SNAPPER GROUPER FRAMEWORK AS AMENDED THROUGH SNAPPER GROUPER AMENDMENT 12

I. Establish an assessment group and annual adjustments:

1. The Council will appoint an assessment group (Group) that will assess the condition of selected snapper grouper species in the management unit (including periodic economic and sociological assessments as needed) on an annually planned basis. The Group will present a report of its assessment and recommendations to the Council.

2. The Council will consider the report and recommendations of the Group and hold public hearings at a time and place of the Council's choosing to discuss the Group's report. The Council may convene the Advisory Panel and the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If changes are needed in the maximum sustainable yield (MSY), total allowable catch (TAC), quotas, trip limits, bag limits, minimum sizes, gear restrictions, season/area closures (including spawning closures), timeframe for recovery of overfished species or fishing year, the Council will advise the Regional Director in writing of their recommendations accompanied by the Group's report (where appropriate), relevant background material, draft regulations, Regulatory Impact Review and public comments. For wreckfish and any other species under limited access, this report will be submitted each year at least 60 days prior to the start of the fishing season (currently April 16). Biomass levels and age structured analyses are to be added as they become available.

4. The Regional Director will review the Council's recommendations, supporting rationale, public comments and other relevant information. If the Regional Director concurs that the Council's recommendations are consistent with the goals and objectives of the fishery management plan, the national standards and other applicable law, the Regional Director will recommend that the Secretary publish proposed and final rules in the Federal Register of any changes for species managed under limited access prior to the fishing year, and for all other species and/or changes on such dates as may be agreed upon with the Council.

5. Should the Regional Director reject the recommendations, he will provide written reasons to the Council for the rejection, and existing regulations will remain in effect until the issue is resolved.

6. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

a. Initial specification of MSY and subsequent adjustment of the best estimate of MSY where this information is available for a particular species.

b. Initial specification of acceptable biological catch (ABC) and subsequent adjustment of the ABC range and/or best estimate when and where this information is available for a particular species.

c. Setting TAC for a particular species. A TAC for wreckfish may not exceed 8 million pounds.

d. Modifying (or implementing for a particular species) TAC, quotas (including zero quotas), trip limits, bag limits (including zero bag limits), minimum sizes, gear restrictions (ranging from modifying current regulations to a complete prohibition) and season/area closures (including spawning closures).

e. The fishing year and spawning closure for wreckfish may not be adjusted by more than one month.

f. Authority is granted to the Regional Director to close any fishery, i.e. revert any bag limit to zero and close any commercial fishery, once a quota has been established through the procedure described above and such quota has been filled. When such action is necessary, the Regional Director will recommend that the Secretary publish a notice in the Federal Register as soon as possible.

g. Modifying (or implementing for a particular species) a timeframe for recovery of an overfished species.

h. Initial specification and subsequent adjustment of biomass levels and age structured analyses.

II. Establish a procedure to allow for rapid modification to definitions of Essential Fish Habitat (EFH); establishment of new, or modification of existing, Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs); and establishment of new, or modification of existing, Coral-Habitat Areas of Particular Concern.

This adjustment procedure will allow the Council to add or modify measures through a streamlined public review process. As such, measures that have been identified could be implemented or adjusted at any time during the year. The process is as follows:

1. The Council will call upon the Habitat and Environmental Protection Advisory Panel (Panel) for EFH-related actions and the Coral Advisory Panel for Coral-HAPC related actions. The Habitat and/or Coral Advisory Panel(s) will present a report of their assessment and recommendations to the Council.

2. The Council may take framework action one or more times during a year based on need. Such action(s) may come from the Panel report or the Council may take action based on issues/problems/information that surface separate from the Panel. The steps are as follows:

A. Habitat or Coral Advisory Panel Report - The Council will consider the report and recommendations of the Panel and hold public hearings at a time and place of the Council's choosing to discuss the Panel's report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the Panel's report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

B. Information separate from Panel Report - The Council will consider information that surfaces separate from the Panel. Council staff will compile the information and analyze the impacts of likely alternatives to address the particular situation. The Council staff report will be presented to the Council. A public hearing will be held at the time and place where the Council considers the Council staff report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the staff report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If the Council determines that an addition or adjustment (e.g., in a species or species complex definition of EFH or EFH-HAPCs or a new EFH-HAPC is proposed for a species or species complex) to EFH, EFH-HAPCs, or Coral-HAPCs is necessary to meet the goals and objectives of the Habitat Plan, it will recommend, develop, and analyze appropriate action over the span of at least two Council meetings. The Council will provide the public with:

A. Advance notice of the availability of the recommendation.

B. The appropriate justifications, and biological, economic, and social analyses.

C. An opportunity to comment on the proposed adjustments prior to and at the second Council meeting.

4. After developing management actions and receiving public testimony, the Council will then submit the recommendation to the Regional Administrator. The Council's recommendation to the Regional Administrator must include supporting rationale, an analysis of impacts, and a recommendation to the Regional Administrator on whether to publish the management measure(s) as a final rule.

5. If the Council recommends that the management measures should be published as a final rule, the Council must consider at least the following factors and provide support and analysis for each factor considered:

A. Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule.

B. Whether regulations have to be in place for an entire harvest/fishing season.

C. Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Council's recommended management measures.

D. Whether there is an immediate need to protect the resource.

E. Whether there will be a continuing evaluation of management measures adopted following their promulgation as a final rule.

6. If, after reviewing the Council's recommendation and supporting information based on the FMP and the administrative record:

A. The Regional Administrator concurs with the Council's recommended management measures and determines that the recommended management measures may be published as a final rule then the action will be published in the Federal Register as a final rule; or

B. The Regional Administrator concurs with the Council's recommendation and determines that the recommended measures should be published first as a proposed rule, the action will be published as a proposed rule in the Federal Register. After additional public comment, if the Regional Administrator concurs with the Council recommendation, the action will be published as a final rule in the Federal Register; or

C. The Regional Administrator does not concur, the Council will be notified, in writing, of the reason for non-concurrence and recommendations to address those concerns.

7. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

A. Definition of or modification of a current definition of Essential Fish Habitat for a managed species or species complex.

B. Establishment of or modification of EFH-HAPCs for managed species or species complex.

C. Establishment of or modifications of Coral-HAPCs.

D. Description, identification, and regulations of fishing activities to protect EFH and EFH-HAPCs.

E. Management measures to reduce or eliminate the adverse effects of fishing activities or fishing gear on EFH or EFH-HAPCs.

F. Regulations of EFH-HAPCs.

History of snapper grouper framework.

From Snapper Grouper Amendment 12:
Appendix G. Snapper Grouper Framework.
Snapper Grouper Amendment 4 (1991) established the following framework:
C. ASSESSMENT GROUP & ANNUAL ADJUSTMENTS
ACTION 5: ASSESSMENT GROUP & ANNUAL ADJUSTMENTS
Establish an assessment group and annual adjustments:

1. The Council will appoint an assessment group (Group) that will assess the condition of selected snapper grouper species in the management unit (including periodic economic and sociological assessments as needed) on an annually planned basis. The Group will present a report of its assessment and recommendations to the Council.

2. The Council will consider the report and recommendations of the Group and hold public hearings at a time and place of the Council's choosing to discuss the Group's report. The Council may convene the Advisory Panel and the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If changes are needed in the maximum sustainable yield (MSY), total allowable catch (TAC), quotas, trip limits, bag limits, minimum sizes, gear restrictions, season/area closures (including spawning closures), timeframe for recovery of overfished species or fishing year, the Council will advise the Regional Director in writing of their recommendations accompanied by the Group's report, relevant background material, draft regulations, Regulatory Impact Review and public comments. This report will be submitted each year at least 60 days prior to the start of the fishing season (currently April 16).

4. The Regional Director will review the Council's recommendations, supporting rationale, public comments and other relevant information. If the Regional Director concurs that the Council's recommendations are consistent with the goals and objectives of the fishery management plan, the national standards and other applicable law, the Regional Director will recommend that the Secretary publish proposed and final rules in the Federal Register of any changes prior to the appropriate fishing season (currently April 16).

5. Should the Regional Director reject the recommendations, he will provide written reasons to the Council for the rejection, and existing regulations will remain in effect until the issue is resolved.

6. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

a. Initial specification of MSY and subsequent adjustment of the best estimate of MSY where this information is available for a particular species.

b. Initial specification of acceptable biological catch (ABC) and subsequent adjustment of the ABC range and/or best estimate when and where this information is available for a particular species.

c. Setting TAC for a particular species. A TAC for wreckfish may not exceed 8 million pounds.

d. Modifying (or implementing for a particular species) TAC, quotas (including zero quotas), trip limits, bag limits (including zero bag limits), minimum sizes, gear restrictions (ranging from modifying current regulations to a complete prohibition) and season/area closures (including spawning closures).

e. The fishing year and spawning closure for wreckfish may not be adjusted by more than one month.

f. Authority is granted to the Regional Director to close any fishery, i.e. revert any bag limit to zero and close any commercial fishery, once a quota has been established through the procedure described above and such quota has been filled. When such action is necessary, the Regional Director will recommend that the Secretary publish a notice in the Federal Register as soon as possible.

g. Modifying (or implementing for a particular species) a timeframe for recovery of an overfished species.

Discussion

The procedure described above will allow for regular stock assessments and provide for timely adjustments to the management program to prevent overfishing and/or rebuild a stock if overfished. It is the Council's intent that all species in the management unit receive periodic assessments. Council staff and the assessment group will select species to be assessed and include those in the annual NMFS/Council planning process (called Operations Plans).

It is the Council's intent that TAC be limited by the upper end of an acceptable biological catch (ABC) range when and if one is provided; however, no limits should be placed on the lower limit of TAC so that a zero TAC could be specified if deemed necessary to protect the resource.

Snapper Grouper Amendment 7 (1994) modified the framework:
ACTION 14. MODIFY THE FRAMEWORK PROCEDURE
Modify the framework (wording included under discussion below) by inserting "where Appropriate" after "report" in **(3):** "...accompanied by the Group's report (where appropriate) ..." Modify the last sentence in **(3)** to read: "For wreckfish and any other species under limited access, this report will be submitted each year at least 60 days prior to the start of the fishing season; for all other species and/or changes, this report will be submitted by any such date as may be specified by the Council but at least 60 days prior to the desired effective date." Also, modify the last sentence in **(4)** to read: "...changes for species managed under limited access prior to the fishing year, and for all other species and/or changes on such dates as may be agreed upon with the Council."

Biological Impacts
The framework established in Amendment 4 has been interpreted to allow preseason changes for wreckfish prior to the April 16 start of the fishing season, and for all other species and/or changes prior to January 1. The alternatives discussed below will explore retaining the preseason timeframe for wreckfish but allow other changes as needed during the year.

Amendment 4 (SAFMC, 1991a; page 22) discusses the assessment group and annual adjustments. The wording currently in place is as follows:
"3. If changes are needed in the maximum sustainable yield (MSY), total allowable catch (TAC), quotas, trip limits, bag limits, minimum sizes, gear restrictions, seasonlarea closures (including spawning closures), timeframe for recovery of overfished species or fishing year, the Council will advise the Regional Director in writing of their recommendations accompanied by the Group's report, relevant background material, draft regulations, Regulatory Impact Review and public comments. This report will be submitted each year at least 60 days prior to the start of the fishing season (currently April 16).
4. The Regional Director will review the Council's recommendations, supporting rationale, public comments and other relevant information. If the Regional Director concurs that the Council's recommendations are consistent with the goals and objectives of the fishery management plan, the national standards and other applicable law, the Regional Director will recommend that the Secretary publish proposed and final rules in the Federal Register of any changes prior to the appropriate fishing season (currently April 16)".

It is the Council's intent to make most changes prior to the appropriate fishing year (April 16 for wreckfish and January 1 for all other species). However, instances may arise that require action during the fishing year and may not require/allow for a report from the assessment group. This option would allow the Council to take appropriate action that would benefit the resource or the resource users without having to rely on emergency action. If this wording was in Amendment 4, the recent black sea bass pot changes would not have required emergency action. The NMFS Washington Office has made it clear that the Councils are to develop framework provisions that reduce the necessity of requesting emergency action. This change to "any such date as may be specified by the Council" tracks the mackerel framework.

This option would allow for an in-season adjustment to the quota for species managed under an open access quota management program. However, for species under a limited access management program, modifications to the quotas would be pre-season adjustments.

The SAFMC Comprehensive SFA Amendment modified the framework:
4.3.4.2 Framework Adjustment Procedures.
ACTION 6. Add a provision to all framework procedures in all Council FMPs that allows the addition of biomass levels and age structured analyses as they become available.

Discussion
Data are not available to allow the Council to specify biomass levels for the overfished levels. This provision will allow the Council to add specification of biomass levels and/or age structured analyses to address the overfished component of the status determination criteria. Making these adjustments through the framework procedure should
be faster than requiring a full plan amendment.

The SAFMC Comprehensive Habitat Amendment added a habitat procedure to the framework in all SAFMC FMPs with a framework:
4.2.8 Mechanism for Determination of Framework Adjustments/Framework Procedure and Activities Authorized by the Secretary of Commerce.
Establish a procedure to allow for rapid modification to definitions of Essential Fish Habitat (EFH); establishment of new, or modification of existing, Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs); and establishment of new, or modification of existing, Coral-Habitat Areas of Particular Concern. This adjustment procedure will allow the Council to add or modify measures through a streamlined public review process. As such, measures that have been identified could be implemented or
adjusted at any time during the year. The process is as follows:

1. The Council will call upon the Habitat and Environmental Protection Advisory Panel (Panel) for EFH-related actions and the Coral Advisory Panel for Coral-HAPC related actions. The Habitat and/or Coral Advisory Panel(s) will present a report of their assessment and recommendations to the Council.
2. The Council may take framework action one or more times during a year based on need. Such action(s) may come from the Panel report or the Council may take action based on issues/problems/information that surface separate from the Panel. The steps are as follows:
   A. Habitat or Coral Advisory Panel Report - The Council will consider the report and recommendations of the Panel and hold public hearings at a time and place of the Council's choosing to discuss the Panel's report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the Panel's report and provide
   advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.
   B. Information separate from Panel Report - The Council will consider information that surfaces separate from the Panel. Council staff will compile the information and

analyze the impacts of likely alternatives to address the particular situation. The Council staff report will be presented to the Council. A public hearing will be held at the time and place where the Council considers the Council staff report. The Council will consult the Advisory Panel(s) and the Scientific and Statistical Committee to review the staff report and provide advice prior to taking final action. After receiving public input, the Council will make findings on the need for changes.

3. If the Council determines that an addition or adjustment (e.g., in a species or species complex definition of EFH or EFH-HAPCs or a new EFH-HAPC is proposed for a species or species complex) to EFH, EFH-HAPCs, or Coral-HAPCs is necessary to meet the goals and objectives of the Habitat Plan, it will recommend, develop, and analyze appropriate action over the span of at least two Council meetings. The Council will provide the public with:

A. Advance notice of the availability of the recommendation.

B. The appropriate justifications, and biological, economic, and social analyses.

C. An opportunity to comment on the proposed adjustments prior to and at the second Council meeting.

4. After developing management actions and receiving public testimony, the Council will then submit the recommendation to the Regional Administrator. The Council's recommendation to the Regional Administrator must include supporting rationale, an analysis of impacts, and a recommendation to the Regional Administrator on whether to publish the management measure(s) as a final rule.

5. If the Council recommends that the management measures should be published as a final rule, the Council must consider at least the following factors and provide support and analysis for each factor considered:

A. Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule.

B. Whether regulations have to be in place for an entire harvest/fishing season.

C. Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Council's recommended management measures.

D. Whether there is an immediate need to protect the resource.

E. Whether there will be a continuing evaluation of management measures adopted following their promulgation as a final rule.

6. If, after reviewing the Council's recommendation and supporting information based on the FMP and the administrative record:

A. The Regional Administrator concurs with the Council's recommended management measures and determines that the recommended management measures may be published as a final rule then the action will be published in the Federal Register as a final rule; or

B. The Regional Administrator concurs with the Council's recommendation and determines that the recommended measures should be published first as a proposed rule, the action will be published as a proposed rule in the Federal Register. After additional public comment, if the Regional Administrator concurs with the Council recommendation, the action will be published as a final rule in the Federal Register; or

C. The Regional Administrator does not concur, the Council will be notified, in writing, of the reason for non-concurrence and recommendations to address those concerns.

7. Appropriate adjustments that may be implemented by the Secretary by proposed and final rules in the Federal Register are:

A. Definition of or modification of a current definition of Essential Fish Habitat for a managed species or species complex.

B. Establishment of or modification of EFH-HAPCs for managed species or species complex.

C. Establishment of or modifications of Coral-HAPCs.

The procedure described above will provide for timely adjustments to definitions of Essential Fish Habitat (EFH); establishment of new, or modification of existing, Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs); and establishment of new, or modification of existing, Coral-Habitat Areas of Particular Concern. It is the Council's intent that definitions of EFH and the establishment of new or modification of existing EFH-HAPCs or Coral-HAPCs be periodically assessed. Reviews would occur as sufficient information becomes available such that the Panel, the species Advisory Panel, the Scientific and Statistical Committee, and the Council feel confident in the recommendations. Complete reviews will be conducted as needed. Council staff and NMFS will specify such reviews in the annual NMFS/Council planning process (called operations plans).

Snapper Grouper Amendment 12 modified:

4.2.5 ACTION 5. Modify the Snapper Grouper Framework by adding the following list of management options and measures that could be implemented via framework action:

A. Description, identification, and regulations of fishing activities to protect EFH and EFH-HAPCs.

B. Management measures to reduce or eliminate the adverse effects of fishing activities or fishing gear on EFH or EFH-HAPCs.

C. Regulations of EFH-HAPCs.