

# Allocation Review Triggers

## Discussion paper

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## 1. Introduction

The allocation of fishery resources between competing user groups constitutes one of the most challenging management responsibilities of the Gulf of Mexico Fishery Management Council (Council). To assist Councils in their efforts to review existing fisheries allocations and reallocate resources, NMFS, in conjunction with the Council Coordination Committee (CCC) developed a Fisheries Allocation Review Policy (NMFS Policy Directive 01-119) and associated procedural directives addressing criteria for initiating allocation reviews (NMFS Procedural Directive 01-119-01) and recommended practices and factors to consider when reviewing and making allocation decisions (NMFS Procedural Directive 01-119-02). This document is prepared to assist the Council in identifying Gulf fisheries allocations subject to the review policy, and in selecting review triggers most suited for Gulf allocations.

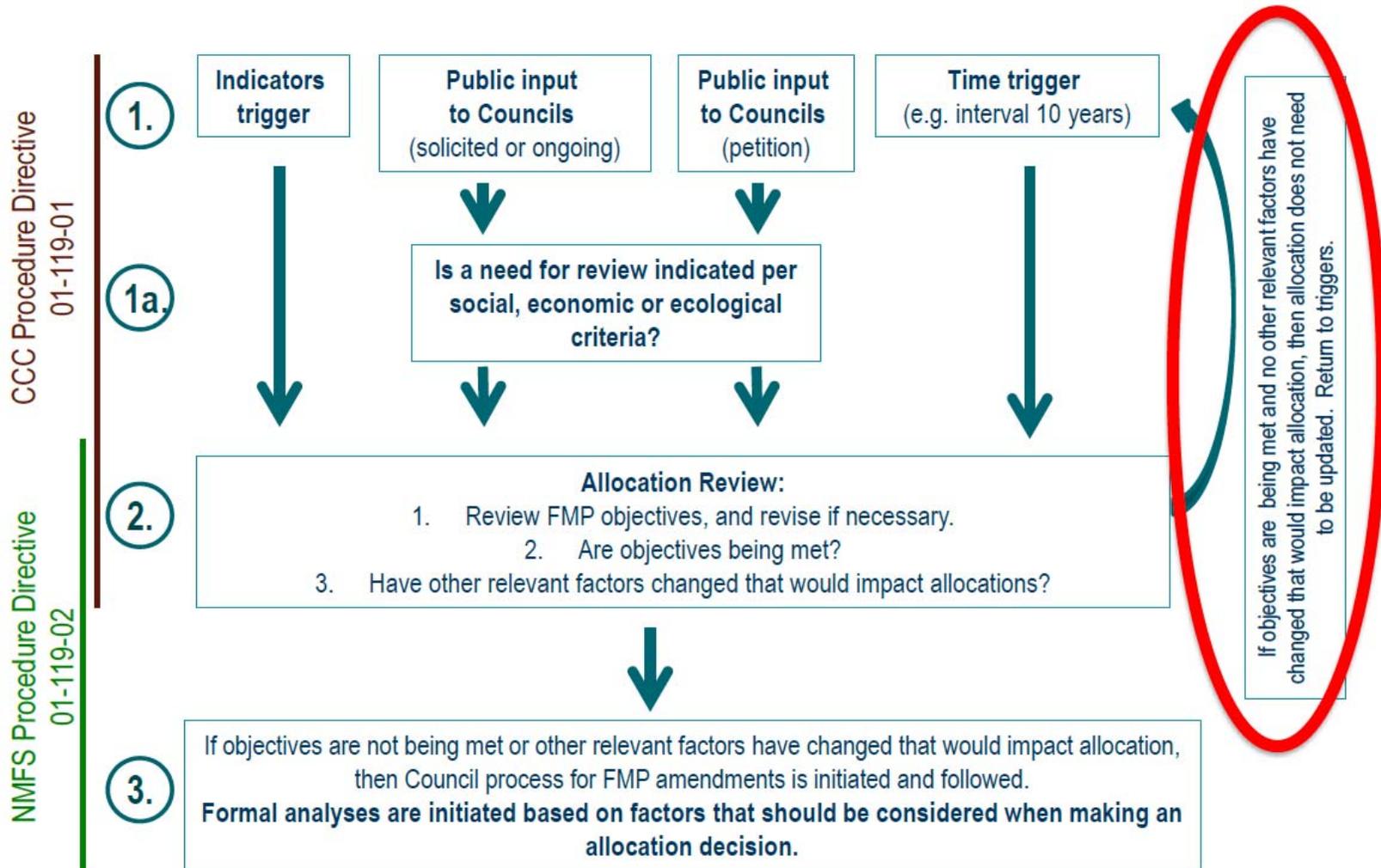
## 2. Fisheries Allocation Review Policy

In the Allocation Review Policy (policy), a fishery allocation (or “allocation” or “assignment” of fishing privileges) is defined by NMFS as a “direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals.” 50 CFR 600.10; *see also* National Standard 4 Guidelines, 50 CFR 600.325(c)(1) (further describing the scope of this definition and providing examples of allocations of fishing privileges under National Standard 4). Because the policy covers only allocations that distribute specific quantities to identifiable, discrete user groups or individuals, the scope of allocations covered by this policy is narrower than the scope of allocations under the National Standard 4 guidelines.

The policy provides an iterative process that would assist fishery management councils in the periodic evaluation of fisheries allocations. The policy recommends the use of adaptive management in fisheries allocation reviews. Adaptive management is defined as the on-going process of evaluating if management objectives have been met and adjusting management strategies in response. The process includes periodical re-evaluation and updating of the management goals and objectives to ensure they are relevant to current conditions and needs.

The policy delineates authorities and responsibilities of Fisheries Management Councils and NMFS Regional Offices and Science Centers. Fishery Management Councils are responsible for selecting the criteria for initiating fisheries allocations reviews, i.e., for establishing the review triggers for each fishery management plan including fisheries allocations. Triggers suggested include time-based, public interest-based and, indicator-based criteria. For indicator-based criteria, Councils must lay out the process to follow for assessing whether the trigger is met. The policy also recommends Councils identify their allocation review triggers within three years of the finalization of the policy (by August 2019) or as soon as practicable. NMFS Regional Offices and Science Centers will support the Councils in their efforts to identify triggers for their fisheries and are expected to assist Councils conduct allocation reviews as needed. The iterative allocation review process is illustrated in Figure 1.

# Steps in Adaptive Management of Allocations



**Figure 1.** Steps in adaptive management of allocations – (Fisheries Allocation Review Policy. NMFS Policy Directive 011-19)

The adaptive management approach recommended for allocation reviews is an iterative process that includes the following three steps:

**Step One:** A trigger is met. There are three main categories of triggers: public input, time, or indicator-based. For example, a significant change in landings (e.g., an increase/decrease greater than one to two standard deviations within a three-year timeframe, etc.) may be identified as an indicator-based trigger for initiating a review of an allocation decision. If the trigger is indicator-based, or time-based, then proceed immediately to step 2: fisheries allocation review. If the trigger is based on public input to the Councils, then a check for changes in social, ecological, or economic criteria is required (step 1a in Figure 1) to ensure assessment of the fisheries allocation is an appropriate use of Council resources. At this stage, in depth analyses are not required.

**Step Two:** Fisheries Allocation Review. Councils should complete a review of the fisheries allocation in question. This review will assist the Councils in determining whether or not the development and evaluation of allocation options is warranted, and is not, in and of itself, a trigger to initiate an FMP amendment (or framework adjustment, if appropriate) to consider alternative allocations. This step is discussed in more detail in the CCC triggers document (Procedural Directive 01-119-01) and overlaps with the NMFS fisheries allocation factors document (Procedural Directive 01-119-02). The review should consider the FMP objectives along with other relevant factors that have changed and may be important to the fisheries allocation. Relevant factors are described in the NMFS fisheries allocation factors document (Procedural Directive 01-119-02). At this stage, in depth analyses are not required; however, to ensure transparency, a clear articulation of how the objectives are or are not being met, and a clear rationale on relevant factors considered should be included in the record. This fisheries allocation review informs whether or not a consideration of new allocation alternatives is warranted.

**Step Three:** Evaluation of Fisheries Allocation Options for an FMP amendment<sup>4</sup>. Based on step two, if a Council decides that development of allocation options is warranted, a Council will proceed with formal analyses, and follow its amendment process for identifying alternatives, soliciting public input, etc. If the Council determines that the FMP objectives are not up-to-date, then the Council should discuss, evaluate, and if necessary, revise the objectives<sup>5</sup>. During the identification of alternatives, Councils should consider the factors in the Procedural Directive 01-119-02. All of the factors do not need to be analyzed for each fisheries allocation decision. If a factor is not relevant for a given decision, no formal analysis for that factor is needed; however, the record should clearly document the rationale for that determination.

### 3. Criteria for Initiating Allocation Reviews

Within three years of the implementation of the policy, i.e., by August 2019, (or as soon as practicable), the Councils have to determine allocation review triggers for fisheries subject to the policy. The review policy and its supporting documents discuss three types of triggers: 1) public interest-based triggers; 2) time-based triggers; and 3) indicator-based triggers. Use of public interest or time-based criteria for triggering allocation review is not mutually exclusive to

ongoing formal and informal evaluation of fishery performance and outcomes. This section provides excerpts from the procedural directive on allocation review triggers (NMFS Procedural Directive 01-119-01).

### **3.1. Public interest-based criteria**

If a council develops effective indicator or time-based allocation review mechanisms, then a public-interest review trigger mechanism may not be necessary. However, if those review mechanisms are not established, or if they are not responsive to changing conditions within a fishery, then a public-interest review mechanism could be used to trigger an allocation review.

The U.S. regional fishery management council system is transparent and open to public input throughout the process. Councils implement extensive work plans throughout the year, and manage some regulatory initiatives, including plan amendments, over the span of several years. Managing to meet the councils' statutory requirements and other competing priorities requires effective planning, which typically includes an annual priority-setting process. Ideally, public input on the need to review a specific fishery allocation would feed into this process to enable an orderly consideration of the question, in the context of competing priorities and organizational resources. This guidance addresses the solicitation or consideration of statements of public interest at three different levels within the regional fishery management council process:

1. Ongoing public input on fishery performance
2. Solicitation of public comment regarding allocation review
3. Formal initiatives

#### Ongoing public input on fishery performance

As noted above, the council process is open, transparent, and offers frequent opportunities for public comment and input. This dynamic establishes a feedback loop between the council and the public in regard to both the specific issues under the council's consideration and broader indicators of fishery performance. Given the extent to which the impacts of allocation decisions are associated by the public (both through direct observation and perception) with fishery performance, public interest in allocation review is likely to be expressed at many points within the council process and in reference to a variety of fisheries management issues.

This feedback loop of ongoing public comment is a valuable opportunity for the public to express interest in allocation review, and for the council to gauge how effectively allocation objectives are being met. It also serves as an opportunity for the council to understand and evaluate the extent to which allocation lies at the root of fisheries management challenges, and the need to initiate allocation review may be indicated through this process.

#### Solicitation of public comment regarding allocation review

Councils may choose to engage in allocation review "scoping discussions" with stakeholders and other interested parties. Unlike the collection of feedback through ongoing public comment described above, this process is deliberate and specifically targets public input on the need for

allocation review. Councils rely on outreach and information-gathering mechanisms to achieve public input including the solicitation of written comments, scoping discussion at council meetings, and port meetings and other community engagement strategies.

One of the benefits of this approach to consideration of triggering allocation review is that it is focused directly on the allocation and the necessity for potential review rather than on the secondary and tertiary impacts of the allocation. An additional benefit to this strategy is the council's ability to dictate a schedule. While more demanding of time and resources than identification of allocation review triggers in the course of ongoing public comment, the process for soliciting, receiving, and considering public input can be designed by the council and scheduled in a manner that does not conflict with other council initiatives and priorities.

When considering the solicitation of public input regarding allocation review, councils should be aware of, and sensitive to, the expectations among stakeholders that could develop as a result of the council indicating interest. The council should carefully consider its ability (resources and capacity) and willingness to follow through with an allocation review if warranted before reaching out to the community for focused input.

#### Formal petition mechanism

The first two approaches to gathering, evaluating, and responding to public input are already possible within the current regional fishery management council system. In both cases, the decision to initiate the review would rest with the council. A stronger public interest review mechanism could include a provision for a stakeholder request or petition requesting review, together with a requirement for a Council to initiate an allocation review within a reasonable period of time. Such a provision would have more potential to impose a cost on a council's established work plan and priorities but would provide another mechanism to ensure that allocations receive due consideration in response to public concern. If such a mechanism is established, it may be appropriate to incorporate indicator-based criteria to establish a minimum threshold for initiating review.

Any petition-based review process should establish requirements that identify specific conditions or outcomes upon which such requests may be based. In addition, councils should include establishment of guidelines for petitions. While a council has discretion to determine whether or not to move forward with an allocation review as per the requirements it establishes under a petition-based process, it should at least respond to the *request* for a review under this process. This response could be as simple as a letter to the petitioner(s), explaining the council's rationale for its decision (e.g., petition did not meet conditions for consideration, lack of standing by petitioners, etc.).

### **3.2. Time-based criteria**

The establishment of a time-based trigger has figured prominently in recent discussions regarding allocation review, including provisions for periodic allocation review in several MSA re-authorization drafts. In several respects periodic allocation review on a set schedule is the most simple and straightforward criterion for triggering an allocation review; the approach is

unambiguous and less vulnerable to political and council dynamics. That said, the attributes of simplicity and the mandate of a strict schedule render time-based criteria less sensitive to other council priorities and the availability of time and resources to conduct an allocation review.

Time-based triggers for initiating allocation review might be most suitable for those fisheries or FMPs where the conflict among sectors or stakeholder groups make the decision to simply initiate a review so contentious that use of alternative criteria is infeasible. In such a situation, a fixed schedule ensures that periodic reviews occur regardless of political dynamics or specific fishery outcomes. Given the inflexible nature of time-based triggers, however, it is recommended that they be used only in those situations where the benefit of certainty outweighs the costs of inflexibility.

The inflexible nature of time-based triggers can impact both the work and effectiveness of the council as well as the outcomes of the allocation process itself. As noted above, fixed, time-based triggers for review may conflict with other council priorities. To the extent that those priorities include consideration of actions to mitigate significant social, economic, or conservation concerns, adherence to a fixed review schedule may prevent a council from achieving significant and beneficial management outcomes while achieving at best marginal improvements through allocation review. Given the fact that there is potentially no relationship between the pace at which fishery performance evolves and a fixed schedule for allocation review, use of such a trigger creates the potential of a significant expenditure of council time and resources with little need for review or likely improvement in fishery performance.

Time-based triggers for review may impede stability in subject fisheries. To the extent that reviews are conducted on a regularly scheduled basis, there is an incentive for sectors receiving allocations to continuously employ operational and political tactics to improve their allocation at the next review. The assurance of a “new” allocation review may as well encourage speculative entry into subject fisheries. When considering the adoption of a time-based review trigger, care should be taken to identify if and to what extent the process is likely to be manipulated or “gamed”, and measures to minimize that activity should be considered.

The selection of review intervals using time-based triggers should be informed by fishery characteristics, data availability, and council resources. Newly developed or rapidly changing fisheries may warrant more frequent review, while established fisheries with stable participation and performance can likely be reviewed less frequently. Whether following an initial allocation or a re-allocation, the timing of further review should accommodate the collection and analysis of a data series from which meaningful and accurate review and analysis can be achieved. The five-year initial review and subsequent reviews every (up to) seven years of limited access privilege programs (LAPPs) as required under Section 303A of the MSA may indicate a desirable minimum interval between reviews. Similarly, the 10-year durability of LAPP permits may suggest a maximum interval for time-based review triggers.

### **3.3. Indicator-based criteria**

The MSA requires that fisheries be managed for Optimum Yield (OY), which is Maximum Sustainable Yield (MSY) as reduced by relevant social, economic and ecological factors. In

defining OY, the NS1 guidance provides that these factors should be “quantified and reviewed in historical, short term and long term contexts.” Furthermore, it recommends that each FMP should contain a mechanism for periodic review of the OY specification, in order to respond to changing conditions in the fishery. In establishing indicator-based metrics for review of allocations – whether among sectors (e.g., commercial, recreational, for-hire, gear, international, etc.), within a sector (e.g., among catch share recipients), or for purposes such as bycatch accounting –it is logical to apply similar parameters to an allocation review as to an OY review, particularly if the goals and objectives of an FMP specifically address these items. In support of such an approach, the NS4 guidance states that allocation decisions should be “rationally” linked to attaining OY, and/or to the objectives of an FMP. It follows that selection of indicator-based criteria to trigger an allocation review should inherently be linked to those same objectives. In the interest of public transparency and clarity, councils may even consider establishing an objective that is specific to allocation within an FMP.

A time component is inherent in any indicator-based criteria for review of allocations, whether explicitly included (e.g., achieving a desired economic efficiency within XX years) or not. Evaluating a criterion used in establishing an allocation, particularly if it requires the addition of ensuing years of data to a quantitative analysis, indirectly applies a timeframe for review.

There are several categories of indicator-based criteria to consider as triggers for initiating review of allocations, all stemming from the definition of OY: social, economic and ecological. Ideally, the rationale for an initial allocation decision would consider a mix of criteria from all categories, although data limitations may preclude quantitative consideration. This could impact the ability to set an objective, specific review trigger for a particular criterion.

It follows that use of several criteria, either singly or in combination, and across multiple categories, may be optimal when using indicator-based criteria as a trigger for an allocation review. For example, a council may select one social, one ecological and one economic criterion as indicators, and define the “trigger” for review as any two of the three criteria meeting predetermined limits. This clearly defines the minimum threshold to trigger an allocation review. Taking this example to Step 2, consideration of allocation alternatives may occur if the selected indicators meet established limits within a particular timeframe, effectively combining indicator- and time-based triggers in order to ensure an adaptive management approach. As noted above, it may be difficult to set measurable values as triggers for indicator-based criteria, and use of quantitative thresholds is likely to be more the exception than the norm. In such cases, qualitative triggers should be considered to ensure that FMP goals and objectives are addressed.

In selecting indicator-based criteria, it is important to recognize there are factors that are not in and of themselves measurable metrics for a particular criterion or set of criteria; however, they may impact selected criteria and thus influence the “triggering” of a review. These factors may include acquisition of new data, natural disasters, etc. that are not necessarily measurable on their own, but can impact measurable criteria from any of the three categories.

Finally, while there is overlap in the discussion of indicator-based criteria in this document with the NMFS guidance document, the purpose of the two documents is different. The latter

document refers to the indicators below as “factors” (in addition to many others) to be considered by councils in the context of establishing initial allocations, or if a re-allocation action is undertaken. The CCC document discusses their use as one of three possible types of triggers for an allocation review. While some overlap is inevitable, the context in which that overlap occurs is important.

### Economic Criteria

While the quality and quantity of fisheries economic information has improved over the years, there may be instances in which a disparity exists in the available data for one or more industry sectors, user groups or communities impacted by an allocation decision. This should be explicitly noted and accounted for should quantitative economic criteria be selected by councils as a trigger for allocation review. Because economic outcomes are often closely tied to social outcomes, links between economic and social triggers should also be acknowledged (Jepson and Colburn 2013).

The NS5 regulations prohibit the establishment of allocations for economic purposes alone, however, economic efficiency “shall” be considered where practicable. Multiple economic tools are available to assist in establishing indicator-based triggers for review: cost-benefit analysis, economic impact analysis, and economic efficiency (Edwards 1990; Plummer et al. 2012). However, public understanding of the differences between and proper use of these tools is often limited<sup>1</sup>. Whatever the economic triggers for allocation review, it will be of utmost important to explain the tool(s) used in plain language that stakeholders can understand. Although not all sectors of the public may agree with the criteria or trigger value, public understanding of the tool is critical to its acceptance as a means of informing both an initial allocation decision and its subsequent review. Failure to achieve a desired economic efficiency within a particular timeframe, and unanticipated or greater than anticipated/analyzed costs (e.g., outside of a certain error level) are examples of triggers for initiating a review of allocation decisions.

### Social Criteria

As noted above, social and economic impacts are often linked, and changes in social criteria may lead to changes in economic criteria and vice versa. National Standard 8 requires that management measures account for social and economic impacts to communities, as well as provide for “sustained participation.” This is defined in the NS8 guidelines as “continued access” to the resource, depending on resource condition.

A number of studies and technical memoranda have been published detailing the development and measurement of social metrics such as community resilience, vulnerability and well-being. Jepson and Colburn (2013) describe categories of indices --social, gentrification, fishing dependence-- that can be used to estimate social impacts of management decisions at the community level. Councils may choose to select several indices among the above categories or

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<sup>1</sup> For example, constituents often cite the results of economic impact analyses as justification for allocation of resources to a particular user group. However, the peer-reviewed economic literature clearly states that cost-benefit analyses, not economic impact analysis, are the appropriate tool for informing allocation decisions.

an entire category of indices as indicator-based criteria to trigger an allocation review. The methods used in Jepson and Colburn provide a quantifiable means of tracking the potential social impacts of an allocation decision. As alluded to earlier, setting a minimum threshold (e.g., a 0.5 standard deviation change in a social index score, etc.) or a timeframe (e.g., every three or five years) for undertaking a review of selected criteria will ensure that a fishery is not in a constant state of “allocation flux,” again illustrating the inter-relationship of the various criteria discussed in this document. While councils may lack a quantitative means of developing social criteria, use of public-interest based criteria may provide a means for doing so (e.g., public input regarding loss of processing capacity or tackle shops in a community), or for establishing qualitative criteria.

Finally, for many communities, social change can be closely linked to ecological change (i.e., a sudden harvest moratorium as a result of a stock assessment; Jepson and Colburn 2013). While ecological criteria for allocation review are addressed in the following section, this relationship is worth noting as it further demonstrates that the categories of indicator-based criteria do not exist independent of one another.

### Ecological Criteria

Ecological criteria may be considered some of the most self-evident criteria for triggering an allocation review. Changes in fishery status resulting from a stock assessment, undocumented sources of mortality (fishing or otherwise), increases in discards, and changes in species distribution and food web dynamics are all examples of factors that may influence an allocation review. However, as noted previously, not all of these factors are necessarily measurable, indicator-based metrics that the councils have any control over. Measureable criteria that could be considered are failure to end overfishing within a specified timeframe, failure to achieve or rebuild to a certain level of abundance, a significant increase in discard mortality from a particular sector, significant changes in landings (e.g., an increase/decrease greater than one to two standard deviations within a three-year timeframe, etc.). As with social metrics, public interest based criteria may at least provide a means of establish qualitative ecological criteria (e.g., anecdotal evidence of changes in distribution, discards, size of fish, etc.).

## **4. Identification of Gulf allocations subject to the policy**

The identification of the fisheries allocations that would be subject to review under the guidelines set by the allocation review policy constitutes a prerequisite to implementing the policy in the Gulf of Mexico. Current fisheries allocations that may be subject to review according to the policy are discussed in this section.

The Council has apportioned (or is considering the allocation of) fisheries resources between various user groups, including:

- (a) allocations between the commercial and recreational sectors;
- (b) allocations within the recreational sector, i.e., between the federal for-hire and the private angling components;
- (c) jurisdictional apportionments between the Gulf and South Atlantic;

- (d) allocations between Gulf zones and gear types, and,
- (e) allocations between the five states in the Gulf of Mexico.

Table 1 lists the current recreational and commercial allocations for reef fish and coastal migratory (CMP) species. Amendments that established the allocations and their year of implementation are also provided.

**Table 1.** Commercial and recreational allocations in the Gulf of Mexico.

Stock	Allocation (%)		Amendment (year of implementation)
	Commercial	Recreational	
Red Snapper	51%	49%	Reef Fish Amendment 1 (1989)
Gag	39%	61%	Reef Fish Amendment 30B (2008)
Shallow water grouper IFQ aggregate	77%	23% *	Generic ACL/AM Amendment (2012)
Deep water grouper IFQ aggregate	96.4%	3.6% *	Generic ACL/AM Amendment (2012)
Tilefish IFQ aggregate	99.7%	0.3% *	Generic ACL/AM Amendment (2012)
Red grouper	76%	24%	Reef Fish Amendment 30B (2008)
Gray triggerfish	21%	79%	Reef Fish Amendment 30A (2008)
Greater amberjack	27%	73%	Reef Fish Amendment 30A (2008)
King mackerel Gulf group	32%	68%	CMP Amendment 2 (1987)

\* The Generic ACL/AM Amendment left recreational ACLs undefined. However, the establishment of a commercial ACL sets a de facto allocation between sectors.

The Council has recently reviewed the red snapper allocation, developed and submitted an amendment (Reef Fish Amendment 28) to modify the commercial/recreational allocation. However, following a legal challenge to the Council’s proposed reallocation, the Court vacated Amendment 28.

In 2015, the Council allocated the red snapper recreational annual catch limit (ACL) between the federal for-hire and the private angling components. Reef Fish Amendment 40 allocated 42.3% and 57.7% of the recreational red snapper ACL to the federal for-hire and private angling components, respectively.

In 2012, the Generic Annual Catch Limit/Accountability Measures Amendment apportioned black grouper, yellowtail snapper and mutton snapper between the Gulf of Mexico and the South Atlantic as follows:

- 47% of the black grouper acceptable biological catch (ABC) to the South Atlantic and 53% to the Gulf of Mexico;

- 75% of the yellowtail snapper ABC to the South Atlantic and 25% to the Gulf of Mexico; and,
- 82% of the mutton snapper ABC to the South Atlantic and 18% to the Gulf of Mexico.

CMP Amendment 26 revised commercial zone quotas for Gulf migratory group king mackerel and allocated the resource as follows:

- 40% for the Western Zone;
- 18% for the Northern Zone;
- 21% for the Southern Zone (Handline component); and
- 21% for the Southern Zone (Gillnet component).

The Council is currently developing an amendment that would allocate the recreational red snapper ACL between the five Gulf states (Reef Fish Amendment 50).

The Allocation Review Policy defines a fishery allocation (or “allocation” or “assignment” of fishing privileges) as a “direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals.” Based on this definition, all of the allocations presented in this section would be subject to the review policy.

## 5. Selection of Allocation Review Triggers

In selecting allocation review triggers, the Council should note that the triggers are not mutually exclusive. Therefore, the Council could select individual triggers or consider various combinations of criteria to initiate the review of its allocations. Benefits and drawbacks of review triggers included in the policy are provided in Table 2.

**Table 2.** Benefits and drawbacks of the three types of allocation review triggers

Trigger Criteria	Description	PROs	CONs
<b>Public Interest-based</b>	Allows the public to request reviews through: 1) ongoing input, 2) solicitation by Council for input, or 3) by formal petition.	Most responsive to perceived or slight changes in fishery performance. Council can determine a schedule for solicitation of input.	Sets up public expectations. Vulnerable to political or council dynamics (reviews might never happen, or occur frequently causing fishery instability and increased staff workload).
<b>Time-based</b>	Requires periodic allocation review; Directive suggests every 7-10 years.	Simple and unambiguous. Not vulnerable to political or council dynamics.	Not sensitive to competing Council priorities for staff time and meeting agendas.
<b>Indicator-based</b>	Requires an allocation review when indicator thresholds are met. Indicator criteria can be a mix of economic, social, or environmental criteria or data.	Reviews are not conducted until thresholds are hit.	Relatively complicated to develop indicators and thresholds. Requires continual monitoring of quantitative and qualitative

Source: NPFMC Allocation Review Discussion paper. <https://tinyurl.com/AllocationReview0617>

Gulf fisheries subject to the allocation review policy can be divided into two groups:

- stocks or stock complexes managed under a limited access privilege programs (LAPP);
- non-LAPP stocks allocated within the Gulf or between the Gulf and South Atlantic.

Potential allocation review triggers for each group are discussed in the following sections.

### **5.1 Review Triggers for LAPP stocks and stock complexes.**

LAPP stocks and stock complexes in the Gulf include red snapper (managed under the red snapper IFQ program) and red grouper, gag, the IFQ shallow water grouper IFQ aggregate, the deep water grouper IFQ aggregate, and the tilefish IFQ aggregate (managed under the grouper-tilefish IFQ program). The Magnuson-Stevens Act requires IFQ programs be reviewed 5 years after implementation and thereafter every 5 to 7 years. One of the guiding principles of NOAA's Catch Share Policy (NMFS Policy Directive 01-121, 2017)<sup>2</sup> stipulates that the underlying harvest allocations to specific fishery sectors (e.g., commercial and recreational) should be revisited on a regular basis. Based on these provisions, time-based allocation review criteria would be the most appropriate primary triggers for LAPP fisheries. Allocation reviews would be included in the regularly scheduled IFQ program reviews. If a given stock or stock complex does not warrant an allocation review because the Council initiated an allocation evaluation through an FMP amendment, the corresponding IFQ program review would simply refer to the regulatory action and skip the allocation review. For example, because an amendment considering the reallocation of red snapper is currently under development, a red snapper allocation review would not be needed until the completion of the amendment. For LAPP fisheries, the Council could therefore select time-based triggers (5 to 7 year intervals) coinciding with the corresponding IFQ program review.

### **5.2 Review Triggers for non-LAPP stocks and stock complexes.**

Non-LAPP stock allocations within the Gulf subject to the review policy include greater amberjack, gray triggerfish, and Gulf group King mackerel. Non-LAPP stock allocations between the Gulf and South Atlantic Councils, i.e., black grouper, yellowtail snapper, and mutton snapper, would also be subject to the policy. For these stocks, the Council could either select public interest-based, time-based, or indicator-based triggers, or elect to use a combination of triggers.

The benefits and drawbacks of each type of triggers listed in Table 2 indicate that time-based triggers would be the most straightforward and easiest to implement of the review triggers. If the Council determines that time-based criteria are suitable to trigger allocation reviews, time intervals, e.g., 10-year timeframe, would have to be determined.

Public interest-based criteria would trigger an allocation review whenever the criteria are met, i.e., whenever the public requests a review; thereby limiting the Council's ability to determine the frequency of reviews and possibly placing an undue burden on Council resources. However,

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<sup>2</sup> The policy is available at <https://www.fisheries.noaa.gov/national/laws-and-policies/catch-shares>

when used as secondary criteria for triggering reviews, the Council's usual public comment process would constitute a practicable trigger that would utilize the inherent openness of the Council's process.

Of the three types of triggers included in the review policy, indicator-based triggers are the most burdensome. These criteria would require the selection of suitable indicators, the establishment of a separate process to track the indicators, and the determination of appropriate thresholds above (or below) which reviews should be triggered. It is likely that the establishment of indicator-based triggers would result in a process that would be more onerous than the allocation review process it is meant to support.

The Council could consider the establishment of a combination of triggers rather than selecting a single type of trigger. Based on the features of the indicator-based criteria for reviewing allocation, combinations of review triggers that would include indicator-based triggers (indicator-based and public interest-based, or indicator-based and time-based trigger combinations) would be as burdensome, if not more difficult, as the selection of indicator-based triggers alone. Therefore, should the Council be interested in selecting a combination of review triggers, it is suggested that the Council consider the establishment of time-based triggers in conjunction with public-interest triggers. Furthermore, to afford the Council the flexibility to plan allocation reviews without being bound by the obligation to initiate a review every time a public interest request is made, it is suggested that the Council consider the establishment of time-based criteria as primary triggers and public interest-based criteria based on the usual Council public comment process as secondary triggers for allocation reviews.

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