

PHASE 2: STOCK DEFINITIONS SCOPING DOCUMENT

The Pacific Fishery Management Council (Council) is initiating this action to bring the [Pacific Coast Groundfish Fishery Management Plan \(FMP\)](#) into compliance with the [Magnuson-Stevens Fishery Conservation and Management Act](#)¹ (MSA) its [National Standards](#)² by defining groundfish stocks and addressing stock complex inadequacies. Phase 2 will involve several interrelated steps: (a) identifying and defining stocks for at least 64 managed groundfish species in need of conservation and management³, (b) potential redesignation of select species as Ecosystem Component species (ECS), (c) identifying species that could be removed from the FMP, (d) revising groundfish stock complexes, and e) consideration of delegating specific management tasks to the states

The process to define stocks in need of conservation and management and revisions to stock complexes is being completed under multiple phases. Phase 1 began in March 2022 and its scope was to define stocks assessed in 2021 and 2023 to support the 2025-26 groundfish biennial harvest specifications and management measure process. Phase 1 was completed in June 2023 and resulted in 20 stock definitions for 14 species, [Amendment 31](#)(A31), and revisions to Council Operating Procedure 9 (COP9). Further, the Council is undertaking the process to define stocks of species that are to be assessed in 2025 and 2027 (see Agenda Item I.4, September 2024).

At this meeting, the Council action is to adopt the scope for Step 1 and provide guidance to facilitate analysis sufficient for the Council to adopt a range of alternatives (ROA) and/or preliminary preferred alternatives (PPA) at the March 2025 meeting. This document is designed to provide an overview of Phase 2 goals and objectives, using [Agenda Item E.8, Attachment 1, November 2023](#) as a template to discuss the process. Additionally, glossary of conservation terms is found at the end of this document to set a common understanding of the terminology used in this action. Further, the Magnuson presents verbatim text from many of the MSA and National Standard sections discussed in this document as reference material

1.1 History

In March 2022, the National Marine Fisheries Service (NMFS, [Agenda Item E.3.a, NMFS Report 1, March 2022](#), [Agenda Item E.3.a, NMFS Report 1, March 2022](#)) recommended the Council consider a series of actions to define stocks of managed groundfish species, as the FMP was not in compliance with the requirements of the MSA and its National Standards. Following those recommendations, the Council initiated the process to define stocks in the FMP otherwise known as “Phase 1.” The scope of Phase 1 was purposefully limited to species assessed in 2021 and 2023 due to the pressing needs of the upcoming harvest specification and management measure process

¹ See MSA §302(h)(1) and [§ 600.305\(c\)](#)

² In particular, NS1 at [§600.310](#).

³ This number could increase or decrease based on the Council’s decision and/or the outcome of Agenda Item I.4

(hereinafter “biennial process”) with the understanding that stocks for the remaining species would be defined in a subsequent phase.

At the start of Phase 1, the Council did not have an analytical process to accomplish the objective of defining stocks. Phase 1 developed the analytical process to define stock units of groundfish species. The process to define stocks of managed species is to understand and identify population structure along the West Coast which was largely based on a detailed literature review focused on genetics, adult movement and larval dispersity along with a qualitative evaluation of the biological risks to the species, socioeconomic risks to communities, and management burden in order to understand the impacts. Detail regarding the methodology of how the Council defined stocks is not detailed herein, though the Reference section provides links for relevant documents.

Additionally, the Council recognized that in the future new information may compel updates to existing stock definitions and/or other stocks may need to be defined. Thus the Council revised [Council Operating Procedure \(COP\) 9](#) to include a process step which allows the opportunity to define undefined species and/or reconsider existing stock definitions based on new scientific information within the groundfish biennial process. The Council is currently following the COP 9 process to define stocks of species to be assessed in 2025 and 2027 (see Agenda Item I.4, September 2024) and is scheduled to adopt PPA at the September 2024 meeting.

The Council initiated Phase 2 at the November 2023 Council meeting to define stocks of the remaining managed groundfish species in the FMP. Excluding the species considered under Agenda I.4, there are 64 species which need to be evaluated. At that meeting, the Council was presented an informational document ([Agenda Item E.8, Attachment 1](#)) describing the proposed analytical framework of Phase 2 and a process planning schedule ([Agenda Item E.8, Attachment 2](#)) for consideration.

Since the November 2023 meeting, Council and NMFS staff along with the assistance of contractor have prepared the literature review, developed and refined the catch proportion methodology for Science and Statistical Committee (SSC) review in September. In developing the materials to support scoping this action, Council staff have refined the process into a series of steps. As will be described below, these materials provide the basis for embarking on Step 1 of Phase 2.

1.2 Proposed Process

This section provides an overview of the proposed process, which was presented at the November 2023 Council meeting ([Agenda Item E.8, Attachment 2, November 2023](#)). Sections 1.4– 1.6 below provide greater context surrounding the issues. Given the overarching objectives of Phase 2, the action is much larger than Phase 1. To accomplish Phase 2, it is apparent from the onset that Phase 2 should be divided into a series of sequential steps, as each step is inexorably linked to the one preceding it. Based on the proposed flow of Phase 2, Council staff recommends three step process. Figure 1 presents a high-level, summarized, process schematic for the proposed structure of Phase 2.

The proposed first step (Step 1) is to identify if a species is in need of conservation and management and define their stocks. In the schedule adopted by the Council at the November 2023 meeting, this step was proposed to be completed by June 2025 in order to identify the stocks under Federal management to facilitate an efficient 2027-28 biennial process. Step 1 is critical to the

process as the subsequent steps cannot occur until stocks in need of conservation and management are identified and defined. Given the crucial nature of Step 1 in relation to the requirements of MSA as well as the remaining tasks of Phase 2, Council staff recommends defining stocks of all remaining species in the groundfish FMP as the scope of this action as opposed to selecting a subset of species.

The second step (Step 3) is to revise stock complexes (see §1.5 below). In order to revise stock complexes, the Council will need the stocks of managed species defined, i.e., Step 1. The rationale is the definition process could modify the current understanding of management boundaries of species in the complexes and/or remove species from the FMP. These revisions could compel the Council to revise the current structure of groundfish stock complexes. Additionally, stocks will need to be defined in order to align complexes with the requirements of NS1. As noted in the revised process schedule (Agenda Item I.8, Attachment 2) Step 2 is proposed to occur within the 2027-25 biennial process as a new management measure; however, this step could occur as a separate action, as appropriate. Based on NS1 requirements, Council staff foresees a strong need for guidance and assistance from the NMFS Science Center(s). Their assistance is fundamental to develop status determination criteria (SDC), indicator stock determination, and understanding of stock vulnerability to fishing for complexes.

Step 3 will focus on the broader aspects of management to consider delegation of management, (discussed below at §1.6) which could include delegation of management of defined stocks and/or fisheries to the state(s). This is not a mandatory step; however, delegation could increase the efficiency and effectiveness of groundfish management by designating the three states to manage aspects of the fishery, yet still have Council oversight and guidance.

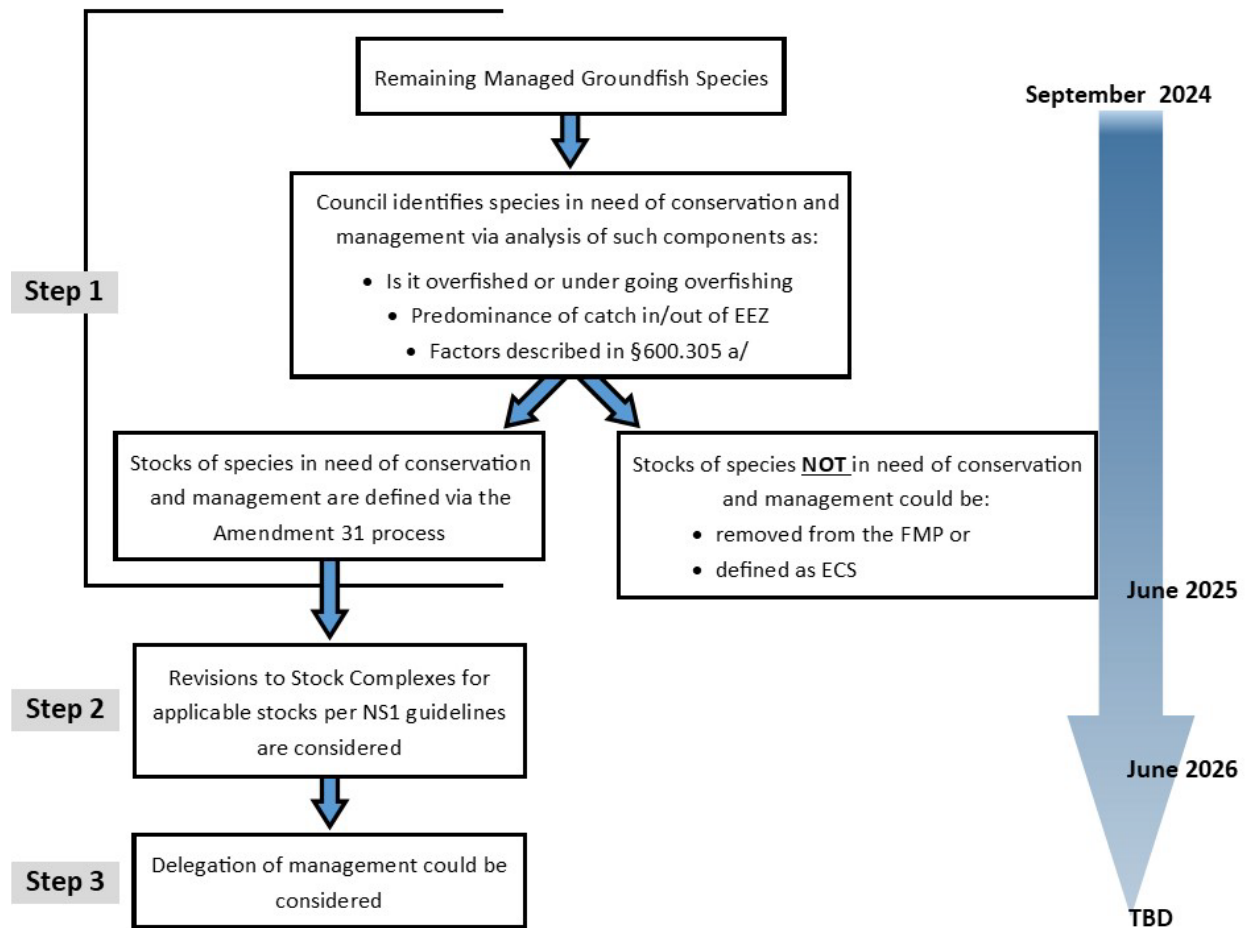


Figure 1. Proposed Process for Phase 2. Note: a/ The factors at §600.305 would be evaluated for species that are not overfished/undergoing overfishing (or likely to be) and/or are not predominantly caught in the EEZ.

1.3 Purpose and Need

The overarching purpose of this action is to identify and define stocks in need of conservation and management and revise stock complexes per the requirements of the MSA and National Standards. In order to complete Phase 2, the Council at minimum, will need to revise the FMP to definitively identify managed groundfish stock units as well as identify the status determination criteria (SDC) for stock complexes (§600.310(e)). At this stage, the Council should specify a purpose and need for Step 1 to facilitate development of this action. This statement does not need to necessarily address all issues to be considered under Phase 2 at this point, as the Council is able to modify purpose and need statements. Additionally, given the overall scope of Phase 2, the Council could also develop multiple purpose and need statements for the Steps of this action, as appropriate.

Using the the purpose and need statement for Phase 1 as a template for Phase 2., Council staff offers the following draft purpose and need statement for Council consideration and discussion:

“The function of Amendment [TBD] to the Pacific Fishery Management Council’s (Council) Pacific Coast Groundfish Fishery Management Plan (FMP) is to identify and define [TBD] stocks of [TBD] managed groundfish species in need of conservation and

management at a geographic scale sufficient for assessing overfished status and determining if overfishing is occurring based on key biological, ecological, social, and economic information currently available. Amendment [TBD] is necessary to align the FMP with the requirements of the Magnuson Stevens Fishery Conservation and Management Act and its National Standards to enhance the Council’s ability to attain sustainability objectives, especially those outlined in National Standard 1.”

1.4 Phase 2, Step 1: Identification of Stocks in Need of Conservation and Management

Identification and definition of stocks in the FMP is a Council policy decision. The current list of the 86 managed groundfish species was largely established under Amendment 1 to the FMP, though revisions have occurred, most recently under [Amendment 24](#) when identification of ECS occurred. Phase 1 identified 20 stocks of 14 species have been defined.⁴ The Agenda Item I.4 process will define stocks of species to be assessed in 2025 and 2027, which, at present, is a total of eight species. Thus, under Phase 2, stocks of, at minimum, 64 species will need to be analyzed to identify if they are in need of conservation and management and subsequently defined. The objective of Step 1 is to adopt a list of defined stocks and species retained in the FMP and a set of species that are removed from the FMP and/or identified as ECS. The MSA and the National Standards require Councils to identify (i.e., define) stocks in need of conservation and management. National Standard 1 (NS1) guidelines at [§600.310\(d\)](#) state

"...Councils should identify in their FMPs the stocks that require conservation and management. Such stocks must have ACLs, other reference points, and accountability measures..."

The MSA specifies provides additional guidance in identifying those stocks in need of conservation and management, stating

“...Any stocks that are predominantly caught in Federal waters and are overfished or subject to overfishing, or likely to become overfished or subject to overfishing, are considered to require conservation and management. Beyond such stocks, Councils may determine that additional stocks require “conservation and management.” §600.305(c)

The revised 2016 NS1 guidelines provided additional guidance regarding predominance:

“If a stock is not predominately (i.e., mainly, or the most part) caught in federal waters, a council may lack the authority, and thus ability, to adopt measures that would prevent overfishing and rebuild overfished stocks. It would not make sense, in that case, to require a council to automatically include the stock in an FMP” 81 FR 71858

At present, the FMP lists 86 managed groundfish species, with additional set of species considered as ECS.⁵ ECS are:

⁴ Amendment 31 defined 20 stocks of 14 species and the current process to define stocks of species to be assessed in 2025 & 2027 was scoped to define stocks for seven more species.

⁵ See FMP Chapter 3 for the most recent list of actively managed groundfish stocks/species and ECS

“stocks that a Council or the Secretary has determined do not require conservation and management, but desire to list in an FMP in order to achieve ecosystem management objectives.” [§600.305\(d\)\(13\)](#)

The FMP describes ECS further as

“These species are not “in the fishery” and therefore not actively managed. EC species are not targeted in any fishery and are not generally retained for sale or personal use. EC species are not determined to be subject to overfishing, approaching an overfished condition, or overfished, nor are they likely to become subject to overfishing or overfished in the absence of conservation and management measures. While EC species are not considered to be “in the fishery,” the Council should consider measures for the fishery to minimize bycatch and bycatch mortality of EC species consistent with National Standard 9, and to protect their associated role in the ecosystem. EC species do not require specification of reference points but should be monitored to the extent that any new pertinent scientific information becomes available (e.g., catch trends, vulnerability, etc.) to determine changes in their status or their vulnerability to the fishery. If necessary, they should be reclassified as “in the fishery.”

1.4.1 Identification of Species in Need of Conservation and Management.

Figure 2⁶ is a generalized flowchart of the process the identify species in need of conservation and management which exemplifies the process template for Step 1 of this action. The sequence of the tasks in this flowchart will be applied to managed species in the FMP in order to determine if they are to have their stocks defined. The first task in Figure 2 is to determine if a species overfished and/or subject to overfishing (i.e., status), or likely to be so. Staff will use existing resources (e.g., assessment data, productivity and susceptibility analysis, mortality data, etc.) to determine this aspect for managed species.

The second task shown in Figure 2 is to determine predominance of catch. For clarity, the Council’s management jurisdiction is limited to Federal waters per the MSA (§101(a)), i.e., the Exclusive Economic Zone (EEZ).⁷ Federal waters on the West Coast of the United States are three nautical miles seaward of the Washington, Oregon, and California coastline to 200 nautical miles. The states have management jurisdiction over waters shoreward of three nautical miles, as discussed in [Agenda Item E.8, Attachment 1, November 2023](#). Predominance of catch is interpreted as ‘majority’ of catch. While a seemingly straightforward task, the MSA and the National Standards do not define predominance, instead, it is left to the Council’s interpretation. At this point in the action, the Council does not need to define a level of predominance for consideration. Council staff intend to bring analysis of all species at the March 2025 Council meeting which will provide a more robust foundation for the Council’s decision.

One aspect of predominance, which will be considered in the analysis, is what fishery information could be more informative to determine predominance of catch. This report will be reviewed by

⁶ The term ‘stocks’ is used in Figure 2; however, the Council has not defined stocks yet. In this case, species and stock are interchangeable for simplicity.

⁷ NMFS has limited authority to preempt state regulation as detailed at §306(b), which allows the Secretary of Commerce to take action to regulate a fishery within state boundaries and has never been used on the West Coast.

the SSC. The current list of managed groundfish are caught in commercial and recreational fisheries as in Federal and state waters. It is possible commercial and recreational could show different percentages of catch inside and outside of the EEZ or even along the range of the species. For example, a species could be predominantly caught in state waters by recreational fishermen but predominantly caught by commercial fishermen in the EEZ. Further, the SSC recommended and the Council supported continued development of the state and Federal catch proportion methodology for recreational and commercial fisheries to inform consideration of delegating management to the states or removing species from the FMP ([Agenda Item E.8.a, Supplemental SSC Report 1, November 2023](#)). NMFS has provided a methodology and initial results to the SSC which examines these fishery aspects as Agenda Item I.8.a, NMFS Report 1, September 2025.

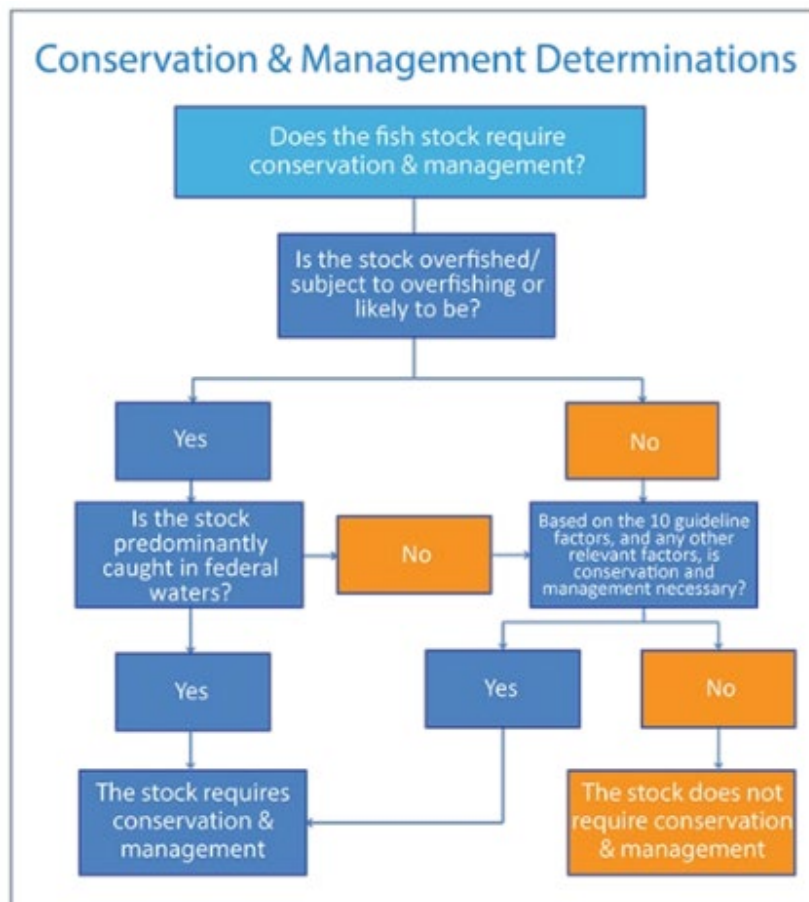


Figure 2. Diagram from National Marine Fisheries Service simplifying the process to determine if a stock is in need of conservation and management. Source: [NMFS NS1 Guidelines](#).

As indicated in Figure 2, stock status and predominance of catch are not the sole identifiers used to determine if a species is in need of conservation and management. Species that do not meet these qualifiers are then evaluated by list of non-exhaustive factors described at §600.305(c)(1)⁸. Briefly, these factors can serve to guide and inform the Council on other fishery aspects that may indicate that the species is in need of conservation and management despite not meeting the first two qualifiers. In regard to the list of factors at §600.305(c), the Council:

⁸ See Appendix 1 for full text of §600.305(c)

“should consider the specific circumstances of a fishery, based on the BSIA, to determine whether there are biological, economic, social and/or operational concerns that can and should be addressed by Federal management.” [§600.305\(c\)\(2\)](#)

Additionally, [§600.305\(c\)\(3\)](#) and [§600.305\(c\)\(4\)](#) acknowledges that no single factor determines if the species is in need of conservation and management, as one or more of the factors and additional information may be relevant in the Council’s decision-making process. A key consideration from these sources is:

“When considering removing a stock from, or continuing to include a stock in, an FMP, Councils ... if the amount and/or type of catch that occurs in Federal waters is a significant contributing factor to the stock's status, such information would weigh heavily in favor of continuing to include a stock in an FMP.”

However, if the species does not meet any of the aforementioned criteria, the indication is it is not in need of conservation and management. It is then a candidate for removal from the FMP or could be identified as ECS⁹. Species that are removed from the FMP or identified by as ECS are neither assessed nor actively managed by the Council. However, for ECS, NMFS and the Council monitor the current mortality of ECS, which is reported annually in the NWFSC Fishery Observation Science Groundfish Multiyear Mortality report (see I.1.b, NWFSC Reports 1 and 2, September 2024 for example). A notable concern is fishery could develop on an unmanaged species in Federal waters; however, data from the observer program as well as landings updates would indicate determine if a fishery was developing. If the species were to become identified as a target of a Federal fishery in the future, NMFS and the Council could reintegrate it into the FMP and back into active Council management following the process described in COP 9.

1.4.2 Defining Stocks of Species

After the Council determines the list of species in need of conservation and management, the second task in Step 1 is to define stocks of these species per the A31 process. Briefly, multiple factors would be analyzed to identify stock boundaries for each species in need of conservation and management, e.g., population structure (e.g., genetics, larval dispersal, etc.), the SSC recommendations of best scientific information available (BSIA); the geographic scale of assessments, etc. At the November 2023 Council meeting, the SSC recommended that the analytical framework include the aspects considered during Phase 1 within an interdisciplinary framework, as previously recommended (see [Agenda Item F.4.a, Supplemental SSC Report 1, June 2022](#), [Agenda Item F.7.a, Supplemental SSC Report 1, March 2023](#)). The SSC also recommended the literature review consider variation in life history characteristics (e.g., growth, maturity) when identifying stocks for species ([Agenda Item E.8.a, Supplemental SSC Report 1, November 2023](#)). A literature review has been completed for all remaining species in the FMP and is available as Agenda Item I.8, Attachment 3, September 2024.

1.5 Phase 2, Step 2: Stock Complexes

Step 2 is directly tied to the outcome of Step 1. It is reasonable to expect once the stocks in need of conservation and management are determined, changes to the current structure of the stock

⁹ See [§600.305\(c\)\(5\)](#) and [§600.305\(c\)\(5\)\(1\)](#)

complexes are a logical next step as some of the species currently managed in complexes will either be removed from the FMP or identified as ECS.

The Council manages eleven groundfish stock complexes at present. Stock complexes were most recently reviewed by the GMT as part of the 2023-24 harvest specifications and management measures process in [Agenda Item E.3.a GMT Report 2, November 2021](#) and [Agenda Item E.3.a, Supplemental Report 3, November 2023](#). In brief, the GMT recommended there are valid reasons to reconsider multiple aspects of the current makeup of stock complexes. The GMT noted several important aspects of current stock complex issues that should be addressed, such as the susceptibility scores indices may not reflect current science and certain stocks may need to be removed and managed separately to meet conservation and management goals. The differences in the information available for each stock currently in a complex also varies greatly and it is likely that those characteristics will factor into further review and revision of the complexes.

At this point, it is unknown how many stocks the Council will manage and of those managed, which stocks should be grouped into complexes. The outcome of Phase 1 will indicate if the Council should revise and/or establish new complexes. In constructing stock complexes, e.g., similar geographic distribution, assessment categories, life history characteristics, and vulnerabilities to fishing pressure, etc. As identified in [§ 600.310\(d\)](#), stocks that require conservation and management can be grouped together in stock complexes. NS1 ([§600.310\(d\)\(2\)\(i\)](#)) describes the key attributes that the Council will need to consider:

“Stocks may be grouped into complexes for various reasons, including where stocks in a multispecies fishery cannot be targeted independent of one another; where there is insufficient data to measure a stock's status relative to SDC; or when it is not feasible for fishermen to distinguish individual stocks among their catch.”

Within Step 2, at least two components of stock complexes that will need to be considered: 1) evaluation of stocks to establish or revise stock complexes and 2) determination of SDC for each complex and, potentially, identification of indicator stocks within the complex. Stock complexes require SDC and indicator stocks for complexes could be identified to accomplish that requirement. Each managed stock complex (and single stocks) must have descriptions of the complex's SDC, or the measurable and objective factors (e.g., OFL, minimum stock size threshold, etc.), in the FMP. At present, the FMP does not have SDC or indicator stocks described for stock complexes. NMFS makes status determinations based on the condition of a stock relative to the SDC based on best scientific information available and the status determination criteria described in the FMP and reports them to Congress quarterly. SDC is a NMFS decision whether a stock of fish is in an overfished condition, approaching an overfished condition, and/or is subject to overfishing ([see §600.310\(e\)](#)).

Stock complexes should, where practicable, include one or more indicator stocks [§600.310\(d\)\(2\)\(ii\)\(B\)](#). These stocks can be used to evaluate the status of the stock complex. Indicator stocks have a “measurable and objective SDC that can be used to help manage and evaluate more poorly known stocks that are in a stock complex” [§600.310\(d\)\(2\)\(ii\)\(A\)](#). The Council's current stock complexes are largely populated with category 3 stocks, which exemplify the “poorly known stocks” noted in [§600.310\(d\)\(2\)\(ii\)\(A\)](#). An important consideration for selecting an indicator stock is that it should be representative of the typical vulnerability of stocks

within the complex [§600.310\(d\)\(2\)\(ii\)\(C\)](#). Vulnerability of a stock to fishing can be established via a Productivity and Susceptibility Analysis (PSA) When stock complexes are considered, the SSC recommended that the PSA should take into account climate change risks and make use of ecosystem information. The Council agreed with the general approach outlined in [Agenda Item E.8, Attachment 1, November 2023](#) and adopted the proposed schedule ([Agenda Item E.8, Attachment 2, November 2023](#))

The PSA, in brief, is a method to indicate of the vulnerability of a species or stock to fishing(see [§600.310\(d\)\(ii\)\(C\)](#) and can be used to organize stock complexes. Stocks within stock complexes should have similar vulnerabilities. The PSA could also assist in identification of indicator stocks as it should be representative of the typical vulnerability of stocks within the complex ([§600.310\(d\)\(2\)\(ii\)\(C\)](#)). The last PSA was performed well over a decade ago (Cope et al, 2011)¹⁰ and was completed for the current list of species. As noted above, the current list of managed species may not match the species that remain in the FMP after the conclusion of Step 1, Additionally, new BSIA may be available to analyze in the PSA. Thus, a new PSA will need to be completed to 1) update the analysis and 2) address the stocks defined under Step 1

A clear need of this part of Phase 2 will be the assistance and guidance of the NMFS Science Centers to develop SDC for the complexes as well as a process to identify indicator stocks, as applicable.

1.6 Delegation

Delegation is a policy decision (see § 306(a)(3)(B) of the MSA¹¹) where the stock would remain in the FMP, but the Council would designate aspects of Federal fishery management to the states. Delegation of management is a policy decision and could be considered for a single stock, stocks, or even fisheries. Delegation was proposed for consideration in the past, specifically for nearshore rockfish ([Agenda Item D.5.b, Supplemental WDFW/ODFW/CDFW Report, March 2014](#) -see page 328) but the topic was not scheduled for action by the Council. Based on this definition, the Council would need to complete the process of, at minimum, identifying and defining stocks in need of conservation and management before it could develop delegation of management. If the Council were to follow the process plan for Phase 2, delegation could be considered in concert with developing stock complexes as stocks in need of conservation and management would be defined by the Council.

Delegation may be an especially appropriate outcome for those species whose range straddles state waters and in federal waters. Delegation has been considered and implemented by other Councils, for example, the North Pacific Fishery Management Council delegated most of the management to the State of Alaska for weathervane scallop, king crab, and tanner crabs. Another example of how delegation could be established for a stock or stock complex is detailed in [84 FR 34718](#). Briefly, that rule established how management will be shared for certain aspects of the Cook Inlet, Alaska salmon fishery.

¹⁰ Cope, J. M., et al (2011). An Approach to Defining Stock Complexes for U.S. West Coast Groundfishes Using Vulnerabilities and Ecological Distributions. *North American Journal of Fisheries Management*, 31(4), 589–604. <https://www.tandfonline.com/doi/full/10.1080/02755947.2011.591264#abstract>

¹¹ See Appendix 1 for text.

Under delegation, the FMP would specify which management measures in the EEZ are the purview of the Council and NMFS and which management measures in the EEZ are the purview of the states. Council groundfish policy and would remain the FMP and management measures Federal regulations, but state policy and management measures would not as they would be strictly promulgated according to the state's law and regulation. Additionally, state and federal mortality (or mortality of a stock complex) would still be tracked by the Council and count towards the federal annual catch limit. The MSA has specific voting requirements for Council recommendations to delegate management authorities to states (three-quarters majority vote) as well as procedures for situations when state delegated management may be determined inconsistent with the FMP and a corrective process undertaken.

1.7 Conclusions

This document is meant strictly as a means to inform advisory bodies and the Council regarding the entirety of this Phase 2. The goal of this document is to assist the Council in setting the scope for the Step 1 while also providing the broader context for the subsequent actions. As discussed above, the Council does not need to set the scope for all of Phase 2 at this stage. It is not unexpected that Phase 2 would need multiple actions to achieve the Phase 2 objectives.

Council staff recommends the scope of this part of Phase 2 focus on Step 1 for all remaining species in the FMP (~64). All subsequent work in the Phase 2 process hinges off of having a set of defined stocks. Additionally, given the potential scope of this work, Council staff envisions a strong role for the Groundfish Management Team (GMT) in analyzing items to support this action as they have an essential knowledge base of groundfish fisheries that is integral to this process. Council staff recommends their involvement in such tasks as the PSA analysis and the process to evaluate species with the factors described at §600.305(c).

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Reference Documents

Phase 1

- [Agenda Item E.3.a, NMFS Report 1, March 2022](#)
- [Agenda Item F.4, Attachment 1, June 2022](#)
- [Agenda Item G.5, Attachment 1, September 2022](#)
- [Agenda Item G.5, Attachment 2, September 2022](#)
- [Agenda Item H.5, Attachment 1, November 2022](#)

Stock Definitions for Species to be Assessed in 2025 and 2027

- [Agenda Item F.4, Attachment 1, June 2024](#)
- [Agenda Item F.4, Supplemental Attachment 2, June 2024](#)
- [Agenda Item I.5, Attachment 1, September 2024](#)

Phase 2

- [Agenda Item E.8, Attachment 1, November 2023](#)
- [Agenda Item E.8, Attachment 2, November 2023](#)

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Glossary

Conservation and Management: The term "conservation and management" refers to all of the rules, regulations, conditions, methods, and other measures

(A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and

(B) which are designed to assure that—

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources. – [16 U.S.C. 1802 MSA §3\(5\)](#)

Fishery: “One or more stocks of fish that can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and any fishing for such stocks” – 16 U.S.C. 1802 MSA §3(13)

Species: A group of living organisms consisting of similar individuals capable of exchanging genes or interbreeding ([Milius, 2017](#); [Mayr, 2000](#)). In the FMP it is used to identify managed and ECS. For reference, there could be many stocks of a single species

Status: A determination of the health of a stock of fish and is reported to Congress quarterly by NMFS. A stock may be determined by NMFS to have any of the following statuses: “unknown”, “overfished”, “not overfished”, or “approaching an overfished” condition. These terms are dependent on the SDC

Status Determination Criteria (SDC): the measurable and objective factors, maximum fishing mortality threshold (MFMT), OFL, and minimum stock size threshold (MSST), or their proxies, which are used to determine if overfishing has occurred, or if the stock or stock complex is overfished. SDC are required to be identified in every FMP. See full description at [50 CFR 600.310\(e\)\(2\)](#)

Stock: “A species, subspecies, geographical grouping, or other category of fish capable of management as a unit.” – 16 U.S.C. 1802 MSA §3(42)

Stocks in need of conservation and management: “[...] Any stocks that are predominately caught in Federal waters and are overfished or subject to overfishing, or likely to become overfished or subject to overfishing, are considered to require conservation and management.” 50 CFR 600.305(c)(1)

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Appendix 1: Text from Relevant Sections of the MSA and National Standards

§ 600.305(c) *Stocks that require conservation and management.*

(1) Magnuson-Stevens Act section 302(h)(1) requires a Council to prepare an FMP for each fishery under its authority that requires (or in other words, is in need of) conservation and management. [16 U.S.C. 1852\(h\)\(1\)](#). Not every fishery requires Federal management. Any stocks that are predominately caught in Federal waters and are overfished or subject to overfishing, or likely to become overfished or subject to overfishing, are considered to require conservation and management. Beyond such stocks, Councils may determine that additional stocks require “conservation and management.” (See Magnuson-Stevens Act definition at [16 U.S.C. 1802\(5\)](#)). Based on this definition of conservation and management, and other relevant provisions of the Magnuson-Stevens Act, a Council should consider the following non-exhaustive list of factors when deciding whether additional stocks require conservation and management:

- (i) The stock is an important component of the marine environment.
- (ii) The stock is caught by the fishery.
- (iii) Whether an FMP can improve or maintain the condition of the stock.
- (iv) The stock is a target of a fishery.
- (v) The stock is important to commercial, recreational, or subsistence users.
- (vi) The fishery is important to the Nation or to the regional economy.
- (vii) The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.
- (viii) The economic condition of a fishery and whether an FMP can produce more efficient utilization.
- (ix) The needs of a developing fishery, and whether an FMP can foster orderly growth.
- (x) The extent to which the fishery is already adequately managed by states, by state/Federal programs, or by Federal regulations pursuant to other FMPs or international commissions, or by industry self-regulation, consistent with the requirements of the Magnuson-Stevens Act and other applicable law.

(2) In evaluating factors in [paragraphs \(c\)\(1\)\(i\)](#) through [\(x\)](#) of this section, a Council should consider the specific circumstances of a fishery, based on the best scientific information available, to determine whether there are biological, economic, social and/or operational concerns that can and should be addressed by Federal management.

(3) When considering adding a stock to an FMP, no single factor is dispositive or required. One or more of the above factors, and any additional considerations that may be relevant to the particular stock, may provide the basis for determining that a stock requires conservation and management. Based on the factor in [paragraph \(c\)\(1\)\(iii\)](#) of this section, if the amount and/or type of catch that occurs in Federal waters is a significant contributing factor to the stock's status, such information would weigh heavily in favor of adding a stock to an FMP. However, Councils should consider the factor in [paragraph \(c\)\(1\)\(x\)](#) of this section before deciding to include a stock in an FMP. In many circumstances, adequate management of a fishery by states, state/Federal programs, or

another Federal FMP would weigh heavily against a Federal FMP action. *See, e.g.,* [16 U.S.C. 1851\(a\)\(7\)](#) and [1856\(a\)\(3\)](#).

(4) When considering removing a stock from, or continuing to include a stock in, an FMP, Councils should prepare a thorough analysis of factors in [paragraphs \(c\)\(1\)\(i\)](#) through [\(x\)](#) of this section, and any additional considerations that may be relevant to the particular stock. As mentioned in [paragraph \(c\)\(3\)](#) of this section, if the amount and/or type of catch that occurs in Federal waters is a significant contributing factor to the stock's status, such information would weigh heavily in favor of continuing to include a stock in an FMP. Councils should consider weighting the factors as follows. Factors in [paragraphs \(c\)\(1\)\(i\)](#) through [\(iii\)](#) of this section should be considered first, as they address maintaining a fishery resource and the marine environment. *See* [16 U.S.C. 1802\(5\)\(A\)](#). These factors weigh in favor of continuing to include a stock in an FMP. Councils should next consider factors in [paragraphs \(c\)\(1\)\(iv\)](#) through [\(ix\)](#) of this section, which set forth key economic, social, and other reasons contained within the MSA for an FMP action. *See* [16 U.S.C. 1802\(5\)\(B\)](#). Finally, a Council should consider the factor in [paragraph \(c\)\(1\)\(x\)](#) of this section before deciding to remove a stock from, or continue to include a stock in, an FMP. In many circumstances, adequate management of a fishery by states, state/Federal programs, or another Federal FMP would weigh in favor of removing a stock from an FMP. *See e.g.,* [16 U.S.C. 1851\(a\)\(7\)](#) and [1856\(a\)\(3\)](#).

(5) Councils may choose to identify stocks within their FMPs as ecosystem component (EC) species (*see* § [600.305\(d\)\(13\)](#) and [600.310\(d\)\(1\)](#)) if a Council determines that the stocks do not require conservation and management based on the considerations and factors in [paragraph \(c\)\(1\)](#) of this section. EC species may be identified at the species or stock level, and may be grouped into complexes. Consistent with National Standard 9, MSA section 303(b)(12), and other applicable MSA sections, management measures can be adopted in order to, for example, collect data on the EC species, minimize bycatch or bycatch mortality of EC species, protect the associated role of EC species in the ecosystem, and/or to address other ecosystem issues.

(6) A stock or stock complex may be identified in more than one FMP. In this situation, the relevant Councils should choose which FMP will be the primary FMP in which reference points for the stock or stock complex will be established. In other FMPs, the stock or stock complex may be identified as “other managed stocks” and management measures that are consistent with the objectives of the primary FMP can be established.

(7) Councils should periodically review their FMPs and the best scientific information available and determine if the stocks are appropriately identified. As appropriate, stocks should be reclassified within an FMP, added to or removed from an existing FMP, or added to a new FMP, through an FMP amendment that documents the rationale for the decision.

§ 306(a)(3)(B) Delegation

(3) A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

(A) The fishing vessel is registered under the law of that State, and (i) there is no fishery management plan or other applicable Federal fishing regulations for the fishery in which the vessel is operating; or (ii) the State's laws and regulations are consistent with the fishery management plan and applicable Federal fishing regulations for the fishery in which the vessel is operating.

(B) The fishery management plan for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

§600.310(d) (d)Stocks and stock complexes —

- (1) **Introduction.** As described in [§ 600.305\(c\)](#), Councils should identify in their FMPs the stocks that require conservation and management. Such stocks must have ACLs, other reference points, and accountability measures. Other stocks that are identified in an FMP (*i.e.*, EC species or stocks that the fishery interacts with but are managed primarily under another FMP, *see* [§ 600.305\(c\)\(5\)](#) through [\(6\)](#)) do not require ACLs, other reference points, or accountability measures.
- 2) **Stock complex.** Stocks that require conservation and management can be grouped into stock complexes. A “stock complex” is a tool to manage a group of stocks within an FMP.
 - (i) At the time a stock complex is established, the FMP should provide, to the extent practicable, a full and explicit description of the proportional composition of each stock in the stock complex. Stocks may be grouped into complexes for various reasons, including where stocks in a multispecies fishery cannot be targeted independent of one another; where there is insufficient data to measure a stock's status relative to SDC; or when it is not feasible for fishermen to distinguish individual stocks among their catch. Where practicable, the group of stocks should have a similar geographic distribution, life history characteristics, and vulnerabilities to fishing pressure such that the impact of management actions on the stocks is similar. The vulnerability of individual stocks should be considered when determining if a particular stock complex should be established or reorganized, or if a particular stock should be included in a complex.
 - (ii) **Indicator stocks.**
 - (A) An indicator stock is a stock with measurable and objective SDC that can be used to help manage and evaluate more poorly known stocks that are in a stock complex.
 - (B) Where practicable, stock complexes should include one or more indicator stocks (each of which has SDC and ACLs). Otherwise, stock complexes may be comprised of: Several stocks without an indicator stock (with SDC and an ACL

for the complex as a whole), or one or more indicator stocks (each of which has SDC and management objectives) with an ACL for the complex as a whole (this situation might be applicable to some salmon species). Councils should review the available quantitative or qualitative information (*e.g.*, catch trends, changes in vulnerability, fish health indices, etc.) of stocks within a complex on a regular basis to determine if they are being sustainably managed.

- (C) If an indicator stock is used to evaluate the status of a complex, it should be representative of the typical vulnerability of stocks within the complex. If the stocks within a stock complex have a wide range of vulnerability, they should be reorganized into different stock complexes that have similar vulnerabilities; otherwise, the indicator stock should be chosen to represent the more vulnerable stocks within the complex. In instances where an indicator stock is less vulnerable than other members of the complex, management measures should be more conservative so that the more vulnerable members of the complex are not at risk from the fishery.
- (D) More than one indicator stock can be selected to provide more information about the status of the complex.
- (E) When indicator stocks are used, the stock complex's MSY could be listed as “unknown,” while noting that the complex is managed on the basis of one or more indicator stocks that do have known stock-specific MSYs, or suitable proxies, as described in paragraph (e)(1)(v) of this section.