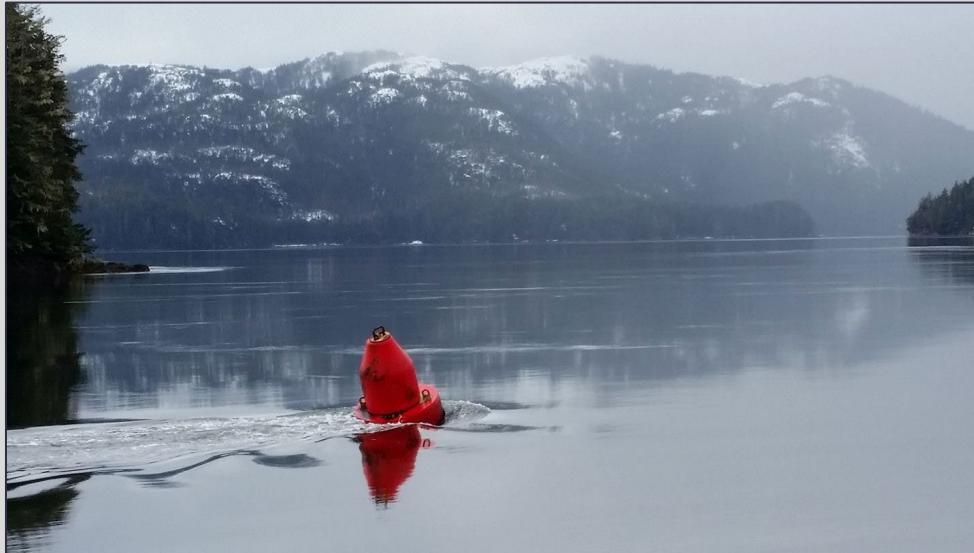


Magnuson-Stevens Fishery Conservation & Management Act and State Fisheries Management



Alaska Board of Fisheries
RC #3, Tab 17
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Magnuson-Stevens Act

- Principal law governing marine fisheries in the U.S.
- Applicable to all fisheries in the EEZ (3-200 NM)
 - Does not apply to State waters (0-3 NM), which includes all internal waters of PWS and SEAK
- Requires management to be consistent with several provisions, including 10 national standards
- Alaska has delegated management authority for some fisheries (i.e., SEAK salmon, BSAI crab)

MSA- State Jurisdiction

Section 306 (3): A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

(A) The fishing vessel is registered under the law of that State, and

(i) **there is no FMP** or other applicable Federal fishing regulations for the fishery in which the vessel is operating; or

(ii) the **State's laws and regulations are consistent with the FMP and applicable Federal fishing regulations** for the fishery in which the vessel is operating.

(B) The FMP for the fishery in which the fishing vessel is operating **delegates management of the fishery to a State and the State's laws and regulations are consistent with such FMP...**

MSA National Standard 4: Allocations

Conservation and management **measures shall not discriminate between residents of different states.**

If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege.

GOA Groundfish FMP

Species/stock	Included in FMP?	Delegated authority?	Federal regulations for sport?	State management authority in federal waters?
Sablefish	Yes	No	No	Yes - sport fisheries
Demersal shelf rockfish FMP: Canary, China, Copper, Quillback, Redbanded, Rosethorn, Tiger & Yelloweye	Yes	Yes	No	Yes - sport & commercial fisheries in Eastern GOA
Pelagic shelf rockfish FMP: Dusky, Widow & Yellowtail	Yes	No	No	Yes - sport fisheries
Slope rockfish FMP: Silvergrey, Vermillion, Rougheye, Shortraker, etc.	Yes	No	No	Yes - sport fisheries
Black, Blue, & Dark rockfish	No	n/a	n/a	Yes - sport & commercial fisheries
Lingcod	No	n/a	n/a	Yes - sport & commercial fisheries

*The State can manage recreational fishing in the EEZ, consistent with the FMP and MSA

MSA Groundfish Proposals

- **105** - Modify sport fishing regulations in salt waters subject to the MSA by removing differential regulations for resident & nonresident anglers
- 198 - Increase the sport fish resident bag limit for sablefish
- 203 - Establish unguided nonresident lingcod regulations in the sport fishery
- 206 - Reopen yelloweye sport fishery for residents
- 207 - Allow retention of demersal shelf rockfish by nonresidents
- 208 - Allow retention of demersal shelf rockfish by nonresidents
- 209- Establish provisions for a resident priority within emergency order authority for pelagic rockfish

Key Points

- It is in Alaska's best interest to comply with MSA to retain the ability to manage fisheries in the EEZ
- In federal waters, non-resident and resident limits must be the same
 - Applies to sport, personal use, & subsistence
- The Board may continue to provide a priority for residents in state waters