



**NOAA  
FISHERIES**

# Phase Two Stock and Stock Complex Definitions

## Legal and Policy Framework

September 2024

# **Objective:** to determine the stocks in need of federal conservation and management

*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)

*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)

50 CFR 600.305(c)(1) “[...] 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.”

# Issues to be addressed

- Stocks in need of conservation and management
  - Population structure of species
  - Location of fishing activity relative to jurisdiction
  - Ecosystem component species
- Use of stock complexes
- Delegation of management responsibilities

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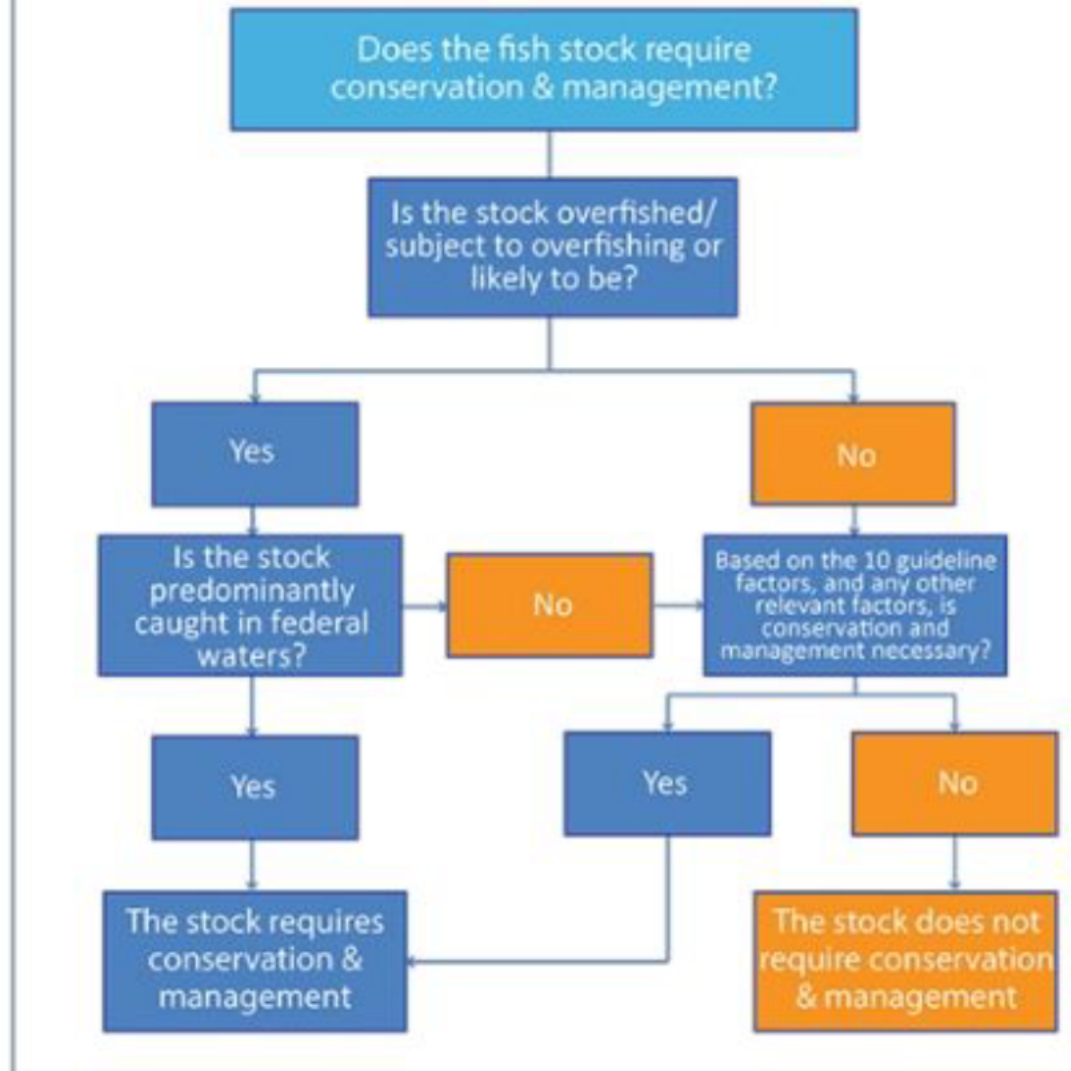
# Stocks that require conservation and management (50 CFR 600.305(c))

- Council must prepare an FMP for each fishery under its authority that requires conservation and management (MSA § 302(h)(1))
  - 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.

# Pacific Coast Groundfish Jurisdiction

- NMFS and PFMF have authority over fishing activity occurring in the exclusive economic zone (EEZ) (3-200 nautical miles)
  - The Pacific Coast Groundfish Fishery Management Plan and 50 CFR 660 regulations apply to fishing activity in the EEZ
- Washington, Oregon, and California have authority over fishing activity occurring in respective state waters (0-3 nautical miles)

## Conservation & Management Determinations



**Figure 1. Diagram from National Marine Fisheries Service simplifying the process of determining if a stock is in need of conservation and management. Source NMFS NS1 Guidelines.**

## 10 guideline factors (50 CFR 600.305(c)(1))

- (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.



# Stocks NOT in need of conservation and management

- Stocks not predominantly caught in federal waters
  - Remove from FMP
- Stocks predominantly caught in federal waters but not in need of conservation and management
  - Reclassify as ecosystem component species

# Transboundary management

- Fishing for transboundary species that occurs in state waters falls under the jurisdiction of the states
- State and Federal entities should coordinate management of transboundary stocks within respective jurisdictions
- Catch of the transboundary species in state waters should be accounted for under the ACL (e.g., as an off-the-top deduction)

# Future change

- If a stock/species is removed from the FMP on the basis of not being in need of conservation and management, and in the future, new information demonstrates a shift, Council can reevaluate the question of whether it is a stock in need of conservation and management

# Issues to be addressed

- Stocks in need of conservation and management
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  - Location of fishing activity relative to jurisdiction
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- **Use of stock complexes**
- Delegation of management responsibilities

# Stock complex management

- Stocks may be grouped into stock complexes for management
  - If stocks cannot be independently targeted
  - If insufficient data to measure stock status
  - If stocks cannot be distinguished when caught (e.g., cryptic species)
- Where practicable, stock complexes should be comprised of one or more indicator stocks, each of which has status determination criteria and annual catch limits (see § 600.310(d)(2)(ii)(B))

# Considerations for appropriate groupings

- Similar geographic distribution
- Similar life history characteristics
- Similar vulnerabilities to fishing pressure
  - *“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.”* 50 CFR 660.310(d)(2)(i)

# Indicator stocks

“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.”

50 CFR 600.310(d)(2)(ii)(A)

Should be representative of typical vulnerabilities of stocks in complex

# Issues to be addressed

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# Delegation

- MSA § 306(a)(3)(B):  
“A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances: [...] (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.”

## Example: delegated management

**Table 8-1** Management measures used to manage king and Tanner crabs in the BS/AI management unit by category

<b>Category 1 (Fixed in FMP)</b>	<b>Category 2 (Frameworked in FMP)</b>	<b>Category 3 (Discretion of State)</b>
Legal Gear	Minimum Size Limits	Reporting Requirements
Permit Requirements	Guideline Harvest Levels	Gear Placement and Removal
Federal Observer Requirements	In-season Adjustments	Gear Storage
Limited Access	Districts, Subdistricts and Sections	Vessel Tank Inspections
Norton Sound Superexclusive Registration	Fishing Seasons	Gear Modifications
Essential Fish Habitat	Sex Restrictions	Bycatch Limits (in crab fisheries)
Habitat Areas of Particular Concern	Pot Limits	State Observer Requirements
	Registration Areas	Other
	Closed Waters	

# Roadmap

- Determining stocks in need of conservation and management
  - Fishery activity in the EEZ versus state waters
  - Stock structure
  - Consideration of 10 guideline factors
- Reconsideration of stock complex composition
  - Productivity and susceptibility analysis
- Consideration of delegation framework
  - Management tasks that may be appropriate for State(s) to carry out

# Questions?