§ 600.305 General.

(a) Purpose. (1) This subpart establishes guidelines, based on the national standards, to assist in the development and review of FMPs, amendments, and regulations prepared by the Councils and the Secretary.

(2) In developing FMPs, the Councils have the initial authority to ascertain factual circumstances, to establish management objectives, and to propose management measures that will achieve the objectives. The Secretary will determine whether the proposed management objectives and measures are consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable law. The Secretary has an obligation under section 301(b) of the Magnuson-Stevens
§ 600.310 National Standard 1—Optimum Yield.

(a) **Standard 1.** Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) of fishery resources. The measures must be based on the best scientific information available and must be designed to achieve objectives established in fishery management plans (FMPs) that are developed in a manner consistent with the national standards.

(b) Fishery management objectives. Each FMP, whether prepared by a Council or by the Secretary, should identify what the FMP is designed to accomplish (i.e., the management objectives to be attained in regulating the fishery under consideration). In establishing objectives, Councils balance biological constraints with human needs, reconcile present and future costs and benefits, and integrate the diversity of public and private interests. If objectives are in conflict, priorities should be established among them.

(c) Word usage. The word usage refers to all regulations in this subpart.

(1) **Must** is used, instead of “shall”, to denote an obligation to act; it is used primarily when referring to requirements of the Magnuson-Stevens Act, the logical extension thereof, or of other applicable law.

(2) **Shall** is used only when quoting statutory language directly, to avoid confusion with the future tense.

(3) **Should** is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary’s interpretation of the Magnuson-Stevens Act, and is a factor reviewers will look for in evaluating a SOPP or FMP.

(4) **May** is used in a permissive sense.

(5) **May not** is prescriptive; it has the same force as “must not.”

(6) **Will** is used descriptively, as distinguished from denoting an obligation to act or the future tense.

(7) **Could** is used when giving examples, in a hypothetical, permissive sense.

(8) **Can** is used to mean “is able to,” as distinguished from “may.”

(9) **Examples** are given by way of illustration and further explanation. They are not inclusive lists; they do not limit options.

(10) **Analysis**, as a paragraph heading, signals more detailed guidance as to the type of discussion and examination an FMP should contain to demonstrate compliance with the standard in question.

(11) **Council** includes the Secretary, as applicable, when preparing FMPs or amendments under section 304(c) and (g) of the Magnuson-Stevens Act.

(12) **Stock or stock complex** is used as a synonym for “fishery” in the sense of the Magnuson-Stevens Act’s first definition of the term; that is, as “one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographic, scientific, technical, recreational, or economic characteristics,” as distinguished from the Magnuson-Stevens Act’s second definition of fishery as “any fishing for such stocks.”

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