Fishery Conservation and Management

§ 648.321 Framework adjustment process.

(a) Adjustment process. To implement a framework adjustment for the Skate FMP, the Council shall develop and analyze proposed actions over the span of at least two Council meetings (the initial meeting agenda must include notification of the impending proposal for a framework adjustment) and provide advance public notice of the availability of both the proposals and the analyses. Opportunity to provide written and oral comments shall be provided throughout the process before the Council submits its recommendations to the Regional Administrator.

(b) Biennial SAFE Report—(1) The Skate PDT shall prepare a biennial Stock Assessment and Fishery Evaluation (SAFE) Report for the NE skate complex. The SAFE Report shall be the primary vehicle for the presentation of all updated biological and socio-economic information regarding the NE skate complex and its associated fisheries. The SAFE Report shall provide source data for any adjustments to the management measures that may be needed to continue to meet the goals and objectives of the FMP.

(2) In any year in which a SAFE Report is not completed by the Skate PDT, the annual review process described in paragraph (a) of this section shall be used to recommend any necessary adjustments to specifications and/or management measures in the FMP.

(75 FR 34058, June 16, 2010)
measures adopted following their implementation as a final rule.

(3) The Regional Administrator may publish the recommended framework measures in the FEDERAL REGISTER. If the Council’s recommendation is first published as a proposed rule and the Regional Administrator concurs with the Council’s recommendation after receiving additional public comment, the measures shall then be published as a final rule in the FEDERAL REGISTER.

(4) If the Regional Administrator approves the Council’s recommendations, the Secretary may, for good cause found under the standard of the Administrative Procedure Act, waive the requirement for a proposed rule and opportunity for public comment in the FEDERAL REGISTER. The Secretary, in so doing, shall publish only the final rule. Submission of recommendations does not preclude the Secretary from deciding to provide additional opportunity for prior notice and comment in the FEDERAL REGISTER.

(5) The Regional Administrator may approve, disapprove, or partially approve the Council’s recommendation. If the Regional Administrator does not approve the Council’s specific recommendation, the Regional Administrator must notify the Council in writing of the reasons for the action prior to the first Council meeting following publication of such decision.

(b) Possible framework adjustment measures. Measures that may be changed or implemented through framework action, provided that any corresponding management adjustments can also be implemented through a framework adjustment, include:

(1) Skate permitting and reporting;
(2) Skate overfishing definitions and related targets and thresholds;
(3) Prohibitions on possession and/or landing of individual skate species;
(4) Skate possession limits;
(5) Skate closed areas (and consideration of exempted gears and fisheries);
(6) Seasonal skate fishery restrictions and specifications;
(7) Target TACs for individual skate species;
(8) Hard TACs/quotas for skates, including species-specific quotas, fishery quotas, and/or quotas for non-directed fisheries;
(9) Establishment of a mechanism for TAC set-asides to conduct scientific research, or for other reasons;
(10) Onboard observer requirements;
(11) Gear modifications, requirements, restrictions, and/or prohibitions;
(12) Minimum and/or maximum sizes for skates;
(13) Adjustments to exemption area requirements, area coordinates, and/or management lines established by the FMP;
(14) Measures to address protected species issues, if necessary;
(15) Description and identification of EFH;
(16) Description and identification of habitat areas of particular concern;
(17) Measures to protect EFH;
(18) OY and/or MSY specifications;
(19) Changes to the accountability measures described at §648.323;
(20) Changes to TAL allocation proportions to the skate wing and bait fisheries;
(21) Changes to seasonal quotas in the skate bait or wing fisheries;
(22) Reduction of the baseline 25-percent ACL-ACT buffer to less than 25 percent; and
(23) Changes to catch monitoring procedures.

(c) Emergency action. Nothing in this section is meant to derogate from the authority of the Secretary to take emergency action under section 305(c) of the Magnuson-Stevens Act.

§648.322 Skate allocation, possession, and landing provisions.

(a) Allocation of TAL. (1) A total of 66.5 percent of the annual skate complex TAL shall be allocated to the skate wing fishery. All skate products that are landed in wing form, for the skate wing market, or classified by Federal dealers as food as required under §648.7(a)(1)(i), shall count against the skate wing fishery TAL.

(2) A total of 33.5 percent of the annual TAL shall be allocated to the skate bait fishery. All skate products that are landed for the skate bait market, or classified by Federal dealers as bait as required under §648.7(a)(1)(i), shall count against the skate bait fishery TAL.