



Magnuson-Stevens Act
Reauthorization
Review and Discussion
February 4, 2014



Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries Management

Version 1

This presentation will review the concepts that staff have been discussing relative to the reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act. The presentation will cover the ideas staff think need modification, actions that staff have already taken relative to the reauthorization, and proposed actions.

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Report Date: February 2, 2015

Magnuson-Stevens Fishery Conservation and Management Act

- Principal fisheries management and conservation law for federal waters
 - Originally enacted in 1976 to limit foreign fishing and define U.S. waters
 - Provides framework for federal fishery management councils
 - Includes timelines for ending overfishing and rebuilding fisheries
 - Mandates that federal councils set specific harvest limits
 - Outlines framework for federal limited access privilege programs like individual fishing quotas (IFQs)
- Magnuson periodically reauthorized and updated
 - Last reauthorization occurred in 2006
 - Eligible for reauthorization in 2013



The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson) is the principal federal law governing marine fisheries in the United States and directs the conservation and management of federal fisheries that we see today. It was originally passed in 1976 to address concerns about foreign fishing vessels in US waters by creating a 200 nautical mile limit (Exclusive Economic Zone) of U.S. control over waters that were once heavily fished by foreign vessels. It also provides the framework for the federal fishery management councils and directs how federal fisheries regulations are promulgated and implemented. The Act includes deadlines for ending overfishing and rebuilding fisheries and also requires the federal councils to set specific harvest limits (i.e., annual catch limits) for federally-managed species. It also outlines the framework for federal limited access privilege programs (LAPPs) like individual fishing quotas (IFQs).

Congress directs U.S. fisheries management and policy by amending Magnuson during reauthorizations. Magnuson was first reauthorized in 1996, then again in 2006. Magnuson has been eligible for another reauthorization since 2013. Congress will likely consider legislation to reauthorize Magnuson this session and could make changes to federal fisheries management through this legislation.

Magnuson Reauthorization – How to Improve Federal Management?

- Magnuson reauthorization underway and provides opportunity for changes to federal fisheries management process
- FWC staff have developed a list of modifications for Magnuson that would improve federal management for Florida and the Southeastern U.S.
 - List targets improvements needed for:
 - Management
 - Data collection
 - Administration



Because reauthorization of Magnuson is the best opportunity to make changes to federal fisheries management, FWC staff have been working on a list of ideas for modifications to Magnuson that would improve federal fisheries management in the Southeastern U.S. and in Florida. The list targets improvements to federal fisheries management, data collection, and administration and is outlined on the following slides.

FWC Ideas – Improving Management



- Flexibility in rebuilding timelines
- Allow alternative measures for managing recreational fisheries
- Extend all Gulf state territorial boundaries for fisheries management to 9 nautical miles
- Modify referenda for limited access privilege programs/catch shares
- Remove Section 407 – Gulf Red Snapper Research
- Allow states to regulate fishing activity of out-of-state vessels for state-managed fisheries in federal waters
- Prohibit shark feeding in federal waters



Staff has a number of ideas to improve federal management including adding more flexibility in rebuilding timeframes for fisheries that are overfished or overfishing is occurring. Although these timelines are in place to spur fast recovery of stocks that are overfished or undergoing overfishing, in some cases, they have resulted in unnecessarily drastic harvest cuts or changes that have negatively impacted fishermen and communities that depend on them. Staff has also been advocating for alternative approaches to managing federal recreational fisheries and not just Maximum Sustainable Yield (MSY).

All five Gulf states have been advocating for state territorial boundaries for fisheries management to be extended to nine nautical miles in the Gulf of Mexico. Currently, only Florida and Texas manage waters out to nine nautical miles from shore, while the central Gulf states manage out to three nautical miles. Staff has also suggested changes to how referenda on limited access privilege programs like catch shares are conducted. Referenda can be a helpful way to understand what fishermen think about catch share programs, but some of the referenda requirements currently in Magnuson may impede necessary changes to a fishery in some situations. Staff has advocated for removing Section 407 of Magnuson, which specifically addresses Gulf red snapper issues. Many Florida fishermen are particularly in favor of removing Section 407(d), which requires NOAA to close recreational and commercial red snapper harvest when their respective quotas are met.

Staff are also suggesting that states be able to regulate fishing activity by out-of-state vessels for state-managed fisheries in federal waters. Currently, a state can only regulate such vessels if they are in Florida waters or landing in Florida.

Shark feeding is already prohibited in Florida state waters and is prohibited in Magnuson in federal waters off Hawaii. Staff is recommending it be prohibited in all federal waters.

FWC Ideas – Improving Data Collection

- More timely data collection
- Increase fisheries independent and dependent monitoring
- Increase frequency and number of stock assessments in the Southeast U.S.
- Include fisheries data from non-governmental sources



There are many ways that federal data collection can be improved. Staff are advocating for changes that provide more timely data collection, increase fisheries independent and dependent monitoring, and increase the frequency and number of stock assessments on fisheries in the Southeast U.S. Staff are also suggesting the use of fisheries data from non-governmental sources for assessment and monitoring of federal fish stocks.

FWC Ideas – Improving Administration

- Allow fees from penalties to go back to the region
- Increase marketing of wild-caught seafood products
- Increase transparency in the Council and SSC process
- Require disclosing financial interest for AP members
- Maintain simplified Council appointment process for all councils
- Improve NOAA Highly Migratory Species rulemaking process



In the category of improving administration staff think that fees from penalties assessed in the Southeastern U.S. should go back to the region and not into the general fund. Staff also supports the increase in marketing of wild-caught seafood products nationwide. This change would promote local seafood over imported products.

There are improvements that could be made in the transparency of the Council and Science and Statistical Committee (SSC) process, such as requiring verbatim transcripts of Council, committee, and SSC meetings. Similarly, staff believe that requiring Advisory Panel (AP) members to disclose financial interests will help in the transparency of the management process.

Staff are also advocating for a simplified Council appointment process. There has been a more arduous process in place for only the Gulf Council, that expired in 2012. Some of the bills introduced in 2014 reinstated that process and applied it to the South Atlantic Council also. This additional process is not needed to ensure a fair appointment by Gulf and South Atlantic state Governors.

Staff have also suggested changes to the NOAA Highly Migratory Species (HMS) (i.e., sharks, tunas, billfish, swordfish) management and rulemaking process, such as formation of a Scientific and Statistical Committee or similar scientific body to peer review scientific information that is used for HMS management decisions.

Reauthorization – FWC Involvement

- Managing Our Nation's Fisheries Conference 2013
- Trips to D.C. to meet with Florida Delegation and Fisheries Committee staff
- Testimony at 2 Magnuson hearings
- Meet with organizations about FWC ideas
- Comment on bills
 - AFWA Ocean Policy Committee
 - Florida bill sponsors
 - Communication with Congressional staff
 - Council comments
- Coordination with other Gulf and South Atlantic states



FWC staff have already been heavily involved in the reauthorization process that began in 2013 with the Managing Our Nation's Fisheries Conference in Washington, D.C. Council members nationwide discussed what was working and what could be improved with fishermen and scientists. FWC staff have made trips to Washington, D.C. to meet with the Florida Delegation and Fisheries Committee staff on the House and Senate that will be reviewing Magnuson. During the reauthorization process a number of Congressional hearings are held to discuss specific aspects of federal management. FWC has testified at two Congressional hearings. Both hearings were on Gulf red snapper. Former Commission Chairman Ken Wright testified at a field hearing in 2012 in Panama City and Jessica McCawley testified at the other one in 2013 in Washington, DC.

FWC staff have met with numerous fishing organizations, such as American Sportfishing Association and International Game Fish Association about our ideas for the reauthorization. Staff have also provided comments through multiple avenues on the various bills that are introduced into the House and Senate relative to Magnuson. For example, comments have been provided through AFWA's Ocean Policy Committee, directly to Florida bill sponsors or Congressional staff, and through the Gulf and South Atlantic Fisheries Management Council.

FWC staff have also been working closely with agency folks in the other Gulf and South Atlantic states to discuss what improvements could be made to federal fisheries management that would help the Southeastern U.S.

Next Steps – Reauthorization Process

- Staff will continue to advocate for FWC ideas
 - Meetings with Florida Delegation and Congressional staff
 - Commenting on bills
 - Coordinating with stakeholders and other states
 - Testify as requested



As the reauthorization process starts again in this session, staff will continue taking a proactive role moving forward. Staff will continue to advocate for FWC ideas in speaking with Congressional staff and organizations. Staff will be traveling to Washington, D.C. later this month to meet with members about what would be best for the Southeastern U.S. As bills are prepared, staff will continue to provide comments on pre-draft versions and submitted versions. Staff will continue to coordinate with stakeholders and other states about new ideas for reauthorization that could improve management of issues such as Gulf red snapper. Meetings are planned with other states to discuss these topics. Finally, staff will also testify as requested at future Congressional hearings on federal fisheries issues.

The following slides are considered backup material
and are not anticipated to be part of the actual
presentation



2015 Congressional Bills Related to Red Snapper

Senate

- **Offshore Fairness Act (Vitter, LA)**
 - Extend state waters boundaries for All Gulf and Atlantic states (Georgia through Virginia) out to 3 marine leagues
 - Transfer management of red snapper to Gulf states
- **Red Snapper Management Improvement Act (Vitter, LA)**
 - Transfer management of red snapper to Gulf states



Two bills have already been introduced in the new Congress that address red snapper management in the Gulf of Mexico. Both of these bills were introduced by Senator Vitter from Louisiana. The Offshore Fairness Act was introduced in the last Congress, but has been changed slightly since it was last introduced. As written, the new bill would extend the state waters boundaries for all Gulf states and Atlantic states north to Virginia out to 3 marine leagues (10.57 miles), providing more management flexibility for the states. In addition to extending state waters boundaries, this bill would transfer management of red snapper to the Gulf states once all Gulf states agree on a management plan for the species. The second bill, The Red Snapper Management Improvement Act, is nearly identical to the Offshore Fairness Act, except it only contains the provisions about red snapper that would transfer management to the Gulf states once all Gulf states agree on a management plan for the species.

2014 Congressional Bills Related to the Magnuson Act

House

- Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Hastings, WA)
 - Amendments to Hastings Magnuson Bill (Byrne, AL)
 - Amendments to Hastings Magnuson Bill (Southerland, FL)

Senate

- Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2014 (Begich, AK and Rubio, FL)
 - Florida Fisheries Improvement Act (Rubio, FL)



The reauthorization of the Act is underway in both the House and the Senate. In the House, Representative Hastings introduced a bill to reauthorize the Act in late 2013. Since that time, the bill has been updated based on comments provided by groups such as the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Atlantic States Marine Fisheries Commission (ASMFC). The FWC has been active in providing comments to the councils and ASMFC on issues that impact Florida's marine fisheries. The latest House version of the bill would give the councils greater flexibility when setting annual catch limits, allow the councils to look at alternative approaches for the management of recreational fisheries, and remove section 407 from the Act, which would give the Gulf Council and NOAA Fisheries more flexibility in managing red snapper in the Gulf of Mexico.

The House reauthorization bill has also been amended by other members of the House. Representative Byrne from Alabama introduced language that would require the Gulf States Marine Fisheries Commission (GSMFC) to conduct all stock assessments for all reef fish species managed by the Gulf council. Representative Southerland from Florida introduced language that would require any commercial catch share allocation in the Gulf of Mexico to be sold or leased only within the commercial sector. These amendments have since been incorporated into the House reauthorization bill.

The Senate reauthorization bill was first released in April 2014. A second draft was released in July. The Senate bill has many provisions similar to the House bill, such as allowing the councils to look at alternative approaches for the management of recreational fisheries and removing section 407 from the Act. In addition, this bill would require the Gulf and South Atlantic Councils to revisit allocation every five years and require the U.S. Secretary of Commerce to publish a plan for conducting stock assessments. Senator Rubio from Florida amended the Senate reauthorization bill by including language requiring the National Academy of Sciences to conduct a study on allocation privileges for the commercial, recreational, and charter fishing sectors. Senator Rubio's amendments have since been incorporated into the Senate reauthorization bill.

2013/2014 Congressional Bills Related to Red Snapper

House

- Gulf Fisheries Fairness Act (Bonner, AL)
- SNAPR Act (Byrne, AL)

Senate

- A Bill to Grant Exclusive Fishery Management Authority Over the Red Snapper Fish in the Gulf of Mexico to Certain States (Vitter, LA)

Bills in Both the House and Senate

- ✓ 2015 Omnibus Appropriations Act (Rep. Christensen, VI; passed by Congress)
- Offshore Fairness Act (Rep. Cassidy, LA and Sen. Vitter, LA)
- Gulf of Mexico Red Snapper Conservation Act (Rep. Miller, FL and Sen. Landrieu, LA)



In addition to the congressional bills concerning the Act, several bills were introduced in the last Congress that address red snapper issues. Most of these bills did not make it past the committee level in 2014, but could be reintroduced in 2015. In the House, Representative Bonner introduced the Gulf Fisheries Fairness Act which would have given Gulf states authority to manage all reef fish out to 20 fathoms (120 feet). This essentially would have extended state waters for all Gulf states, providing greater flexibility in management. Representative Byrne introduced the SNAPR Act which proposed to repeal section 407 of the Act. This was also added to both the 2014 House and Senate versions of the reauthorization bills.

In the Senate, Senator Vitter introduced a bill that would give Gulf states authority over red snapper in the entire U.S. Exclusive Economic Zone out to 200 miles (all federal waters). This legislation would have required Governors of the Gulf states to agree on a fisheries management plan for red snapper.

Several bills were introduced in both the House and the Senate. The 2015 Omnibus Appropriations Act was approved by Congress in December, and includes \$2 million dollars for electronic data collection for charter for-hire vessels operating in the Gulf of Mexico. The Offshore Fairness Act proposed extending the state waters boundaries for all Gulf states and Atlantic states north to Virginia out to 3 marine leagues, providing more management flexibility for the states. In addition to extending state waters boundaries, this bill would have also turned over the management of red snapper to the states in the entire U.S. Exclusive Economic Zone out to 200 miles (all federal waters). This bill was sponsored by Representative Cassidy in the House and Senator Vitter in the Senate. The Gulf of Mexico Red Snapper Conservation Act would have initially transferred management of red snapper to the GSMFC and ultimately the Gulf states. In December 2014, a House subcommittee held a hearing on this bill. This bill was sponsored by Representative Miller in the House and Senator Landrieu in the Senate.