

**Proposed Action 11. Modify the Framework Procedure**

**Alternative 1.** No Action – do not modify the framework procedure adopted through Amendment 18.

**Alternative 2.** Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

## Inseason AMs

- Closures and closure procedures
- Trip limit reductions or increases
- Designation of an IFQ program as the AM for species in the IFQ program
- Implementation of gear restrictions

## Postseason AMs

- Adjustment of season length
- Implementation of a closed season
- Adjustment or implementation of bag, trip, or possession limit
- Reduction of the ACL to account for the previous year overage
- Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
- Implementation of gear restrictions
- Reporting and monitoring requirements

**Alternative 3.** Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

## Inseason AMs

- Closure procedures
- Trip limit reductions or increases

## Postseason AMs

- Adjustment of season length
- Adjustment of bag, trip, or possession limit

**Alternative 4.** Modify the framework procedure to include designation of responsibility to each Council for setting regulations for the migratory groups of each species.

*Note: Alternative 4 could be selected in addition to Alternative 2 or 3.*

## **BASE FRAMEWORK PROCEDURE**

This framework procedure provides standardized procedures for implementing management changes pursuant to the provisions of the Coastal Migratory Pelagic Fishery Management Plan (FMP) managed jointly between the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). Two basic processes are included: the open framework process and the closed framework process. The open framework addresses issues where more policy discretion exists in selecting among various management options developed to address an identified management issue, such as changing a size limit to reduce harvest. The closed framework addresses much more specific factual circumstances, where the FMP and implementing regulations identify specific action to be taken in the event of specific facts occurring, such as closing a sector of a fishery when the quota is or is projected to be harvested.

### **Open Framework:**

1. Situations under which this framework procedure may be used to implement management changes include the following:
  - a. A new stock assessment resulting in changes to the overfishing limit, acceptable biological catch, or other associated management parameters. In such instances the Councils may, as part of a proposed framework action, propose an annual catch limit (ACL) or series of ACLs and optionally an annual catch target (ACT) or series of ACTs, as well as any corresponding adjustments to MSY, OY, and related management parameters.
  - b. New information or circumstances. The Councils will, as part of a proposed framework action, identify the new information and provide rationale as to why this new information indicates that management measures should be changed.
  - c. Changes are required to comply with applicable law such as the Magnuson-Stevens Act, Endangered Species Act, Marine Mammal Protection Act, or are required as a result of a court order. In such instances the Regional Administrator (RA) will notify the Councils in writing of the issue and that action is required. If there is a legal deadline for taking action, the deadline will be included in the notification.
2. Open framework actions may be implemented in either of two ways, abbreviated documentation, or standard documentation process.
  - a. Abbreviated documentation process. Regulatory changes that may be categorized as a routine or insignificant may be proposed in the form of a letter or memo from the Councils to the RA containing the proposed action, and the relevant biological, social and economic information to support the action. Either Council may initiate the letter or memo, but both Councils must approve it. If multiple actions are proposed, a finding that the actions are also routine or insignificant must also be included. If the RA concurs with the determination and approves the proposed action, the action will be implemented through publication of appropriate notification in the Federal Register. Changes that may be viewed as routine or insignificant include, among others:
    - i. Reporting and monitoring requirements,
    - ii. Permitting requirements,

- iii. Gear marking requirements,
  - iv. Vessel marking requirements,
  - v. Restrictions relating to maintaining fish in a specific condition (whole condition, filleting, use as bait, etc.),
  - vi. Bag and possession limit changes of not more than one fish,
  - vii. Size limit changes of not more than 10% of the prior size limit,
  - viii. Vessel trip limit changes of not more than 10% of the prior trip limit,
  - ix. Closed seasons of not more than 10% of the overall open fishing season,
  - x. Species complex composition,
  - xi. Restricted areas (seasonal or year-round) affecting no more than a total of 100 nautical square miles,
  - xii. Respecification of ACL, ACT or quotas that had been previously approved as part of a series of ACLs, ACTs or quotas,
  - xiii. Specification of MSY proxy, OY, and associated management parameters (such as overfished and overfishing definitions) where new values are calculated based on previously approved specifications,
  - xiv. Gear restrictions, except those that result significant changes in the fishery, such as complete prohibitions on gear types,
  - xv. Quota changes of not more than 10%, or retention of portion of an annual quota in anticipation of future regulatory changes during the same fishing year,
- b. Standard documentation process. Regulatory changes that do not qualify as a routine or insignificant may be proposed in the form of a framework document with supporting analyses. Non routine or significant actions that may be implemented under a framework action include:
- i. Specification of ACTs or sector ACTs,
  - ii. Rebuilding plans and revisions to approved rebuilding plans,
  - iii. The addition of new species to existing limited access privilege programs (LAPP),
  - iv. Changes specified in section 2(a) that exceed the established thresholds.
  - v. Changes to accountability measures (AMs) including:
    - Inseason AMs
      - 1. Closures and closure procedures
      - 2. Trip limit reductions or increases
      - 3. Designation of an IFQ program as the AM for species in the IFQ program
      - 4. Implementation of gear restrictions
    - Postseason AMs
      - 5. Adjustment of season length
      - 6. Implementation of a closed season
      - 7. Adjustment or implementation of bag, trip, or possession limit
      - 8. Reduction of the ACL to account for the previous year overage
      - 9. Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
      - 10. Implementation of gear restrictions
      - 11. Reporting and monitoring requirements

3. Either Council may initiate the open framework process to inform the public of the issues and develop potential alternatives to address the issues. The framework process will include the development of documentation and public discussion during at least one meeting for each Council.
4. Prior to taking final action on the proposed framework action, each Council may convene their SSC, SEP, or AP, as appropriate, to provide recommendations on the proposed actions.
5. For all framework actions, the initiating Council will provide the letter, memo, or the completed framework document along with proposed regulations to the RA in a timely manner following final action by both Councils.
6. For all framework action requests, the RA will review the Councils' recommendations and supporting information and notify the Councils of the determinations, in accordance with the Magnuson-Stevens Act (Section 304) and other applicable law.

#### Closed Framework:

Consistent with existing requirements in the FMP and implementing regulations, the RA is authorized to conduct the following framework actions through appropriate notification in the Federal Register:

- a. Close or adjust harvest any sector of the fishery for a species, sub-species, or species group that has a quota or sub-quota at such time as projected to be necessary to prevent the sector from exceeding its sector-quota for the remainder of the fishing year or sub-quota season,
- b. Reopen any sector of the fishery that had been prematurely closed,
- c. Implement an in-season AM for a sector that has reached or is projected to reach, or is approaching or is projected to approach its ACL, or implement a post-season AM for a sector that exceeded its ACL in the current year.

#### Responsibilities of Each Council:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:
  - a. The South Atlantic Council will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for the Eastern Zone - East Coast Subzone for Gulf migratory group king mackerel and Gulf group cobia.
2. For stocks where a stock assessment indicates a different boundary between the Gulf and Atlantic migratory groups than the management boundary, a portion of the ACL for one migratory group may be apportioned to the appropriate zone, but management measures for that zone will be the responsibility of the Council within whose management area that zone is located.
3. Both councils must concur on recommendations that affect both migratory groups.

