

CIVIL EATS

Sustainable Fisheries Management in the Legislative Crosshairs

An 11th-hour attempt to weaken the country's fishery protections has been averted—for now.



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When Jeff Farvour got serious about fishing 23 years ago, he chose picturesque Sitka, Alaska, with its thriving halibut fishery, for his home port. Halibut is Farvour's favorite fish, although he also harvests salmon from his 40-foot vessel, the Apollo.

In 2007, however, halibut stocks in the Gulf of Alaska plummeted, and regulators cut fishermen’s allowed catch limit by 78 percent over a four-year period to allow the fish population time to rebuild.

“We understood the cuts that were needed,” said Farvour, who is a member of the [Alaska Longline Fishermen’s Association](#), a group of 300 mostly small-boat fishermen practicing sustainable methods. “It was devastating financially, but we accepted it, and the stocks bounced back pretty quickly.”

Today, the halibut fishery’s health helps make Sitka the 16th most valuable port in the nation. Fishermen there harvested some [91 million pounds](#) of fish (including other species such as salmon, black cod, and herring) at a \$75 million value in 2017.



A fishing boat leaves Sitka harbor. (Photo by Michael Turner / iStock)

Success stories like this make U.S. fisheries some of the best managed in the world, thanks in large part to the Magnuson-Stevens Fishery Conservation Act (the Magnuson Act), the nation’s science-based fishery management system that puts conservation at its heart. In recent years, however, recreational fishermen’s associations and their allies in Congress have sought to weaken the law through [sweeping reauthorization bills](#), and more [focused legislation](#) targeting

red snapper in the Gulf of Mexico. Such efforts seek to remove certain species from the Magnuson Act's oversight and change the rules for managing depleted stocks, among other provisions that could threaten the long-term viability of the nation's fisheries.

The recent passage of the [Modernizing Recreational Fisheries Act](#) (the Modern Fish Act) is a good example. Fisheries advocates say the final compromise bill, signed by President Trump on December 31, bodes well for preserving Magnuson. Its core tensions over recreational access to managed fisheries have yet to be resolved, however. And the same forces that are seeking to undermine the Magnuson Act with the Modern Fish Act may again stir the pot in the new Congress.

Fishing for Today or Tomorrow?

Enacted in 1976, the Magnuson Act is “about fishing for the long term, not for short-term profit,” said Meredith Moore, director of Fish Conservation at [Ocean Conservancy](#). It's a model that many countries seek to emulate, and “the reason why U.S. domestic-caught, wild fish top [consumer] sustainability lists.”

The Magnuson Act sets up a system of eight regional fisheries councils—comprised of commercial and recreational fishermen, scientists, and state and federal regulators—that manage fisheries at the local level. One of its core conservation features is the catch shares system, in which fishermen are allotted permits for the total amount of fish they can catch in one year in order to prevent overfishing. Commercial and recreational fishermen (which includes both private anglers and boats for hire) are treated separately by the regional councils, receiving different quotas and with differing systems for permitting and management.

As it was originally introduced in 2017, the Modern Fish Act was a “nasty piece of legislation,” according to Farvour, that would have gutted the Magnuson Act by allowing certain fisheries, primarily in the Gulf of Mexico, to be exempt from its oversight.

Recreational fishing groups, like the [Coastal Conservation Association](#) (CCA), sought changes, such as an extension of recreational-only fishing waters from three to nine miles offshore in order to “hand over red snapper to the recreational sector,” said Farvour.

Tensions over red snapper [have simmered for years](#) in the Gulf of Mexico. The pink-hued reef fish, savored for its sweet, nutty flavor, is the most popular sportfish in the Gulf, and private anglers want to catch more of the fish than they're currently allowed. The fish, which is typically marketed at 4 to 6 pounds but can grow to 50 pounds, is also one of the Gulf's most valuable, with commercial catch estimated at [\\$28.8 million in 2016](#).

Recreational fishermen receive 49 percent of the red snapper quota in the Gulf today, while commercial fishermen receive 51 percent. Actual catch data reveal, however, that recreational fishers harvest more than half of the Gulf's red snapper because they regularly exceed their quota. In 2016, for example, private anglers harvested [7.4 million pounds](#) of red snapper, 60 percent more than their allotment. Commercial fishermen harvested [6.7 million](#), at 99 percent of their quota.

Recreational Fishing View

“Some say that the CCA is angling to get rid of commercial fishing for red snapper in the Gulf of Mexico, and turn it into a game fish,” said Brazer, deputy director of the Gulf of Mexico's Reef Fish [Shareholders' Alliance](#), a group of commercial fishermen and seafood suppliers, citing the group's prior success at turning red drum into [a recreational-only fish](#).

The CCA did not respond to a request for comment.

In [press releases](#), CCA state affiliates express desire for state control over the recreational red snapper fishery and chafe at federal restrictions, such as a short season length and daily catch limits, imposed by the Gulf of Mexico Fishery Management Council under Magnuson. Tight catch limits have been in place for red snapper since the 1990s to allow the stock time to rebuild after [decades of overfishing](#). While quotas have increased in recent years, the fish is still in a [rebuilding phase](#).

That leads some to question why limits are needed, Ocean Conservancy's Moore told Civil Eats. But, she said, rebuilding a fish population is akin to weight maintenance. “When you're on a diet, you can't just eat pizza everyday as soon as you hit your goal weight.”



Seagulls stealing fish from a boat near Long Beach, California. (Photo by Petra Jezkova / iStock)

More fundamentally, CCA affiliates decry the “[privatizing of public trust resources](#)” to commercial fishermen and demand equal access for more than a [million anglers](#).

Brazer calls that stance a “schoolyard mentality.”

“It’s really unfortunate that leadership in some of these radical recreational groups want to tear down a plan that’s working in order to try to build up a solution for them,” he told Civil Eats. “If the private anglers want to be managed by the states, have at it—they just need to do it under the Magnuson Act.”

Modern Fish Act Compromise

In the end, keeping red snapper under the Magnuson Act’s jurisdiction won the day in the Modern Fish Act.

“Senators on both sides of the aisle came together,” said Moore. “They pulled out the vast majority of anything that would have actively undermined management and instead are looking at studies and ways to improve management for recreational fisheries.” Senators Wicker (R-MS),

Cantwell (D-WA), Markey (D-MA), Blumenthal (D-CT), Reed (D-RI), and Whitehouse (D-RI) were particularly instrumental, Brazer told Civil Eats.

In a nutshell, the Modern Fish Act calls for studies to get a better understanding of the impact of recreational fishing on fish populations in the Gulf of Mexico, as well as the implementation of better data collection systems for the recreational fishing sector. Private anglers and charter boats in the Gulf currently have few recordkeeping requirements in comparison to commercial fishermen, a key factor in why they exceed their quotas. The Modern Fish Act further authorizes NOAA Fisheries to apply management tools honed for recreational fishing.

Commercial fishermen associations and conservation groups were relieved by the outcome.

“The bill came a long way,” said Brazer. “The final version was much less harmful to commercial fishermen than the original version of the bill.”

“Our biggest concerns [about red snapper] were addressed,” said Farvour, who was concerned that the change would have set a precedent for other regions and given local groups a way to create more loopholes in the law.

“Reallocating to a sector that doesn’t have good accounting and accountability should be a concern for anyone who cares about the long-term sustainability of fish stocks,” said Farvour.

Even recreational fishing groups were pleased with the compromise legislation. “We are proud of the extensive work that went into producing this bill and are grateful to our champions in Congress who worked to establish recreational angling as an important component in the management of our nation’s fisheries, at long last,” said Patrick Murray, president of CCA in a [press release](#).

The Future for the Magnuson Act

The fight over the Magnuson Act isn’t over; it’s long overdue for reauthorization and Senator Dan Sullivan (R-AK) recently circulated a draft discussion document indicating that he intends to spearhead the effort this year, said Moore. While the discussion draft is not yet public, Moore said it’s an improvement over previous attempts she’s seen to reauthorize the Act over the last six years, but still has some worrisome provisions.

Ultimately, Brazer believes that Magnuson's fate is tied to resolving the Gulf of Mexico's red snapper conflict, which he calls the "epicenter for a lot of controversial fishery-related issues." This month, the Gulf fisheries management council will take up an important vote that could move all stakeholders toward resolution by heeding anglers' calls to let the states manage the recreational fishery, while also requiring the states to meet certain standards for record keeping, management, and catch limits.

Brazer is hopeful. "We're creeping towards a solution at the Gulf council level. If the [recreational fishing groups] and states can put aside their differences and come to the table and figure out a solution, then I think we're going to see this year as a turning point in fisheries management in the Gulf and in the U.S."

Moore is optimistic as well. "We're hoping that the spirit of negotiation we saw with [the Modern Fish Act] continues to carry the day. There will always be pressure to fish more now. That's why it's so important to have that structure in the law that keeps the long-term focus."

Top photo: A Florida Fish and Wildlife Conservation Commission staffer poses with a red snapper. (Photo CC-licensed by [FWC](#))

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