COUNCIL OPERATING PROCEDURE

Process for Initiating Allocation Reviews

27

Approved by Council: 6/21/2019, **11/09/2024**

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. ~~The groundfish FMP Amendment 6 limited entry/open access allocations are infrequently used in management but included because the allocations remain in the FMP. For most species, the Amendment 6 allocations were superseded by the Amendment 21 trawl/non-trawl allocations. For many others, the allocations have not been relevant because of the rockfish conservation area closures that have largely limited fishing on the continental shelf. One of the stocks for which the Amendment 6 allocations have continued to be used is northern sablefish.~~

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

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

FMP/CSP	Allocation	How/When Set? 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[a/] 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	~~LAPP Rev Sched for 2022 and~~ Every 6 Years ~~Thereafter~~	
	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	~~LAPP Rev Sched for 2022 and~~ Every 6 Years ~~Thereafter~~	

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
	~~Limited Entry/Open Access Allocations for Groundfish Species (Boccaccio S, Cowcod S, Yelloweye Rockfish, Big Skate, Canary Rockfish, Longnose Skate, Longspine Thornyhead S, Spiny Dogfish, Shelf Rockfish S, Shelf Rockfish N)~~ ~~State Management and Allocation: Black Rockfish (CA, OR, & WA), Cabezon (CA & OR), California Scorpionfish S., Nearshore Rockfish S, Nearshore Rockfish N.~~	~~Amendment 6 (1994)~~	~~Formulaic~~	~~No~~	~~No~~	~~Public Interest~~	~~Not Scheduled~~	~~Largely outdated due to Amendment 21 and not used due to rockfish conservation area closures that have restricted the fisheries' ability to harvest these species.~~
	Trawl/Non-trawl Allocations Not Included in the FMP, As Needed. (Boccaccio S, Cowcod S, Yelloweye Rockfish, Big Skate, ~~Blackgill Rockfish,~~ Canary Rockfish, Longnose Skate, ~~Longspine Thornyhead S, Shortbelly Rockfish, Spiny Dogfish~~, 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 (The whiting allocation was memorialized in the FMP as part of Amendment 21 2011.)	Formulaic	Yes	2017, 2025	Periodic	~~LAPP Rev Sched for 2022 and~~ Every 6 Years ~~Thereafter~~	

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
	Off-the-top deductions from the ACL for ~~Set-asides~~[a/] ~~from Directed Fisheries for~~ Incidental Open Access, Tribal, ~~At-sea Whiting,~~ 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	~~Activities covered by set-asides are not closed down unless an ACL is exceeded.~~
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 40^{0}10' N Lat., At-Sea Whiting Fishery Bycatch, and Bycatch in the South of 40^{0}10' N Lat. Bottom Trawl Fishery	Groundfish FMP Amendment 21 (2011)	Formulaic	Yes	2017, 2025	Periodic	~~LAPP Rev Sched for 2022 and~~ Every 6 Years ~~Thereafter~~	
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

~~a/ Set-asides are amounts of fish deducted from annual catch limits (ACLs) before allocations among directed sectors. The fisheries and activities for which set-asides are provided are not generally restricted to stay within set-asides, unless necessary to prevent the fishery as a whole from exceeding ACLs.~~