

H.R. 3094, the Gulf States Red Snapper Management Authority Act

Sponsor – Congressman Graves (R- Louisiana)

Introduced on July 16, 2015

Referred to the House Natural Resources Committee

Section 1 – Short Title.

Section 2 – Transfer to States of Management of Red Snapper Fisheries in the Gulf of Mexico. The bill would create a new **Title V – Transfer to States of Management of Red Snapper Fisheries in the Gulf of Mexico** within the Magnuson-Stevens Fishery Conservation and Management Act.

Section 501- Definitions.

Section 501 of the new title would add new definitions for the title for “coastal waters”, “Gulf coastal state”, “Gulf of Mexico Fishery Management Council”, “Gulf of Mexico red snapper”, “Gulf of Mexico Red Snapper Management Authority”, “Red snapper fishery management plan”, “Reef Fish Federal fishery management plan”, and “State territorial waters”.

Section 502 – Management of Gulf of Mexico Red Snapper.

The new title would require the Secretary of Commerce, within 60 days, to establish a Gulf States Red Snapper Management Authority (GSR SMA) that consists of the principal fisheries managers of each of the Gulf coastal states.

The GSR SMA’s duties would include: reviewing and approving red snapper management plans; providing standards for each Gulf coastal State to use in developing fishery management measures to sustainably manage Gulf of Mexico red snapper in the coastal waters adjacent to the State; and making scientific data, stock assessments and other scientific information available to the public prior to the information being used during the approval of the red snapper management plan or plans.

The bill would require the GSR SMA to establish a deadline for each Gulf coastal State to submit a red snapper management plan for the State to the GSR SMA. To the extent practicable, the plans would be required to be consistent with requirements for a fishery management plan under section 303(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

The bill would require that the GSR SMA, within one year and not more than 60 days after the submission of a management plan, review and approve (by majority vote) the red snapper management plan submitted by one or more Gulf coastal State. The GSR SMA would be required to review and approve any management plans annually.

The bill would require that one or more Gulf coastal States prior to submitting a management plan, provide for public participation including holding at least one public hearing in each respective Gulf coastal State and providing procedures for the public to submit written comments on the management plan.

The bill would require that a management plan submitted by one or more Gulf coastal States: contain standards and procedures for the long-term sustainability of Gulf of Mexico red snapper based on the best available science; comply with the standards that are consistent with the requirements in section 303(a) of the Magnuson-Stevens Act; and determine quotas for the red snapper fishery in the coastal waters adjacent to the Gulf coastal State or States that are based on stock assessments.

The bill would require the GRSMA to get the Gulf of Mexico Fishery Management Council to review and approve any reduction of more than 10 percent in the quota allocated to the commercial sector of the Gulf red snapper fishery.

The bill would require the Secretary of Commerce, in coordination with the Gulf of Mexico Fishery Management Council, to continue to manage the commercial sector of the Gulf red snapper fishery for three years following the enactment of this legislation and would prohibit the GRSMA from making an allocation to the commercial sector during this three-year period.

The bill would clarify that nothing in the legislation would change the individual quota shares currently in place in the commercial sector of the Gulf red snapper fishery.

The bill would require that the GRSMA review and approve a fishery management plan submitted by one or more Gulf coastal State within 60 days of the receipt of the plan if the plan is considered to be consistent with the requirements of section 303(a) of the Magnuson-Stevens Act.

The bill would require that each Gulf coastal State submit an annual report to the GRSMA on the status of the Gulf red snapper fishery in the coastal waters adjacent to that State.

The bill would require the GRSMA to prepare and submit a report to the Secretary of Commerce on the status of the Gulf red snapper fishery based on information submitted in the annual reports of each Gulf coastal State. The report to the Secretary would be required at least once every five years.

The bill would require the Administrator of NOAA to submit an annual report to Congress on the implementation of this title.

Section 503 – State Implementation of the Red Snapper Fishery Management Plans.

The bill would require that the GRSMA certify to the Secretary of Commerce that a red snapper fishery management plan is approved for each Gulf coastal State.

The bill would require the Secretary, upon receipt of a certification by the GRSMA, to publish a notice in the Federal Register revoking any regulations and portions of the Reef Fish Federal fishery management plan that are in conflict with the red snapper fishery management plan approved by the GRSMA and to transfer management of Gulf red snapper to the GSRAMA.

The bill would require, upon transfer of management authority from the Secretary to the GRSMA, each Gulf coastal State to implement and enforce the red snapper management plan approved by the GRSMA in the coastal waters adjacent to that State.

The bill clarifies that if GRSMA does not certify a State-submitted plan, the Secretary of Commerce will maintain management authority for the Gulf red snapper fishery.

Section 504 – Oversight of Gulf of Mexico Red Snapper Management.

The bill would require that no later than December 1 of the year following the transfer of management to the GRSMA, the GRSMA to: determine if each Gulf coastal State has fully adopted and implemented the GRSMA-approved management plan; to determine if each management plan (assuming there is more than one approved plan) continues to be in compliance with the standards for sustainability developed by the GRSMA; to determine if the plan by each Gulf coastal State is satisfactory to maintain the long-term sustainability and abundance of Gulf red snapper.

In the event that the Gulf red snapper fishery is determined to be experiencing overfishing in the coastal waters adjacent to the State or is subject to a rebuilding plan in those waters, the bill would require each Gulf coastal State to submit a certification to GRSMA showing that the State has implemented the necessary measures to end overfishing or rebuild the fishery and, in consultation with NOAA, has implemented a program to provide for data collection adequate to monitor the harvest of Gulf red snapper by that State.

The bill would require the GRSMA, in the event that a Gulf coastal State submits a certification that it has implemented the necessary measures to end overfishing and rebuild the fishery, but has not done so, to vote on whether to notify the Secretary of Commerce of a recommendation for the closure of the red snapper fishery in the waters adjacent to the State territorial waters of that State.

The bill would allow (but not require) the Secretary, within 60 days of a notice that a State has not implemented the necessary measures to end overfishing and rebuild the red snapper fishery, to declare a closure of the Gulf red snapper fishery within the waters adjacent to the State territorial waters of that State.

The bill would require the Secretary, prior to declaring the closure, to consider the comments of the State and the GRSMA.

The bill would prohibit any person from engaging in fishing for, landing or attempting to land, or failing to return to the water any incidentally-caught Gulf red snapper in the closed area during a closure declared by the Secretary.

The bill would clarify that the bill does not give the Secretary of Commerce the authority to close the Gulf red snapper fishing within the Gulf coastal States' territorial waters.

Section 505 – Gulf States Marine Fisheries Commission.

The bill would require the Secretary of Commerce to provide all of the funding necessary for stock assessments, research, and management of the red snapper fishery to the Gulf States Marine Fisheries Commission (Commission).

The bill would require the Commission to be responsible for administering the funds provided by the Secretary to each of the Gulf coastal States for the proper management of the red snapper fishery.

The bill would clarify that nothing in this section of the bill would be construed to increase the amount of Federal funds authorized to be appropriated for the management of the Gulf red snapper fishery.

Section 506 – No Effect on Management of Shrimp Fisheries in Federal Waters.

The bill would clarify that nothing in the new title may be construed to effect any requirement relating to the use of red snapper bycatch devices in shrimp trawling fishing activities in the Gulf of Mexico.

The bill would clarify that nothing in the new title may be construed to apply to or affect the Federal management of commercial shrimp fisheries in the Gulf of Mexico including any incidental catch of red snapper.

The bill would add a provision to the Recreational Fisheries Data Collection program in section 401 of the Act to require that the program take into consideration all data collection activities related to fishery efforts that are undertaken by each relevant State marine resources division for each Gulf State.

The bill would further amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the seaward boundary for all Gulf coastal States to 3 marine leagues (9 nautical miles).