

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. Each council is comprised of members nominated by the governors of their respective states and appointed by the Secretary of Commerce.

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
4. Ensure a safe and sustainable supply of seafood
5. Protect habitat that fish need to spawn, breed, feed, and grow to maturity

Source: <https://www.fisheries.noaa.gov/topic/laws-policies/magnuson-stevens-act>

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, and various other members

Gulf of Mexico: Florida, Alabama, Mississippi, Louisiana, and Texas

Pacific: Washington, Oregon, Idaho, and California

Western Pacific: Hawaii, American Samoa, Guam, and Northern Mariana Islands

North Pacific: Alaska and Washington

MSA is named after two former U.S. Senators, Warren Magnuson, a Democrat from Washington State, and Ted Stevens, a Republican from Alaska.

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. 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, Congress added language 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.

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

- Fifty fish stocks rebuilt since 2000.²
- According to NOAA's latest economics report, U.S. commercial fishing generated an estimated \$183 billion in sales and 1.6 million jobs.³
- Recreational fishing generated an estimated \$138 billion in sales and 700,000 jobs.⁴
- Both commercial and recreational fishing produce an additional \$148.9 billion in value added impacts.⁵

¹<https://www.fisheries.noaa.gov/national/population-assessments/fish-stock-sustainability>

²<https://www.fisheries.noaa.gov/sustainable-fisheries/status-stocks-2023>

³<https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report>

⁴<https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report>

⁵<https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report>



Recreational fishing in Oregon

Credit: Bob Rees

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.

With any debate in Congress on Magnuson-Stevens Act reauthorization, 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