

114TH CONGRESS
1ST SESSION

H. R. 3094

To amend the Magnuson-Stevens Fishery Conservation and Management Act to transfer to States the authority to manage red snapper fisheries in the Gulf of Mexico.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2015

Mr. GRAVES of Louisiana (for himself, Mr. MILLER of Florida, Mr. RICHMOND, Mr. AUSTIN SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. BOUSTANY, Mr. ABRAHAM, Mr. PALAZZO, Mr. WITTMAN, Mr. OLSON, Mr. GENE GREEN of Texas, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, Mr. BENISHEK, Mr. JODY B. HICE of Georgia, Mr. LONG, Mr. BABIN, Mr. COOK, Mr. WALZ, Mr. LAMALFA, Mr. LATTA, and Mr. CARTER of Georgia) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to transfer to States the authority to manage red snapper fisheries in the Gulf of Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gulf States Red Snap-
5 per Management Authority Act”.

1 **SEC. 2. TRANSFER TO STATES OF MANAGEMENT OF RED**
2 **SNAPPER FISHERIES IN THE GULF OF MEX-**
3 **ICO.**

4 (a) IN GENERAL.—The Magnuson-Stevens Fishery
5 Conservation and Management Act (16 U.S.C. 1801 et
6 seq.) is amended by adding at the end the following:

7 **“TITLE V—TRANSFER TO STATES**
8 **OF MANAGEMENT OF RED**
9 **SNAPPER FISHERIES IN THE**
10 **GULF OF MEXICO**

11 **“SEC. 501. DEFINITIONS.**

12 “In this title:

13 “(1) COASTAL WATERS.—The term ‘coastal
14 waters’ means all waters of the Gulf of Mexico—

15 “(A) shoreward of the baseline from which
16 the territorial sea of the United States is meas-
17 ured; and

18 “(B) seaward from the baseline described
19 in subparagraph (A) to the outer boundary of
20 the exclusive economic zone.

21 “(2) GULF COASTAL STATE.—The term ‘Gulf
22 coastal State’ means each of the following States:

23 “(A) Alabama.

24 “(B) Florida.

25 “(C) Louisiana.

26 “(D) Mississippi.

1 “(E) Texas.

2 “(3) GULF OF MEXICO FISHERY MANAGEMENT
3 COUNCIL.—The term ‘Gulf of Mexico Fishery Man-
4 agement Council’ means the Gulf of Mexico Fishery
5 Management Council established under section
6 302(a).

7 “(4) GULF OF MEXICO RED SNAPPER.—The
8 term ‘Gulf of Mexico red snapper’ means members
9 of stocks or populations of the species *Lutjanus*
10 *campechanus*, which ordinarily are found within the
11 waters of the exclusive economic zone and adjacent
12 territorial waters of the Gulf of Mexico.

13 “(5) GULF STATES RED SNAPPER MANAGE-
14 MENT AUTHORITY.—The term ‘Gulf States Red
15 Snapper Management Authority’ and ‘GSR SMA’,
16 means the Gulf States Red Snapper Management
17 Authority established under section 502(a).

18 “(6) RED SNAPPER FISHERY MANAGEMENT
19 PLAN.—The term ‘red snapper fishery management
20 plan’ means a plan created by one or more Gulf
21 coastal States to manage Gulf of Mexico red snapper
22 in the coastal waters adjacent to such State or
23 States, respectively.

24 “(7) REEF FISH FEDERAL FISHERY MANAGE-
25 MENT PLAN.—The term ‘Reef Fish Federal fishery

1 management plan' means the Fishery Management
2 Plan for the Reef Fish Resources of the Gulf of
3 Mexico, as amended, prepared by the Gulf of Mexico
4 Fishery Management Council pursuant to title III
5 and implemented under part 622 of title 50, Code
6 of Federal Regulations (or similar successor regula-
7 tion).

8 “(8) STATE TERRITORIAL WATERS.—The term
9 ‘State territorial waters’, with respect to a Gulf
10 coastal State, means the waters adjacent to such
11 State seaward to the line three marine leagues sea-
12 ward from the baseline from which of the territorial
13 sea of the United States is measured.

14 **“SEC. 502. MANAGEMENT OF GULF OF MEXICO RED SNAP-**
15 **PER.**

16 “(a) GULF STATES RED SNAPPER MANAGEMENT
17 AUTHORITY.—

18 “(1) REQUIREMENT TO ESTABLISH.—Not later
19 than 60 days after the date of the enactment of this
20 title, the Secretary shall establish a Gulf States Red
21 Snapper Management Authority that consists of the
22 principal fisheries manager of each of the Gulf
23 coastal States.

24 “(2) DUTIES.—The duties of the GSRMSA are
25 as follows:

1 “(A) To review and approve red snapper
2 fishery management plans, as set out in the
3 Act.

4 “(B) To provide standards for each Gulf
5 coastal State to use in developing fishery man-
6 agement measures to sustainably manage Gulf
7 of Mexico red snapper in the coastal waters ad-
8 jacent to such State.

9 “(C) To the maximum extent practicable,
10 make scientific data, stock assessments and
11 other scientific information upon which fishery
12 management plans are based available to the
13 public for inspection prior to meetings described
14 in paragraph (c)(2).

15 “(b) REQUIREMENT FOR PLANS.—

16 “(1) DEADLINE FOR SUBMISSION OF PLANS.—

17 The GRSMA shall establish a deadline for each
18 Gulf coastal State to submit to the GRSMA a red
19 snapper fishery management plan for such State.

20 “(2) CONSISTENCY WITH FEDERAL FISHERY
21 MANAGEMENT PLANS.—To the extent practicable,

22 the Gulf Coastal States fishery management plans
23 shall be consistent with the requirements in section
24 303(a) of the Fishery Conservation and Manage-
25 ment Act of 1976 (16 U.S.C. 1853(a)).

1 “(c) REVIEW AND APPROVAL OF PLANS.—

2 “(1) IN GENERAL.—Not later than 1 year after
3 the date of the enactment of this title and not more
4 than 60 days after one or more Gulf coastal States
5 submits a red snapper fishery management plan and
6 annually thereafter, the GRSMA shall review and
7 approve by majority vote the red snapper fishery
8 management plan if such plan meets the require-
9 ments of this title.

10 “(2) PUBLIC PARTICIPATION.—Prior to approv-
11 ing a red snapper fishery management plan sub-
12 mitted by one or more Gulf coastal States, the
13 GRSMA shall provide an adequate opportunity for
14 public participation, including—

15 “(A) at least 1 public hearing held in each
16 respective Gulf coastal State; and

17 “(B) procedures for submitting written
18 comments to GRSMA on the fishery manage-
19 ment plan.

20 “(3) PLAN REQUIREMENTS.—A red snapper
21 fishery management plan submitted by one or more
22 Gulf coastal States shall—

23 “(A) contain standards and procedures for
24 the long-term sustainability of Gulf of Mexico
25 red snapper based on the best available science;

1 “(B) comply with the standards described
2 in subsection (a)(2)(B); and

3 “(C) determine quotas for the red snapper
4 fishery in the coastal waters adjacent to such
5 Gulf coastal State or States, respectively, based
6 on stock assessments, and—

7 “(i) any recommendation by the
8 GSRMSA to reduce quota apportioned to
9 the commercial sector by more than 10
10 percent shall be reviewed and approved by
11 the Gulf of Mexico Fishery Management
12 Council;

13 “(ii) during the 3-year period begin-
14 ning on the date of enactment of this title
15 and consistent with subsection (d), the
16 GSRMSA shall not determine a quota ap-
17 portioned to the commercial sector; and

18 “(iii) nothing in this Act shall be con-
19 strued to change the individual quota
20 shares currently in place in the commercial
21 sector of the Gulf of Mexico red snapper
22 fishery.

23 “(4) REVIEW AND APPROVAL.—Not later than
24 60 days after the date the GSRMSA receives a red
25 snapper fishery management plan from one or more

1 Gulf coastal State or States, the GSRSMAs shall re-
2 view and approve such plan if such plan satisfies the
3 requirements of subsection (b).

4 “(d) CONTINUED MANAGEMENT BY THE SEC-
5 RETARY.—During the 3-year period beginning on the date
6 of the enactment of this title, the Secretary, in coordina-
7 tion with the Gulf of Mexico Fishery Management Council,
8 shall continue to manage the commercial sector of the Gulf
9 of Mexico red snapper fishery.

10 “(e) REPORTING REQUIREMENTS.—

11 “(1) REPORTS BY GULF COASTAL STATES.—

12 Each Gulf coastal State shall submit to the
13 GSRSMAs an annual report on the status of the Gulf
14 of Mexico red snapper fishery in coastal waters adja-
15 cent to such State.

16 “(2) REPORT BY THE GSRSMAs.—Not less often
17 than once every 5 years, the GSRSMAs shall use the
18 information submitted in the annual reports re-
19 quired by paragraph (1) to prepare and submit to
20 the Secretary a report on the status of the Gulf of
21 Mexico red snapper fishery.

22 “(3) ANNUAL REPORT BY NATIONAL OCEANIC
23 AND ATMOSPHERIC ADMINISTRATION.—The Admin-
24 istrator of the National Oceanic and Atmospheric

1 Administration shall submit to Congress an annual
2 report on the implementation of this title.

3 **“SEC. 503. STATE IMPLEMENTATION OF THE RED SNAPPER**
4 **FISHERY MANAGEMENT PLANS.**

5 “(a) ALLOCATION OF MANAGEMENT TO THE GULF
6 STATES.—

7 “(1) CERTIFICATION OF APPROVED PLANS.—

8 The GSRSMA shall certify to the Secretary that a
9 red snapper fishery management plan is approved
10 under section 502 for each of the Gulf coastal
11 States.

12 “(2) TRANSFER OF MANAGEMENT.—Upon re-

13 ceipt of the certification described in paragraph (1)
14 and subject to section 502(d), the Secretary shall—

15 “(A) publish a notice in the Federal Reg-
16 ister revoking the regulations and portions of

17 the Reef Fish Federal fishery management plan

18 that are in conflict with any red snapper fishery

19 management plan approved by the GSRSMA;

20 and

21 “(B) transfer management of Gulf of Mex-
22 ico red snapper to the GSRSMA.

23 “(b) IMPLEMENTATION.—

24 “(1) IN GENERAL.—Upon the transfer of man-

25 agement described in subsection (a)(2)(B) and sub-

1 ject to section 502(d), each Gulf coastal State shall
2 implement and enforce the red snapper fishery man-
3 agement plans approved under section 502 for the
4 Gulf of Mexico red snapper fishery in the coastal
5 waters adjacent to each Gulf coastal State.

6 “(2) FAILURE TO TRANSFER MANAGEMENT.—If
7 the certification described in subsection (a)(1) is not
8 made the transfer of management described in sub-
9 section (a)(2)(B) may not be accomplished and the
10 Secretary shall remain responsible for management
11 of the Gulf of Mexico red snapper.

12 **“SEC. 504. OVERSIGHT OF GULF OF MEXICO RED SNAPPER**
13 **MANAGEMENT.**

14 “(a) IMPLEMENTATION AND ENFORCEMENT OF
15 FISHERY MANAGEMENT PLANS.—Not later than Decem-
16 ber 1 of the year following the transfer of management
17 described in section 503(a)(2), and at any other time the
18 GSRMSA considers appropriate after that date, the
19 GSRMSA shall determine if—

20 “(1) each Gulf coastal State has fully adopted
21 and implemented the red snapper fishery manage-
22 ment plan approved under section 502 for such
23 State;

1 “(2) each such plan continues to be in compli-
2 ance with the standards for sustainability provided
3 by the GSRMSA pursuant to section 502(a)(2); and

4 “(3) the enforcement of the plan by each Gulf
5 coastal State is satisfactory to maintain the long-
6 term sustainability and abundance of Gulf of Mexico
7 red snapper.

8 “(b) OVERFISHING AND REBUILDING PLANS.—

9 “(1) CERTIFICATION.—If the Gulf of Mexico
10 red snapper in the coastal waters adjacent to a Gulf
11 coastal State is experiencing overfishing or is subject
12 to a rebuilding plan, such Gulf coastal State shall
13 submit a certification to the GSRMSA showing that
14 such State—

15 “(A) has implemented the necessary meas-
16 ures to end overfishing or rebuild the fishery;
17 and

18 “(B) in consultation with the National
19 Oceanic and Atmospheric Administration, has
20 implemented a program to provide for data col-
21 lection adequate to monitor the harvest of Gulf
22 of Mexico red snapper by such State.

23 “(2) NOTIFICATION TO SECRETARY.—If, after
24 such time as determined by the GSRMSA, a Gulf
25 coastal State that submitted a certification under

1 paragraph (1) has not implemented the measures
2 and requirements described in subparagraphs (A)
3 and (B) of such paragraph, the GSRSMA shall vote
4 on whether to notify the Secretary of a recommenda-
5 tion of closure of the red snapper fishery in the
6 waters adjacent to the State territorial waters of the
7 Gulf coastal State.

8 “(c) CLOSURE OF THE GULF OF MEXICO RED SNAP-
9 PER FISHERY.—

10 “(1) CONDITIONS FOR CLOSURE.—Not later
11 than 60 days after the receipt of a notice under sub-
12 section (b)(2) for a Gulf coastal State, the Secretary
13 may declare a closure of the Gulf of Mexico red
14 snapper fishery within the waters adjacent to the
15 State territorial waters of the Gulf coastal State.

16 “(2) CONSIDERATIONS.—Prior to making a
17 declaration under paragraph (2), the Secretary shall
18 consider the comments of such Gulf coastal State
19 and the GSRSMA.

20 “(3) ACTIONS PROHIBITED DURING CLO-
21 SURE.—During a closure of the Gulf of Mexico red
22 snapper fishery under paragraph (1), it is unlawful
23 for any person—

24 “(A) to engage in fishing for Gulf of Mex-
25 ico red snapper within the waters adjacent to

1 the State territorial waters of the Gulf coastal
2 State covered by the closure;

3 “(B) to land, or attempt to land, the Gulf
4 of Mexico red snapper in the area of the clo-
5 sure; or

6 “(C) to fail to return to the water any Gulf
7 of Mexico red snapper caught in the area of the
8 closure that are incidental to commercial har-
9 vest or in the recreational fisheries.

10 “(4) CONSTRUCTION.—Nothing in this sub-
11 section shall be construed to allow the Secretary to
12 close the red snapper fishery in the State territorial
13 waters of a Gulf coastal State.

14 **“SEC. 505. GULF STATES MARINE FISHERIES COMMISSION.**

15 “(a) FUNDING TO THE GULF STATES MARINE FISH-
16 ERIES COMMISSION.—The Secretary shall provide all Fed-
17 eral funding to the Gulf States Marine Fisheries Commis-
18 sion for all necessary stock assessments, research, and
19 management for the red snapper fishery.

20 “(b) FUNDING TO THE GULF COASTAL STATES.—
21 The Gulf States Marine Fisheries Commission shall be re-
22 sponsible for administering the Federal funds referred to
23 in paragraph (1) to each of the Gulf coastal States for
24 proper management of the red snapper fishery.

1 “(c) NO ADDITIONAL APPROPRIATIONS AUTHOR-
 2 IZED.—Nothing in this section may be construed to in-
 3 crease the amount of Federal funds authorized to be ap-
 4 propriated for Gulf of Mexico red snapper fishery manage-
 5 ment.

6 **“SEC. 506. NO EFFECT ON MANAGEMENT OF SHRIMP FISH-**
 7 **ERIES IN FEDERAL WATERS.**

8 “(a) BYCATCH REDUCTION DEVICES.—Nothing in
 9 this title may be construed to effect any requirement re-
 10 lated to the use of Gulf of Mexico red snapper bycatch
 11 reduction devices in the course of shrimp trawl fishing ac-
 12 tivity.

13 “(b) BYCATCH OF RED SNAPPER.—Nothing in this
 14 title shall be construed to apply to or affect in any manner
 15 the Federal management of commercial shrimp fisheries
 16 in the Gulf of Mexico, including any incidental catch of
 17 red snapper”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) DATA COLLECTION.—Section 401(g)(3)(C)
 20 of the Magnuson-Stevens Fishery Conservation and
 21 Management Act (16 U.S.C. 1881(g)(3)(G)) is
 22 amended by striking “and” after the semicolon at
 23 the end of clause (iv), by striking the period at the
 24 end of clause (v) and inserting “; and”, and by add-
 25 ing at the end the following:

1 “(vi) in the case of each fishery in the
2 Gulf of Mexico, taking into consideration
3 all data collection activities related to fish-
4 ery effort that are undertaken by the ma-
5 rine resources division of each relevant
6 State of the Gulf of Mexico Fishery Man-
7 agement Council.”.

8 (2) GULF STATE TERRITORIAL WATERS.—Sec-
9 tion 306(b) of the Magnuson-Stevens Fishery Con-
10 servation and Management Act (16 U.S.C. 1856(b))
11 is amended by adding at the end the following:

12 “(4) Notwithstanding section 3(11) and sub-
13 section (a) of this section, for purposes of managing
14 fisheries in the Gulf of Mexico, the seaward bound-
15 ary of a coastal State in the Gulf of Mexico is a line
16 three marine leagues seaward from the baseline from
17 which the territorial sea of the United States is
18 measured.”.

19 (c) CLERICAL AMENDMENT.—The table of contents
20 in the first section of such Act is amended by adding at
21 the end the following:

“TITLE V—TRANSFER TO STATES OF MANAGEMENT OF RED
SNAPPER FISHERIES IN THE GULF OF MEXICO

“Sec. 501. Definitions.

“Sec. 502. Management of Gulf of Mexico red snapper.

“Sec. 503. State implementation of the red snapper fishery management plans.

“Sec. 504. Oversight of Gulf of Mexico red snapper management.

“Sec. 505. Gulf States Marine Fisheries Commission.

“Sec. 506. No effect on management of shrimp fisheries in Federal waters.”.

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