marine fish conservation network
ACHIEVING HEALTHY OCEANS & PRODUCTIVE FISHERIES

An Overview of the

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

New England commercial fishermen

Credit: Commonwealth of Massachusetts

THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT, more commonly known as the Magnuson-Stevens Act (MSA), is the primary federal law that governs all management of marine fisheries in federal waters of the United States. The law, among other things, legislatively **established an exclusive economic zone (EEZ)** off all U.S. coasts beginning in most cases at three nautical miles from the shoreline and extending to 200 nautical miles. The bipartisan law also provided management jurisdiction to **eight regional fishery management councils with oversight from the National Marine Fisheries Service (NMFS)**, a division of the National Oceanic and Atmospheric Administration (NOAA), itself a department within the U.S. Department of Commerce. MSA is named after two former U.S. Senators, Warren Magnuson, a Democrat from Washington State and Ted Stevens, a Republican from Alaska.

According to NMFS, the MSA's key objectives are to:

1. Prevent overfishing;
2. Rebuild overfished stocks;
3. Increase long-term economic and social benefits; and
4. Ensure a safe and sustainable supply of seafood.

Source: http://www.nmfs.noaa.gov/sfa/laws_policies/msa/

Regional Fishery Management Councils

New England: Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut
Mid-Atlantic: New York, New Jersey, Delaware, Maryland, Virginia and North Carolina
South Atlantic: North Carolina, South Carolina, Georgia and Florida
Caribbean: Puerto Rico, US Virgin Islands, various other members
Gulf of Mexico: Florida, Alabama, Mississippi, Louisiana and Texas
Paci ic: Washington, Oregon, Idaho and California
Western Paci ic: Hawaii, American Samoa, Guam and Northern Mariana Islands
North Paci ic: Alaska and Washington

First enacted in 1976 to **promote U.S. commercial fishing** off the coasts of the United States by "consolidating control over territorial waters" after widespread intrusion of foreign fishing vessels, the law has been reauthorized and amended by Congress two times, first in 1996 and again in 2006. These subsequent **reauthorizations have prioritized recreational fisheries management, accountability, science and conservation.**

The fishery management plan (FMP) is the basic tool used by the MSA for the management of any stock that is determined to be in need of conservation and management. The **eight regional fishery management councils are charged with developing and recommending fishery management plans** for each stock within a respective region, and the federal government is responsible for developing the FMPs for some highly migratory species, such as sharks. Each council is comprised of members nominated by the governors of their respective states and appointed by the Secretary of Commerce.

Fishery management plans developed by each council for their respective stocks **must specify the criteria used to determine when overfishing is occurring and when a stock is overfished**, along with the measures needed to rebuild the depleted stock. Some of the typical tools and regulations used by councils to achieve these objectives and other fishery management goals include catch limits, individual or community allocations, size or sex catch limits, gear use, geographic restrictions, and closed areas and seasons. The council's FMPs only go into effect after they are reviewed and approved by NMFS, which publishes fishing regulations that then govern all fishing of the stock or stocks in the FMP.

In the past, the MSA has been reauthorized approximately every 10 years. In the last reauthorization of MSA in 2006, language was added by Congress that requires each council to use **scientifically derived annual catch limits (ACLs) and accountability measures (AMs)**, the steps taken to assure that catch limits aren't exceeded in each FMP. Each of these management regulations has a direct effect on individuals fishing, whether commercial or recreational, in U.S. waters.

Recreational fishing in Oregon

Credit: Bob Rees

Overall, the Magnuson-Stevens Act has been successful. However, in some cases, the ability of the councils to meet their management goals and objectives has proven challenging. In New England, the Gulf of Mexico and other regions, certain fish populations have been slow to rebound, suggesting insufficient or ineffective management actions. Infrequent stock assessments, catch data limitations from inadequate monitoring, insufficient management of forage fisheries, and bycatch (the catching and discarding of non-targeted species) remain problem areas, affecting the productivity and recovery of fisheries in many regions. As a result, the Network has chosen to focus on addressing these challenges in the upcoming reauthorization of MSA.

The NMFS' Fish Stock Sustainability Index shows steady progress in restoring the health of U.S. fisheries.[1]

- Forty-seven fish stocks rebuilt since 2000.[2]
- Two-thirds of overfished stocks put in rebuilding plans were rebuilt or made significant progress by 2013. By 2010, rebuilding of 28 fish stocks resulted in a 54% increase (inflation adjusted) in commercial revenues.[3]
- According to NOAA's latest economics report, U.S. commercial fishing generated an estimated $170.3 billion and recreational fishing generated an estimated $73.8 billion in sales.[4]

[1]https://www.fisheries.noaa.gov/national/population-assessments/status-us-fisheries#fish-stock-sustainability-index
[2]https://www.fisheries.noaa.gov/national/population-assessments/fishery-stock-status-updates
[3]https://www.nrdc.org/sites/default/files/rebuilding-fisheries-report.pdf
[4]https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-economics-united-states

Healthy oceans and productive fisheries that support U.S. fishing and seafood businesses begin with a solid foundation in federal fisheries law and science. The U.S. has taken a leadership role in implementing science-based fisheries management with the Magnuson-Stevens Act. The law's science-based conservation requirements are essential to improving the long-term health and viability of our nation's marine ecosystems, ocean fisheries, and coastal small fishing businesses and communities.

While debate on Magnuson-Stevens Act reauthorization began in the 114th Congress, the dialogue will continue in the 115th Congress. The Network aims to **retain the science-based and conservation measures adopted in previous Magnuson-Stevens Act reauthorizations and secure additional improvements** that not only promote the long-term health of U.S. fisheries and strengthen the wellbeing of fishing communities, but also ensure that our oceans and those who rely upon them can successfully meet the emerging challenges of the future.

For more information, please visit: www.conservefish.org

Marine Fish Conservation Network
Achieving Healthy Oceans and Productive Fisheries

Robert C. Vandermark, Executive Director
info@conservefish.org | www.conservefish.org