



Atlantic States Marine Fisheries Commission

Magnuson-Stevens Act Reauthorization Workshop

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Brief History of the Magnuson-Stevens Fishery Conservation and Management Act (MSA)

- MSA is the primary law governing marine fisheries in U.S. federal waters.
- Enacted in 1976 to support the domestic fishing industry by preventing foreign vessels from fishing in U. S waters
- Created the eight Regional Fishery Management Councils and gave them authority to manage fish stocks through FMPs.
- Periodically reauthorized to update funding levels, management requirements, and other issues related to federal fisheries management.
- MSA has evolved its focus to include biology and conservation measures (1996 and 2007 reauthorizations).
- The latest update, in 2007, authorized MSA funding through September 30, 2013. The law's requirements remain in effect even though the funding authorization has expired.



Major Updates to MSA, 1996 and 2007

Sustainable Fisheries Act of 1996

- Required each federal FMP to specify criteria for determining when a stock is overfished or when overfishing is occurring, and to establish measures for rebuilding the stock.
- Ten year rebuilding requirement
- Defined “overfishing” and “overfished”
- Three new National Standards to address (8) fishing communities, (9) bycatch, and (10) fishing vessel safety.
- Essential Fish Habitat (EFH) protections

Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006

- Requirement to end overfishing in each federally managed fishery within two years
- ACLs, LAPs, catch limits may not exceed SSCs recommendations, and NEPA



National Standards

MSA contains ten National Standards that all federal FMP's must comply with:

1. Prevent overfishing while achieving optimum yield
2. Use the best scientific information available.
3. Individual fish stocks shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit.
4. Conservation and management measures shall not discriminate between residents of different states.
5. Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.
7. Minimize costs and avoid unnecessary duplication.
8. Conservation and management measures shall take into account the importance of fishery resources to fishing communities
9. Minimize bycatch and bycatch mortality.
10. Safety of Life at Sea



Overview of Stakeholder Positions by Sector

(where consensus exists)

Recreational Sector
Commercial Sector
Conservation Sector
Management Entities



Overview of Stakeholder Positions – Recreational Sector

- Support for flexibility in stock rebuilding timelines
- Support for a revised approach to saltwater recreational fisheries management with separate regulations for recreational fishermen
- Support for recreational council representation
- Morris-Deal paper, *“A Vision for Managing America’s Saltwater Recreational Fisheries”* and Marine Fisheries Advisory Committee’s (MAFAC) Recreational Fisheries Working Group



Overview of Stakeholder Positions – Commercial Sector

Support for relaxing measures put in place by the 1996 and 2007 MSA reauthorizations:

- Flexibly in rebuilding timelines
- Flexibly in ending overfishing
- Flexibility for ACLs
- Flexibly in implementing SSC recommendations



Overview of Stakeholder Positions

– Conservation Sector

- Support for 1996 and 2007 MSA reauthorizations, attributed to the success of many fisheries
- Unanimous opposition to relaxing timelines to end overfishing and rebuilding stocks
- Increased habitat protection and restoration
- Support for ecosystem management



Overview of Stakeholder Positions – Management Sector (NMFS)

- Support for current timelines for ending overfishing and rebuilding fisheries
- Believes the regional fishery management system is effectively ending overfishing and rebuilding overfished fisheries, and Council's currently have flexibility under MSA when needed
- Support for ACLs
- Support for Limited Access Privilege Programs



Overview of Stakeholder Positions – Others of Note

Center for Sustainable Fisheries
recommendations:

- Develop timeframe for MSA reauthorization
- Update National Standards
- Emphasize optimum yield
- Address the “best science available” issues



Questions for Commission Recommendations

- Timeline for approving final recommendations
- Comments focused on Commission/state issues or all U.S. marine fisheries management
- Comments on individual House/Senate bills or principles that the Commission supports



Issue Discussion Topics

1. Flexibility

The House and Senate reauthorization bill both include provisions adding flexibility to rebuilding timelines. The House bill also relaxes the time required to end overfishing.

2. Overfished Definition

The House and Senate reauthorization bills address the definition of “overfished” to account for factors other than fishing pressure that affect populations of fish.

3. Ecosystem Management

The Senate bill provides councils with authority to enact ecosystem management. The House bill does not address ecosystem management.



Issue Discussion Topics (2)

4. Sustainability Certification

MAFAC/NMFS are moving to adopt a federal sustainability certification. The Senate bill creates a voluntary federal sustainability labeling system.

5. Permit holder referendum on new catch shares

The House bill requires the New England, Mid-Atlantic, South Atlantic, and Gulf Councils obtain approval from a majority of eligible permit holders before creating or amending an FMP to include catch shares. The Senate bill has no such provisions.

6. Data Confidentiality/Access

The House bill prevents access to fisheries data from public members of the councils/commissions, NGO scientists, fishermen, and the general public.



Issue Discussion Topics (3)

7. Electronic Monitoring

The House bill requires the councils and PSMFC to develop objectives, performance standards, and regulations to govern the use of electronic monitoring within six months. The Senate bill would require the councils to develop and implement an electronic monitoring plan within five years.

8. National Environmental Policy Act (NEPA), National Marine Sanctuaries Act (NMSA), the Antiquities Act, or the Endangered Species Act (ESA)

The House bill specifies that compliance with MSA will fulfill National Environmental Policy Act requirements. The House bill further states that fisheries management activity impacted by the NMSA, the Antiquities Act, or the ESA be accomplished under the MSA using the council process. In instances where the MSA conflicts with these other laws, the MSA shall be the controlling process.

9. Funding Levels

The House bill authorizes level funding at 2013 levels. The Senate bill does not include funding numbers, but is expected to provide some slight increases to account for inflation. Most year-to-year funding issues are addressed in the annual appropriations process. However, the Senate bill is expected to reauthorize SBA, ACFCMA, and IJFA.



Issue Discussion Topics (4)

10. Recreational Fisheries Management

The Senate bill would allow SSCs to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery), including extraction rates, fishing mortality, and harvest control rules. Neither the House nor Senate bill includes language specifically covering recreational anglers in terms of catch limits, allotments, and conservation, as many recreational stakeholder groups have requests.

11. Striped Bass Act, Atlantic Coast Fishery Cooperative Management Act, Interjurisdictional Fisheries Act Reauthorizations

The Senate bill reauthorizes all three statutes through 2021. The House bill does not include any of the reauthorizations.

12. Highly Migratory Species (HMS)

Neither the House nor Senate bill contain provisions improving coordination between state and federal management of HMS.

13. Fluke Fairness Act

Should the Commission be concerned with the Congressional management of an individual species co-managed by the Commission? The house and Senate bill also include provisions for red snapper management.