP proposes to integrate the data into management, what is the appropriate process?

k. What is the funding source for catch monitoring?

l. Has there been coordination with appropriate state, tribal, and Federal enforcement, management, and science staff?

m. Are there any outstanding enforcement issues related to the proposed exempted regulation?

n. Is the tonnage request appropriate?

2. SSC review

a. All EFP applications should first be evaluated by the CPSMT for consistency with the goals and objectives of the CPS FMP;

b. When a proposal is submitted to the CPSMT that includes a significant scientific component that would benefit from SSC review, the CPSMT can refer the application to the SSC for comment;

c. In such instances, the SSC will evaluate the scientific merits of the application and will specifically evaluate the application's (1) problem statement; (2) data collection methodology; (3) proposed analytical and statistical treatment of the data; and (4) the generality of the inferences that could be drawn from the study.

C. Report Contents

1. A final written report on the results of the EFP and the data collected must be presented in a timely manner, following completion of the EFP research activities.

a. If the data collected under an EFP is intended to be used for stock assessment purposes, it must be submitted to the Stock Assessment Team in accordance with the Council's Terms of Reference for stock assessments. (Typically, this requires submitting the information at least four weeks in advance of the meeting at which the assessment will be reviewed.)

The final report should include:

a. A summary of the work completed.
b. An analysis of the data collected.
c. A description of any changes to protocols, field activities, or other changes to the EFP research.
d. Conclusions and/or recommendations.

D. Other Considerations

1. EFP candidates or participants may be denied future Exempted Fishing Permits(EFP) permits if the applicant/participant (fisher/processor) has had a violation adjudicated within the past five years related to:
   a. Violation of EFP provisions;
   b. Violation of commercial fishing regulations resulting in conviction or entering into a plea of/for a crime punishable by a maximum penalty exceeding $1,000;
   c. Violation of commercial fishing regulations resulting in an assessed civil penalty in an amount greater than $5,750;
   d. Violations resulting in the assessment of a civil penalty or being convicted of a crime involving the falsification of fish receiving tickets including, but not limited to, misreporting or underreporting of CPS landings.

COUNCIL OPERATING PROCEDURE 24

Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species

Approved by Council: 09/11/15

DEFINITION

An exempted fishing permit (EFP) is a one-year Federal permit, issued by the National Marine Fisheries Service (NMFS), which authorizes a party to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations, for the purpose of collecting limited experimental data. The Pacific Fishery Management Council's (Council's) four fishery management plans (FMPs) allow for EFPs for Shared Ecosystem Component (Shared EC) species, consistent with Federal regulations at 50 CFR§600.475. EFPs can be issued to Federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested. The NMFS Regional Administrator may require any level of industry-funded observer coverage for these permits.

PURPOSE

This Council Operating Procedure (COP) provides a standard process for the Council, its advisory bodies, and the public to consider EFP proposals for Shared EC Species. The specific objectives of a proposed exempted fishing activity may vary. EFPs can be used to explore ways to develop stock surveys and assessments, explore the potential for a new non-tribal commercial fishery on Shared EC Species, or to evaluate current and proposed management measures. The scope of this COP is limited to EFP proposals for exempted commercial fisheries intended to target species identified in all four of the Council's FMPs as Shared EC species for the purpose of developing scientific information useful to evaluating the potential for a future fishery on one or more Shared EC species.

PROTOCOL

A. Submission

1. The Council and its advisory bodies [Ecosystem Advisory Subpanel (EAS), Scientific and Statistical Committee (SSC), and any applicable FMP-specific advisory bodies] shall review EFP proposals prior to issuance; the advisory bodies may provide comment on methodology and relevance to science and management data needs and make recommendations to the Council accordingly. The public may also comment on EFP proposals.
2. Completed applications for EFPs from individuals or non-government agencies for Council consideration must be received by the Council for review at least two weeks prior to the November Council meeting.
3. Applications for EFPs from Federal or state agencies must meet the briefing book deadline for the November Council meeting.

B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
   a. There is adequate justification for an exemption to the regulations;
   b. The potential impacts of the exempted activity have been adequately identified; and
   c. The exempted activity would be expected to provide information useful to management and use of Shared EC Species, other Council-managed resources, and other federally-managed resources.
2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
   a. Date of application;
   b. Applicant's names, mailing addresses, and telephone numbers;
   c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP;
   d. Valid justification explaining why issuance of an EFP is warranted;
   e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;
   f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities);
   g. Number of vessels covered under the EFP;
   h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest and take estimates of overfished species and protected species;
   i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for;
   j. A description of the proposed data collection and analysis methodology;
   k. A description of how vessels will be chosen to participate in the EFP;
   l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and
   m. The signature of the applicant.

   The Council and/or its advisory bodies may request additional information necessary for their consideration.

C. Review and Approval

1. The EAS and any other applicable advisory bodies identified by the Council will review EFP proposals in November and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the March Council meeting. Only those EFP applications that were considered in November may be considered in March; EFP applications received after the November Council meeting for the following calendar year will not be considered.
2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP proposals must include a description of the proposed data

collection and analysis methodology used to measure whether the EFP objectives will be met.

3. The Council will give priority consideration to those EFP applications that:
   a. Emphasize resource conservation and management with a focus on evaluating the effects of harvesting Shared EC Species on the larger California Current Ecosystem;
   b. Can assess the potential effects of a directed fishery for one or more Shared EC Species on:
      i. Any Council-managed species;
      ii. Species that are the prey of any: Council-managed species, marine mammal species, seabird species, sea turtle species, or ESA-listed species;
      iii. Habitat that is identified as essential fish habitat or otherwise protected within one of the Council's FMPs, critical habitat identified or protected under the Endangered Species Act, or habitat managed or protected by state or tribal fishery or habitat management programs;
      iv. Species that are subject to state or tribal management within 0-3 miles offshore of Washington, Oregon, or California; or
      v. Species that migrate beyond the U.S. EEZ.
   c. Encourage full retention of fishery mortalities;
   d. Involve data collection on fisheries stocks and/or habitat; and
   e. Encourage innovative gear modifications and fishing strategies to reduce bycatch.
4. Review by the EAS and any other applicable advisory bodies will consider the following questions:
   a. Is the application complete?
   b. Is the EFP proposal consistent with the goals and objectives of the Council's Fishery Ecosystem Plan and FMPs?
   c. Does the EFP account for fishery mortalities by species?
   d. Can the harvest estimates of overfished species and/or protected species be accommodated?
   e. Does the EFP meet one or more of the Council's priorities listed above?
   f. Is the EFP proposal compatible with the Federal observer program effort?
   g. What infrastructure is in place to monitor, process data, report on results, and administer the EFP?
   h. How will achievement of the EFP objectives be measured?
   i. If this EFP is a re-issue of a previously issued EFP, what are the benefits to the fisheries management process to continue an EFP that began the previous year?
   j. If integrating data into management is proposed, what is the appropriate process?
   k. What is the funding source for at-sea monitoring?
   l. Has there been coordination with appropriate state and Federal enforcement management and science staff?
5. SSC Review:
   a. All EFP applications should first be evaluated by the EAS for consistency with the goals and objectives of the Fishery Ecosystem Plan and the Council's FMPs;
   b. The SSC will evaluate the scientific merits of the application and will specifically evaluate the application's: (1) problem statement; (2) data collection methodology; (3) proposed analytical and statistical treatment of the data; (4) the generality of the

inferences that could be drawn from the study; and (5) methodology for determination of potential ecological and economic impacts.

6. An EFP may be denied if it is determined that the application fails to include the required content or meet EFP requirements.

D. Other considerations

1. EFP candidates or participants may also be denied future EFP permits under the following circumstances:
   a. If the applicant/participant (fisher/processor) has violated past EFP provisions, or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding $1,000 within the last three years;
   b. Within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than $5,000; or
   c. Has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of fisheries landings. Documented fish receiving tickets indicating mis-reporting or under-reporting of fisheries landings will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the EAS and any other applicable advisory bodies identified by the Council at the November Council meeting of the following year.
2. A final written report on the results of the EFP and the data collected must be presented to the EAS, appropriate advisory bodies, and the Council at the March Council meeting. Those EFPs containing data analysis that could benefit from a scientific review may be forwarded to the SSC for comment.
3. The final report should include:
   a. A summary of the work completed;
   b. An analysis of the data collected; and
   c. Conclusions and/or recommendations.

   Timely presentation of results is required to determine whether future EFPs will be recommended.

COUNCIL OPERATING PROCEDURE 25

Groundfish Methodology Reviews

Approved by Council: 4/13/15

PURPOSE

To establish procedures for the review and Council approval of groundfish impact analyses and new methodologies that inform stock assessments, utilizing the Scientific and Statistical Committee (SSC), the Groundfish Management Team (GMT), and the Groundfish Advisory Subpanel (GAP). The SSC will review new methodologies proposed in the Council process and inform the Council of the type of review necessary to evaluate proposed new methodologies, whether the methodology review should include involvement of external reviewers such as the Center for Independent Experts (CIE) or whether the review will only be conducted by the SSC. The SSC will also recommend whether the methodology review would benefit from GMT and GAP participation and advice. Two types of methodology reviews are described in this process: methods used to predict impacts, both biological and socioeconomic, in the biennial specifications process and methodologies proposed to inform stock assessments. The review of proposed methodologies is intended to help clarify the technical basis for the Council's management actions in a scheduled manner that avoids ad hoc timing perplexities. The procedure is intended to provide peer review of the technical estimation and modeling procedures, to ensure the best and most objective technical analyses possible, to minimize confusion during the biennial management decision-making process, and to resolve disputes over methodology.

OBJECTIVES AND DUTIES

New Methodologies for Impact Analyses Proposed to Inform Decisions in the Biennial Specifications Process

During the September meeting during even years or at other appropriate times, the SSC, in conjunction with the GMT, will identify methodology issues which need documentation and/or merit a full review. The SSC is responsible for reviewing new or changed methodology as opposed to specific applications of the methodology. Examples of issues that could merit a full review include new model algorithms, methods for incorporating base data into models, catch forecasting methods for major PFMC stocks, and technical changes to stock complexes or conservation objectives. Examples of issues that do not merit full review include updating existing data sets in models, adding new stocks to models, and changing data ranges used to estimate parameters in models. Issues in this latter category will be reviewed within the GMT, and can be implemented without formal review by the SSC and approval of the Council; provided both the Council and SSC receive updates on such changes; however, if warranted, the Council may require additional review by the SSC. However, the review of new proposed methodologies that could inform stock assessments are part of this COP as described below.

At the November meeting during even years the SSC will inform the Council of the methodologies ready for review and recommend a review schedule. The SSC also will notify the Council of assistance needed from management entities and the GMT to accomplish the review. In rare cases,

there may be a need to schedule a methodology review outside the schedule prescribed in this COP. The SSC and GMT will notify the Council when such unanticipated reviews are recommended. To provide additional flexibility, the GMT may apply and present analyses to the Council that use methods that haven't been reviewed by the SSC but that are within the expertise of those on the GMT. In such cases, the GMT will provide documentation that alerts the Council and the public that the methods presented have not been reviewed by the SSC.

New Methodologies Proposed to Inform Stock Assessments

Stock assessment reviews are not part of this COP as they are governed by a specific stock assessment Terms of Reference, which is established biennially. However, a separate methodology review process will formally review new methodologies proposed for use in groundfish stock assessments. New stock assessment methodologies will be proposed to the SSC during September of odd years. The stock assessment methodology reviews will be conducted during even years and completed at least by March of odd years. If endorsed, these new methodologies would be available for use in that year's cycle of stock assessments.

The objectives, roles and responsibilities of participants, and the template for methodology review panel reports in the groundfish methodology process are outlined in the latest version of the Terms of Reference for the Methodology Review Process for Groundfish and Coastal Pelagic Species. The appropriate management entities, either themselves or with assistance from the GMT, are expected to provide background information on procedures and data bases for methodologies undergoing full review, as well as early notification and documentation of anticipated changes in procedures for methodologies not under full review in a particular year. Management entities who submit proposals for the Methodology Review, are responsible for ensuring that materials they provide to the SSC and Council are technically sound, clearly documented, and identified by author. Documents should receive internal entity review before being sent to the Council. To provide adequate review time for the SSC, materials must be received in the Council office at least two weeks before scheduled review meetings.

The SSC has the responsibility for determining whether any proposed methodology is acceptable for use in stock assessments and in analysis of harvest specifications. The SSC and the GMT and the GAP, if involved in a particular methodology review, will report to the Council at the September meeting during odd years on the results of these reviews and provide recommendations for all proposed methodology changes. During the September meeting during odd years, the Council will adopt all proposed changes to be implemented in the coming biennial management cycle or will provide directions for handling any unresolved methodology problems.

COUNCIL OPERATING PROCEDURE 26

Methodology and Data Review Process for Coastal Pelagic Species

Approved by the Council: 4/12/15
Revised: **04/15/21**

PURPOSE

To establish procedures for the review and Council approval of Coastal Pelagic Species (CPS) methodology and data reviews. These reviews are typically related to CPS stock assessments, although they may be applied to methods in other areas, e.g., economic analysis or ecosystem-based fishery management models. The procedure is intended to provide peer review of survey and analytical methods to ensure that research surveys, data collection, data analyses, and other scientific techniques in support of CPS stock assessments represent the best scientific information available. The procedure is also intended to provide technical peer review of other methodologies that could be considered under this structure.

OBJECTIVES AND DUTIES

For new methodologies that have not been approved by the Council, the proponents of such new methodologies should first submit notification to the Council Executive Director, and then will submit a brief proposal for inclusion in the appropriate briefing book (typically November) for consideration by advisory bodies and the Council. "Proponent" is defined here as the person or entity whose methodology is proposed for review. Existing methodologies may also benefit from the review process. The Council may consider the input of the Council's advisory bodies and the public regarding the need for review of existing methodologies during appropriate Council agenda items throughout the year. The Council's recommendations would then be conveyed to the proponents of the existing methodology. When a proposal for an existing methodology to be reviewed is submitted, it will follow the same schedule and process as indicated below for new methodologies.

For either new or existing methodologies, the proposal should include:

- Title
- Name of proponents (including researchers who will participate at the methodology review and will be expected to conduct analyses during that review;
- A description of how the proposed methodology will improve assessment and/or management of the stock(s) in questions; and
- Outline of the field and/or analytical methods to be employed.

Proponents of methods to be reviewed should be prepared to present their proposal to the SSC, the CPSMT, CPSAS, and the full Council. Proponents should include a description of the funding, logistics, or other factors that would indicate the likelihood of success of a proposed methodology. The proposed methodology should be field tested, and preferably there will be available data for one or more years. Untested or experimental methods are typically not appropriate for this type of review.

If the Council approves a methodology to be reviewed, the appropriate Staff Officer will work with the methodology proponents, the SSC, and the Southwest Fisheries Science Center (SWFSC) to schedule the review. A full report on the outcome of the review, prepared by the methodology review panel (MRP), is typically presented at the June Council meeting.

Methodology proponents are responsible for providing a draft report at least two weeks in advance of the panel review meeting, and a final report within three weeks following the panel review meeting. The final report will be included in the briefing book materials for the appropriate Council meeting. The Methodology Review Terms of Reference (TOR) includes detailed descriptions of the responsibilities of methodology proponents and other participants, the mechanism for identifying review panel members, the format and contents for the panel's report, requirements for making meeting materials available, and other information germane to conducting the methodology review meeting.

The Panel Chair and the appropriate Staff Officer may utilize the existing TOR, or may develop a TOR specific to the methodology to be reviewed, to provide additional guidance for conducting the panel meeting. The panel normally includes a Chair, at least one "external" member (i.e., someone outside the Council family and not involved in management or assessment of West Coast fisheries, often designated by the Center for Independent Experts), and at least two additional members. In addition, the Chair of the Coastal Pelagic Species Management Team (CPSMT) and the Chair of the Coastal Pelagic Species Advisory Subpanel (CPSAS) may each appoint one member of their respective advisory body to be official representatives to the review panel meeting. Although they are not considered members of the review panel, they are expected to contribute to the discussion, serve as subject area experts, and may submit a brief statement for inclusion in the MRP's report, at the discretion of the Panel Chair. The review panel will develop and submit a report to the Council for consideration at the appropriate Council meeting. The report will include recommendations about whether the methodology should be used, and guidance on any additional work necessary before the methodology should be used.

Proposals for new methodology reviews may be included in a November Council meeting if notice is provided to the Council Executive Director no later than the beginning of the September Council meeting.

Schedule

Month	**Activity**
September	Proponents provide notice to Council Executive Director, prior to the beginning of the September Council meeting, stating intent to submit a methodology review request to be considered at the November Council meeting.
November Council meeting	Proponents submit brief proposal for the advance Briefing Book, for Council consideration. If approved for review, Council staff schedules MRP meeting, independent reviewers, and logistics.
March-May	MRP convenes to review the methodology. Documents should receive internal entity review before being sent to the Council. To provide

Month	Activity
	adequate review time for the reviewers, materials must be received in the Council office at least two weeks before scheduled review meetings.
June Council meeting	Council considers MRP report; considers approving the methodology.
September Council meeting	If necessary, the Council considers any unresolved methodology issues.

COUNCIL OPERATING PROCEDURE 27

Process for Initiating Allocation Reviews

Approved by Council: 6/21/2019, **9/24/2025**

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. For allocation reviews that are not already specified in an FMP/CSP (periodic reviews) or required by court order, the Council will consider public interest requests before it undertakes a review. Taking public interest into account the Council will evaluate the need for the review and, if a need is identified, 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.

Shares of harvest involving treaty-reserved or federally-reserved Indian fishing rights are not subject to Council-determined criteria or procedures under National Oceanic & Atmospheric Administration's directives to reassess equitable allocations under the Magnuson-Stevens Act. Rather, tribal shares are subject to treaties (as clarified by case law) or are handled in government-to-government agreements outside the Council process.

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.

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? FMP/CSP/Mgmt Process/Other	Formulaic/ Circumstantial	Part of or Supporting a LAPP?	Past Reviews	Review Trigger	For Periodic Reviews: Review Schedule	Comments
Coastal Pelagic Species	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	
Ground-fish	Trawl/Non-trawl (Including Recreational) Included in the FMP, As Needed for: Lingcod N, Pacific Cod, Sablefish S, Pacific Ocean Perch, Chilipepper Rockfish S, Splitnose Rockfish S, Yellowtail Rockfish N, Longspine Thornyhead N, Darkblotched Rockfish, Slope Rockfish N, Dover Sole, English 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, 2025	Periodic	Every 6 Years	
	Sablefish North of 36^0 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, 2025	Periodic	Every 6 Years	

FMP/CSP	Allocation	How/When Set? FMP/CSP/Mgmt Process/Other	Formulaic/ Circumstantial	Part of or Supporting a LAPP?	Past Reviews	Review Trigger	For Periodic Reviews: Review Schedule	Comments
	Trawl/Non-trawl Allocations Not Included in the FMP, As Needed. (Boccaccio S, Cowcod S, Yelloweye Rockfish, Big Skate, Canary Rockfish, Longnose Skate, , Shelf Rockfish S, Shelf Rockfish N, Slope Rockfish S, Widow Rockfish, Petrale sole, Lingcod S, Shortspine Thornyhead). State Management and Allocation: Black Rockfish (CA, OR, & WA), Cabezon (CA & OR), California Scorpionfish S., Nearshore Rockfish S, Nearshore Rockfish N.	Biennial Specifications	Circumstantial	Yes	Biennially	Periodic	Even Numbered Years	
	Subdivision of Non-trawl: 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 Whiting allocation was memorialized in the FMP as part of Amendment 21 in 2011.	Formulaic	Yes	2017, 2025	Periodic	Every 6 Years	
	Off-the-top deductions from the ACL for Incidental Open Access, Tribal, Research, and EFPs (All Species), Set asides for at-sea whiting off of the trawl allocation (as needed)	Biennial Specifications	Circumstantial	No	Biennially	Periodic	Even Numbered Years	

FMP/CSP	Allocation	How/When Set? FMP/CSP/Mgmt Process/Other	Formulaic/ Circumstantial	Part of or Supporting a LAPP?	Past Reviews	Review Trigger	For Periodic Reviews: Review Schedule	Comments
Highly Migratory Species	No allocations							
Pacific Halibut	Commercial Directed/Incidental Salmon Troll/Sablefish Incidental/Recreational/Recreational Geographic	Annual Catch Sharing Plan	Formulaic	No	Annually	Periodic	Annual	Annual opportunity to review; flexible for inseason modification
	Trawl Bycatch Allowance, Including Allowances to Cover Individual Bycatch Quota for the Shoreside IFQ Fishery North of 40º10' N Lat., At-Sea Whiting Fishery Bycatch, and Bycatch in the South of 40º10' N Lat. Bottom Trawl Fishery	Groundfish FMP Amendment 21 (2011)	Formulaic	Yes	2017, 2025	Periodic	Every 6 Years	
Salmon	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
	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