

GULF STATES RED SNAPPER MANAGEMENT AUTHORITY
ACT

DECEMBER 8, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3094]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gulf States Red Snapper Management Authority Act”.

SEC. 2. TRANSFER TO STATES OF MANAGEMENT OF RED SNAPPER FISHERIES IN THE GULF OF MEXICO.

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

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

“SEC. 501. DEFINITIONS.

“In this title:

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

“(A) shoreward of the baseline from which the territorial sea of the United States is measured; and

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

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

“(A) Alabama.

“(B) Florida.

“(C) Louisiana.

“(D) Mississippi.

“(E) Texas.

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

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

“(5) GULF STATES RED SNAPPER MANAGEMENT AUTHORITY.—The term ‘Gulf States Red Snapper Management Authority’ and ‘GSRMSA’, means the Gulf States Red Snapper Management Authority established under section 502(a).

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

“(7) REEF FISH FEDERAL FISHERY MANAGEMENT PLAN.—The term ‘Reef Fish Federal fishery management plan’ means the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, as amended, prepared by the Gulf of Mexico Fishery Management Council pursuant to title III and implemented under part 622 of title 50, Code of Federal Regulations (or similar successor regulation).

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

“SEC. 502. MANAGEMENT OF GULF OF MEXICO RED SNAPPER.

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

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

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

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

“(B) To provide 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 such State.

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

“(b) REQUIREMENT FOR PLANS.—

“(1) DEADLINE FOR SUBMISSION OF PLANS.—The GSRMSA shall establish a deadline for each Gulf coastal State to submit to the GSRMSA a red snapper fishery management plan for such State.

“(2) CONSISTENCY WITH FEDERAL FISHERY MANAGEMENT PLANS.—To the extent practicable, the Gulf Coastal States fishery management plans shall be con-

sistent with the requirements in section 303(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1853(a)).

“(c) REVIEW AND APPROVAL OF PLANS.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this title and not more than 60 days after one or more Gulf coastal States submits a red snapper fishery management plan and annually thereafter, the GSRMSA shall review and approve by majority vote the red snapper fishery management plan if such plan meets the requirements of this title.

“(2) PUBLIC PARTICIPATION.—Prior to approving a red snapper fishery management plan submitted by one or more Gulf coastal States, the GSRMSA shall provide an adequate opportunity for public participation, including—

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

“(B) procedures for submitting written comments to GSRMSA on the fishery management plan.

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

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

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

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

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

“(ii) during the 3-year period beginning on the date of enactment of this title and consistent with subsection (d), the GSRMSA shall not determine a quota apportioned to the commercial sector; and

“(iii) nothing in this Act shall be construed to change the individual quota shares currently in place in the commercial sector of the Gulf of Mexico red snapper fishery.

“(4) REVIEW AND APPROVAL.—Not later than 60 days after the date the GSRMSA receives a red snapper fishery management plan from one or more Gulf coastal State or States, the GSRMSA shall review and approve such plan if such plan satisfies the requirements of subsection (b).

“(d) CONTINUED MANAGEMENT BY THE SECRETARY.—During the 3-year period beginning on the date of the enactment of this title, the Secretary, in coordination with the Gulf of Mexico Fishery Management Council, shall continue to manage the commercial sector of the Gulf of Mexico red snapper fishery.

“(e) REPORTING REQUIREMENTS.—

“(1) REPORTS BY GULF COASTAL STATES.—Each Gulf coastal State shall submit to the GSRMSA an annual report on the status of the Gulf of Mexico red snapper fishery in coastal waters adjacent to such State.

“(2) REPORT BY THE GSRMSA.—Not less often than once every 5 years, the GSRMSA shall use the information submitted in the annual reports required by paragraph (1) to prepare and submit to the Secretary a report on the status of the Gulf of Mexico red snapper fishery.

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

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

“(1) CERTIFICATION OF APPROVED PLANS.—The GSRMSA shall certify to the Secretary that a red snapper fishery management plan is approved under section 502 for each of the Gulf coastal States.

“(2) TRANSFER OF MANAGEMENT.—Upon receipt of the certification described in paragraph (1) and subject to section 502(d), the Secretary shall—

“(A) publish a notice in the Federal Register revoking the regulations and portions of the Reef Fish Federal fishery management plan that are in conflict with any red snapper fishery management plan approved by the GSRMSA; and

“(B) transfer management of Gulf of Mexico red snapper to the GSRMSA.

“(b) IMPLEMENTATION.—

“(1) IN GENERAL.—Upon the transfer of management described in subsection (a)(2)(B) and subject to section 502(d), each Gulf coastal State shall implement and enforce the red snapper fishery management plans approved under section 502 for the Gulf of Mexico red snapper fishery in the coastal waters adjacent to each Gulf coastal State.

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

“SEC. 504. OVERSIGHT OF GULF OF MEXICO RED SNAPPER MANAGEMENT.

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

“(1) each Gulf coastal State has fully adopted and implemented the red snapper fishery management plan approved under section 502 for such State;

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

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

“(b) OVERFISHING AND REBUILDING PLANS.—

“(1) CERTIFICATION.—If the Gulf of Mexico red snapper in the coastal waters adjacent to a Gulf coastal State is experiencing overfishing or is subject to a rebuilding plan, such Gulf coastal State shall submit a certification to the GSRMSA showing that such State has implemented the necessary measures to end overfishing or rebuild the fishery.

“(2) NOTIFICATION TO SECRETARY.—If, after such time as determined by the GSRMSA, a Gulf coastal State that submitted a certification under paragraph (1) has not implemented the measures and requirements described in such paragraph, the GSRMSA shall vote on whether to notify the Secretary of a recommendation of closure of the red snapper fishery in the waters adjacent to the State territorial waters of the Gulf coastal State.

“(c) CLOSURE OF THE GULF OF MEXICO RED SNAPPER FISHERY.—

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

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

“(3) ACTIONS PROHIBITED DURING CLOSURE.—During a closure of the Gulf of Mexico red snapper fishery under paragraph (1), it is unlawful for any person—

“(A) to engage in fishing for Gulf of Mexico red snapper within the waters adjacent to the State territorial waters of the Gulf coastal State covered by the closure;

“(B) to land, or attempt to land, the Gulf of Mexico red snapper in the area of the closure; or

“(C) to fail to return to the water any Gulf of Mexico red snapper caught in the area of the closure that are incidental to commercial harvest or in the recreational fisheries.

“(4) CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Secretary to close the red snapper fishery in the State territorial waters of a Gulf coastal State.

“SEC. 505. PROHIBITION ON FEDERAL FUNDING.

“No Federal funds are authorized to be appropriated to or used for the GSRMSA or its members to carry out management actions of red snapper in the Gulf of Mexico.

“SEC. 506. NO EFFECT ON MANAGEMENT OF SHRIMP FISHERIES IN FEDERAL WATERS.

“(a) BYCATCH REDUCTION DEVICES.—Nothing in this title may be construed to effect any requirement related to the use of Gulf of Mexico red snapper bycatch reduction devices in the course of shrimp trawl fishing activity.

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

(b) CONFORMING AMENDMENTS.—

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

“(vi) in the case of each fishery in the Gulf of Mexico, taking into consideration all data collection activities related to fishery effort that are undertaken by the marine resources division of each relevant State of the Gulf of Mexico Fishery Management Council.”

(2) GULF STATE TERRITORIAL WATERS.—Section 306(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(b)) is amended by adding at the end the following:

“(4) Notwithstanding section 3(11) and subsection (a) of this section, for purposes of carrying out activities pursuant to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, the seaward boundary of a coastal State in the Gulf of Mexico is a line three marine leagues seaward from the baseline from which the territorial sea of the United States is measured.”

(c) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by adding at 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. Prohibition on Federal funding.

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

PURPOSE OF THE BILL

The purpose of H.R. 3094 is 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3094, as amended, transfers management authority of red snapper in the Gulf of Mexico from the Gulf of Mexico Fishery Management Council to the Gulf States Red Snapper Management Authority—an entity created by this bill consisting of the marine fisheries managers from each of the five Gulf of Mexico states.

The red snapper is a species of fish found in the South Atlantic and the Gulf with a known range from the Carolinas to Texas. These fish can grow upwards of 40 inches and 50 pounds and can have a lifespan of over 50 years. Categorized as “reef fish,” adult red snapper typically inhabit the bottom of the ocean near reefs, rocks, ledges and caves.

According to the National Oceanic and Atmospheric Administration (NOAA), red snapper has been caught in the Gulf since at least the mid-1800s. Red snapper is a highly sought-after species by both commercial and recreational fishermen in the area. In 1979, the Council created its “Reef Fish Management Plan” which included red snapper. The Magnuson-Stevens Fishery Conservation and Management Act of 1996 (Public Law 94–265) contained components addressing bycatch and rebuilding overfished fisheries. In February 1998, the Council amended the reef fish management plan to require bycatch reduction devices (BRD) for shrimp trawls in federal waters that were inadvertently catching red snapper in their shrimp nets. With the BRD requirement in place, the recovery of red snapper required closed seasons, commercial quotas, recreational bag limits, size limits and effective reduction in bycatch due to BRDs. The introduction of BRDs in 1998 allowed recreational and commercial anglers to roughly split a 9.12 million-pound annual Total Allowable Catch (TAC).

In 2005, a NOAA assessment found that the red snapper stock had failed to meet certain improvement targets mandated by the rebuilding plan. The assessment resulted in further quota reductions. NOAA data shows that quotas reached an all-time low in 2011 when the recreational and commercial quota was set at five million pounds combined. The quotas have increased since then.

Since the red snapper is a federally-managed species under the Magnuson-Stevens Act, the recreational and commercial quotas in federal waters are ultimately determined by the Council. The Council consists of members of the recreational, commercial, and charter-for-hire fisheries as well as a representative from each of the five Gulf states (Texas, Louisiana, Mississippi, Alabama and Florida), NOAA, and the U.S. Fish and Wildlife Service. Under NOAA's reef fish management plan, the commercial red snapper fishery is managed under an Individual Fishing Quota program for all federally permitted vessels. The same management plan sets the federal recreational season in terms of days. The Council uses historical catch data to set a recreational quota in pounds and bases the season length on an estimation of how long it would take the recreational sector to catch the quota.

Under the Council's *Final Amendment 28 to the Reef Fish Resources of the Gulf of Mexico*, released in August 2015, the overall red snapper quota for the federally permitted commercial sector was set at 48.5 percent and the recreational/charter-for-hire was set at 51.5 percent.

A 2014 U.S. District Court decision in a suit filed by Mr. Keith Guindon of Kate's Seafood in Galveston, Texas, found that NOAA failed to require adequate accountability measures for the recreational industry.¹ As a result, NOAA implemented an annual catch target (ACT) for the recreational sector 20% below the quota set by the Council to prevent exceeding the quota.

In December 2014, the Council approved and submitted the *Final Amendment 40 to the Reef Fish Resources of the Gulf of Mexico* to NOAA requesting that the federal recreational quota for red snapper be divided into two parts—allocating 42.3 percent of the recreational quota to charter-for-hire boats and 57.7 percent of the recreational quota to private anglers. As a result, the entire 2016 quota of 13.96 million pounds was split approximately 6.77 million pounds to commercial and 7.19 million pounds to recreational/charter-for-hire. Taking into account the ACT, the actual catchable quota for the charter-for-hire was only 3.04 million pounds and the recreational sector was only 4.15 million pounds for 2016. As a result, NOAA allotted recreational anglers merely nine days in federal waters, and charter-for-hire vessels 46 days in federal waters for the 2016 season. The commercial quota remains open year round under an individual fishing quota system managed under the Magnuson-Stevens Act umbrella.

Each of the five Gulf states has the authority to manage the red snapper fishery in their respective state waters. Faced with an increasing red snapper population within state waters, recreational anglers were allotted approximately 70 days in Florida, 30 days in Alabama, 122 days in Mississippi, and 204 days in Louisiana in

¹Buddy Guindon, Gulf of Mexico Reef Fish Shareholders Alliance, available at: <https://www.edf.org/sites/default/files/Buddy%20Guindon's%20Story.pdf>.

2015. The Texas Parks and Wildlife Department kept state waters open year-round for recreational red snapper fishing. The states use bag limits (amount of fish an angler can retain daily) and size limits for retained fish as management tools.

As a result of limited recreational seasons in federal waters, criticism of the science used in justifying such seasons, ongoing objections to the overall allocation of red snapper, and strong opposition to programs in place for the commercial and the charter-for-hire sectors, recreational angling organizations and the five Gulf states have sought management changes as a way to improve recreational access.

H.R. 3094, based on a five Gulf-state agreement reached last year, is one such proposal. The legislation specifically transfers federally sponsored red snapper management in federal waters (currently 9 to 200 miles nautical miles offshore) to state-based management. In doing so, H.R. 3094 creates the Gulf States Red Snapper Management Authority (GSRMSA), which would consist of the principal marine fisheries managers from each of the five Gulf states, with a rotating chair every two years.

The five Gulf states released a joint statement announcing that the GSRMSA would “allow states to use flexible management approaches to manage red snapper to meet local needs as well as Gulf-wide conservation goals.”² The GSRMSA would ultimately be charged with approving each state’s management plan and holding the states accountable under their respective management plans, and coordinating stock assessments and research among the five states.

The bill’s plan to take management out of the auspices of the federal Magnuson-Stevens Act structure and give management to a region of states is not without precedent. For example, the States of California, Oregon and Washington manage the Dungeness crab under existing federal law (Public Law 105–384). In addition, the Atlantic states manage striped bass along the east coast under the Atlantic Striped Bass Conservation Act (Public Law 98–613), although striped bass fishing is currently not allowed in federal waters.

As amended, H.R. 3094 prohibits federal funding from going to the GSRMSA or its members for carrying out the management of red snapper. It is not intended to impact NOAA’s existing authority to conduct various data collection and research efforts related to the Gulf of Mexico reef fish stocks, including red snapper.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states the title of the bill as the “Gulf States Red Snapper Management Authority Act.”

Section 2. Transfer to states of management of red snapper fisheries in the Gulf of Mexico

Section two of H.R. 3094, as amended, amends the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.

²Steve Lightfoot, Texas Parks and Wildlife: Recreational Anglers Get 10–Days in Federal Waters for Red Snapper, (May 26, 2015); available at: <http://tpwd.texas.gov/newsmedia/releases/?req=20150526a>.

1801) by adding a new Title V—Transfer to States of Management of Red Snapper in the Gulf of Mexico. Specifically, the section requires that, within 60 days of enactment of the legislation, the Secretary of Commerce shall establish the GRSMA consisting of the principal fishery managers of each of the five Gulf states. The GRSMA would be tasked with approving each of the states' red snapper management plan, enforcing each states' plan, and distributing federal funding for management, enforcement, and data collection. Prior to approving states' fishery management plans, the GRSMA would be required to collect public comment and hold public meetings on the proposed plans.

Once the initial state fishery management plans have been approved by the GRSMA, the Secretary would then publish a notice in the Federal Register removing red snapper from the Council's Reef Fish Fishery Management Plan and grant full red snapper management to the GRSMA.

Should the GRSMA find that one of the states is out of compliance with its approved management plan, the five states would vote on whether to notify the Secretary. If, by majority vote, the states determine to notify the Secretary that one of the states is out of compliance, the Secretary could then shut down all fishing for red snapper in federal waters within that state's jurisdiction. Fishing would remain in state waters of the affected state (0–9 nautical miles). Additionally, each state is required by this act to submit annual reports to the GRSMA on the status of the fishery in the respective state.

This section is intended to afford some assurance that access to the fishery will remain constant for all participants in the fishery throughout the transfer of management to the states. Under H.R. 3094, should a state's management plan recommend a reduced quota of more than 10 percent, that management plan would then be subject to review and approval by the Secretary. Further, the Council would continue to manage the commercial fishery for the first three years of the transition. Additionally, the bill does not change the individual quota shares currently in place in the commercial sector.

While H.R. 3094 vacates the federal management plan for red snapper, there is a clause in Section 2 pertaining to shrimp bycatch measures in the Gulf of Mexico. Currently, the fishery management plan for red snapper includes strict bycatch reduction standards for the shrimp industry. As red snapper typically inhabit the bottom of the ocean, they are susceptible to being caught in shrimp nets. The language in Section 2 states that, while the federal red snapper management plan is to be fully vacated, the language within that plan pertaining to bycatch reduction technology for the shrimp industry shall remain intact.

This section, as amended, prohibits federal funding from going to the GRSMA or its members for carrying out the management of red snapper, but is not intended to impact NOAA's existing authority to conduct various data collection and research efforts related to the Gulf of Mexico reef fish stocks, including red snapper.

COMMITTEE ACTION

H.R. 3094 was introduced on July 16, 2015, by Congressman Garret Graves (R-LA). The bill was referred to the Committee on

Natural Resources, and within the Committee to the Subcommittee on Water, Power and Oceans. On October 22, 2015, the Subcommittee held a hearing on the bill. On June 14, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee on Water, Power and Oceans was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated 052; it was adopted by voice vote. Congressman Don Young (R-AK) offered and withdrew an amendment designated #1. No additional amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives on June 15, 2016, by a bipartisan roll call vote of 24 yeas to 14 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

114th Congress

Date: 06.15.16

Recorded Vote: #4

Attendance at FC Mark Up on 19 bills: **On Favorably Reporting H.R. 3094 (Rep. Garret Graves), "Gulf States Red Snapper Management Authority Act"**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. LaMalfa, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>		X	
Mr. Young, AK		X		Mr. Denham, CA	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>			
Mr. Gohmert, TX	X			Mr. Cook, CA	X		
<i>Mrs. Bordallo, Guam</i>				<i>Mrs. Capps, CA</i>			
Mr. Lamborn, CO	X			Mr. Westerman, AR	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Polis, CO</i>	X		
Mr. Wittman, VA	X			Mr. Graves, LA	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Clay, MO</i>	X		
Mr. Fleming, LA				Mr. Newhouse, WA	X		
<i>Mrs. Tsongas, MA</i>		X		Mr. Zinke, MT	X		
Mr. McClintock, CA		X		Mr. Hice, GA	X		
<i>Mr. Pierluisi, Puerto Rico</i>				Mrs. Radewagen, AS			
Mr. Thompson, PA	X			Mr. MacArthur, NJ	X		
<i>Mr. Huffman, CA</i>		X		Mr. Mooney, WV	X		
Mrs. Lummis, WY	X			Mr. Hardy, NV	X		
<i>Mr. Rütz, CA</i>		X		Mr. LaHood, IL	X		
Mr. Benishek, MI	X						
<i>Mr. Lowenthal, CA</i>		X					
Mr. Duncan, SC	X						
<i>Mr. Cartwright, PA</i>		X					
Mr. Gosar, AZ	X						
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID	X						
<i>Mrs. Torres, CA</i>		X		TOTALS	24	14	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation and Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 20, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3094, the Gulf States Red Snapper Management Authority Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 3094—Gulf States Red Snapper Management Authority Act

H.R. 3094 would create the Gulf States Red Snapper Management Authority (GSRMSA) and would transfer the management of red snapper fish in parts of the Gulf of Mexico from the Gulf of Mexico Fishery Management Council (Council) to the GSRMSA. Under the bill, the GSRMSA would set planning standards for coastal states along the Gulf of Mexico to use when creating their own plans for managing red snapper. The GSRMSA would be required to review, approve, and enforce those plans. The states' plans and any relevant supporting data would have to be available to the public.

Under current law, the Council uses funding provided by the National Oceanic and Atmospheric Administration (NOAA) to manage multiple fisheries in the Gulf of Mexico. In 2016, NOAA allocated \$3.6 million to the Council for fishery management activities. CBO expects that under H.R. 3094 the need for that level of funding would not significantly change.

The bill would prohibit federal funding from being used to carry out the management of red snapper fisheries in the Gulf of Mexico by the GSRMSA or its members. Based on an analysis of information provided by NOAA about the cost to set standards for and evaluate fish management plans, CBO estimates that implementing S. 3094 would cost \$1 million over the 2017–2021 period. Any spending by the federal government would be subject to the availability of appropriated funds.

Enacting H.R. 3094 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3094 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 3094 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by requiring states along the Gulf of Mexico to submit fisheries management plans and annual reports to the GRSMA. Because states currently perform similar activities to comply with regulations under existing federal law, CBO expects that the incremental compliance costs would be small and would fall below the annual threshold established in UMRA for intergovernmental mandates (\$77 million in 2016, as adjusted for inflation).

The bill contains no private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Robert Reese (for federal costs) and Jon Sperl (for intergovernmental mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any state, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

* * * * *

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. Prohibition on Federal funding.*
- Sec. 506. No effect on management of shrimp fisheries in Federal waters.*

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TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

* * * * *

SEC. 306. STATE JURISDICTION.

(a) IN GENERAL.—

(1) Except as provided in subsection (b), nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries.

(2) For the purposes of this Act, except as provided in subsection (b), the jurisdiction and authority of a State shall extend—

(A) to any pocket of waters that is adjacent to the State and totally enclosed by lines delimiting the territorial sea of the United States pursuant to the Geneva Convention on the Territorial Sea and Contiguous Zone or any successor convention to which the United States is a party;

(B) with respect to the body of water commonly known as Nantucket Sound, to the pocket of water west of the seventieth meridian west of Greenwich; and

(C) to the waters of southeastern Alaska (for the purpose of regulating fishing for other than any species of crab) that are—

(i) north of the line representing the international boundary at Dixon Entrance and the westward extension of that line; east of 138 degrees west longitude; and not more than three nautical miles seaward from the coast, from the lines extending from headland to headland across all bays, inlets, straits, passes, sounds, and entrances, and from any island or group of islands, including the islands of the Alexander Archipelago (except Forrester Island); or

(ii) between the islands referred to in clause (i) (except Forrester Island) and the mainland.

(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 fishery management plan 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 fishery management plan and applicable Federal fishing regulations for the fishery in which the vessel is operating.

(B) The fishery management plan 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 fishery management plan. If at any time the Secretary determines that a State law or regulation applicable to a fishing vessel under this circumstance is not consistent with the fishery management plan, the Secretary shall promptly notify the State and the appropriate Council of such determination and provide an opportunity for the State to correct any inconsistencies identified in the notification. If, after notice and opportunity for corrective action, the State does not correct the inconsistencies identified by the Secretary, the authority granted to the State under this subparagraph shall not apply until the Secretary and the appropriate Council find that the State has corrected the inconsistencies. For a fishery for which there was a fishery management plan in place on August 1, 1996 that did not delegate management of the fishery to a State as of that date, the authority provided by this subparagraph applies only if the Council approves the delegation of management of the fishery to the State by a three-quarters majority vote of the voting members of the Council.

(C) The fishing vessel is not registered under the law of the State of Alaska and is operating in a fishery in the exclusive economic zone off Alaska for which there was no fishery management plan in place on August 1, 1996, and the Secretary and the North Pacific Council find that there is a legitimate interest of the State of Alaska in the conservation and management of such fishery. The authority provided under this subparagraph shall terminate when a fishery management plan under this Act is approved and implemented for such fishery.

(b) EXCEPTION.—(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that—

(A) the fishing is a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the exclusive economic zone and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan;

the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

(2) If the Secretary, pursuant to this subsection, assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over such fishery. If the Secretary finds that the reasons for which he assumed such regulation no longer prevail, he shall promptly terminate such regulation.

(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).

(4) Notwithstanding section 3(11) and subsection (a) of this section, for purposes of carrying out activities pursuant to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, the seaward boundary of a coastal State in the Gulf of Mexico is a line three marine leagues seaward from the baseline from which the territorial sea of the United States is measured.

(c) EXCEPTION REGARDING FOREIGN FISH PROCESSING IN INTERNAL WATERS.—(1) A foreign fishing vessel may engage in fish processing within the internal waters of a State if, and only if—

(A) the vessel is qualified for purposes of this paragraph pursuant to paragraph (4)(C) or has received a permit under section 204(d);

(B) the owner or operator of the vessel applies to the Governor of the State for, and (subject to paragraph (2)) is granted, permission for the vessel to engage in such processing and the application specifies the species to be processed; and

(C) the owner or operator of the vessel submits reports on the tonnage of fish received from vessels of the United States and the locations from which such fish were harvested, in accordance with such procedures as the Secretary by regulation shall prescribe.

(2) The Governor of a State may not grant permission for a foreign fishing vessel to engage in fish processing under paragraph (1)—

(A) for a fishery which occurs in the waters of more than one State or in the exclusive economic zone, except after—

(i) consulting with the appropriate Council and Marine Fisheries Commission, and

(ii) considering any comments received from the Governor of any other State where the fishery occurs; and

(B) if the Governor determines that fish processors within the State have adequate capacity, and will utilize such capacity, to process all of the United States harvested fish from the fishery concerned that are landed in the State.

(3) Nothing in this subsection may be construed as relieving a foreign fishing vessel from the duty to comply with all applicable Federal and State laws while operating within the internal waters of a State incident to permission obtained under paragraph (1)(B).

(4) For purposes of this subsection—

(A) The term “fish processing” includes, in addition to processing, the performance of any other activity relating to fish-

ing, including, but not limited to, preparation, supply, storage, refrigeration, or transportation.

(B) The phrase “internal waters of a State” means all waters within the boundaries of a State except those seaward of the baseline from which the territorial sea is measured.

(C) A foreign fishing vessel shall be treated as qualified for purposes of paragraph (1) if the foreign nation under which it is flagged will be a party to (i) a governing international fishery agreement or (ii) a treaty described in section 201(b) of this Act (16 U.S.C. 1821(b)) during the time the vessel will engage in the fish processing for which permission is sought under paragraph (1)(B).

* * * * *

TITLE IV—FISHERY MONITORING AND RESEARCH

SEC. 401. REGISTRATION AND INFORMATION MANAGEMENT.

(a) **STANDARDIZED FISHING VESSEL REGISTRATION AND INFORMATION MANAGEMENT SYSTEM.**—The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and information management system on a regional basis. The recommendations shall be developed after consultation with interested governmental and nongovernmental parties and shall—

(1) be designed to standardize the requirements of vessel registration and information collection systems required by this Act, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary, and, with the permission of a State, any marine resource law implemented by such State;

(2) integrate information collection programs under existing fishery management plans into a non-duplicative information collection and management system;

(3) avoid duplication of existing State, tribal, or Federal systems and shall utilize, to the maximum extent practicable, information collected from existing systems;

(4) provide for implementation of the system through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions;

(5) provide for funding (subject to appropriations) to assist appropriate State, regional, or tribal entities and Marine Fisheries Commissions in implementation;

(6) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

(7) minimize the paperwork required for vessels registered under the system;

(8) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels including charter fishing vessels, but excluding recreational fishing vessels;

(9) require United States fish processors, and fish dealers and other first ex-vessel purchasers of fish that are subject to the proposed system, to submit information (other than economic information) which may be necessary to meet the goals of the proposed system; and

(10) include procedures necessary to ensure—

(A) the confidentiality of information collected under this section in accordance with section 402(b); and

(B) the timely release or availability to the public of information collected under this section consistent with section 402(b).

(b) FISHING VESSEL REGISTRATION.—The proposed registration system should, at a minimum, obtain the following information for each fishing vessel—

(1) the name and official number or other identification, together with the name and address of the owner or operator or both;

(2) gross tonnage, vessel capacity, type and quantity of fishing gear, mode of operation (catcher, catcher processor, or other), and such other pertinent information with respect to vessel characteristics as the Secretary may require; and

(3) identification (by species, gear type, geographic area of operations, and season) of the fisheries in which the fishing vessel participates.

(c) FISHERY INFORMATION.—The proposed information management system should, at a minimum, provide basic fisheries performance information for each fishery, including—

(1) the number of vessels participating in the fishery including charter fishing vessels;

(2) the time period in which the fishery occurs;

(3) the approximate geographic location or official reporting area where the fishery occurs;

(4) a description of fishing gear used in the fishery, including the amount and type of such gear and the appropriate unit of fishing effort; and

(5) other information required under subsection 303(a)(5) or requested by the Council under section 402.

(d) USE OF REGISTRATION.—Any registration recommended under this section shall not be considered a permit for the purposes of this Act, and the Secretary may not propose to revoke, suspend, deny, or impose any other conditions or restrictions on any such registration or the use of such registration under this Act.

(e) PUBLIC COMMENT.—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register for a 60-day public comment period a proposal that would provide for implementation of a standardized fishing vessel registration and information collection system that meets the requirements of subsections (a) through (c). The proposal shall include—

(1) a description of the arrangements of the Secretary for consultation and cooperation with the department in which the Coast Guard is operating, the States, the Councils, Marine Fisheries Commissions, the fishing industry and other interested parties; and

(2) any proposed regulations or legislation necessary to implement the proposal.

(f) CONGRESSIONAL TRANSMITTAL.—Within 60 days after the end of the comment period and after consideration of comments received under subsection (e), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a recommended proposal for implementation of a national fishing vessel registration system that includes—

- (1) any modifications made after comment and consultation;
- (2) a proposed implementation schedule, including a schedule for the proposed cooperative agreements required under subsection (a)(4); and
- (3) recommendations for any such additional legislation as the Secretary considers necessary or desirable to implement the proposed system.

(g) RECREATIONAL FISHERIES.—

(1) FEDERAL PROGRAM.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

- (i) in the Exclusive Economic Zone;
- (ii) for anadromous species; or
- (iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

(2) STATE PROGRAMS.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

(3) DATA COLLECTION.—

(A) IMPROVEMENT OF THE MARINE RECREATIONAL FISHERY STATISTICS SURVEY.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

(B) NRC REPORT RECOMMENDATIONS.—The program shall take into consideration and, to the extent feasible,

implement the recommendations of the National Research Council in its report Review of Recreational Fisheries Survey Methods (2006), including—

(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

(C) METHODOLOGY.—Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

(i) an adequate number of intercepts to accurately estimate recreational catch and effort;

(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

(iii) collection and analysis of vessel trip report data from charter fishing vessels;

(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates; [and]

(v) an independent committee composed of recreational fishermen, academics, persons with expertise in stock assessments and survey design, and appropriate personnel from the National Marine Fisheries Service to review the collection estimates, geographic, and other variables related to dockside intercepts and to identify deficiencies in recreational data collection, and possible correction measures[.]; and

(vi) in the case of each fishery in the Gulf of Mexico, taking into consideration all data collection activities related to fishery effort that are undertaken by the marine resources division of each relevant State of the Gulf of Mexico Fishery Management Council.

(D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009.

(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.

* * * * *

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

SEC. 501. DEFINITIONS.

In this title:

(1) **COASTAL WATERS.**—*The term “coastal waters” means all waters of the Gulf of Mexico—*

(A) shoreward of the baseline from which the territorial sea of the United States is measured; and

(B) seaward from the baseline described in subparagraph

(A) to the outer boundary of the exclusive economic zone.

(2) **GULF COASTAL STATE.**—*The term “Gulf coastal State” means each of the following States:*

(A) Alabama.

(B) Florida.

(C) Louisiana.

(D) Mississippi.

(E) Texas.

(3) **GULF OF MEXICO FISHERY MANAGEMENT COUNCIL.**—*The term “Gulf of Mexico Fishery Management Council” means the Gulf of Mexico Fishery Management Council established under section 302(a).*

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

(5) **GULF STATES RED SNAPPER MANAGEMENT AUTHORITY.**—*The term “Gulf States Red Snapper Management Authority” and “GSRMSA”, means the Gulf States Red Snapper Management Authority established under section 502(a).*

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

(7) **REEF FISH FEDERAL FISHERY MANAGEMENT PLAN.**—*The term “Reef Fish Federal fishery management plan” means the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, as amended, prepared by the Gulf of Mexico Fishery Management Council pursuant to title III and implemented under part 622 of title 50, Code of Federal Regulations (or similar successor regulation).*

(8) **STATE TERRITORIAL WATERS.**—*The term “State territorial waters”, with respect to a Gulf coastal State, means the waters adjacent to such State seaward to the line three marine leagues seaward from the baseline from which of the territorial sea of the United States is measured.*

SEC. 502. MANAGEMENT OF GULF OF MEXICO RED SNAPPER.

(a) **GULF STATES RED SNAPPER MANAGEMENT AUTHORITY.**—

(1) **REQUIREMENT TO ESTABLISH.**—*Not later than 60 days after the date of the enactment of this title, the Secretary shall*

establish a Gulf States Red Snapper Management Authority that consists of the principal fisheries manager of each of the Gulf coastal States.

(2) *DUTIES.*—The duties of the GSRMSMA are as follows:

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

(B) To provide 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 such State.

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

(b) *REQUIREMENT FOR PLANS.*—

(1) *DEADLINE FOR SUBMISSION OF PLANS.*—The GSRMSMA shall establish a deadline for each Gulf coastal State to submit to the GSRMSMA a red snapper fishery management plan for such State.

(2) *CONSISTENCY WITH FEDERAL FISHERY MANAGEMENT PLANS.*—To the extent practicable, the Gulf Coastal States fishery management plans shall be consistent with the requirements in section 303(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1853(a)).

(c) *REVIEW AND APPROVAL OF PLANS.*—

(1) *IN GENERAL.*—Not later than 1 year after the date of the enactment of this title and not more than 60 days after one or more Gulf coastal States submits a red snapper fishery management plan and annually thereafter, the GSRMSMA shall review and approve by majority vote the red snapper fishery management plan if such plan meets the requirements of this title.

(2) *PUBLIC PARTICIPATION.*—Prior to approving a red snapper fishery management plan submitted by one or more Gulf coastal States, the GSRMSMA shall provide an adequate opportunity for public participation, including—

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

(B) procedures for submitting written comments to GSRMSMA on the fishery management plan.

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

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

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

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

(i) any recommendation by the GSRMSMA to reduce quota apportioned to the commercial sector by more than 10 percent shall be reviewed and approved by the Gulf of Mexico Fishery Management Council;

(ii) during the 3-year period beginning on the date of enactment of this title and consistent with subsection (d), the GSR SMA shall not determine a quota apportioned to the commercial sector; and

(iii) nothing in this Act shall be construed to change the individual quota shares currently in place in the commercial sector of the Gulf of Mexico red snapper fishery.

(4) **REVIEW AND APPROVAL.**—Not later than 60 days after the date the GSR SMA receives a red snapper fishery management plan from one or more Gulf coastal State or States, the GSR SMA shall review and approve such plan if such plan satisfies the requirements of subsection (b).

(d) **CONTINUED MANAGEMENT BY THE SECRETARY.**—During the 3-year period beginning on the date of the enactment of this title, the Secretary, in coordination with the Gulf of Mexico Fishery Management Council, shall continue to manage the commercial sector of the Gulf of Mexico red snapper fishery.

(e) **REPORTING REQUIREMENTS.**—

(1) **REPORTS BY GULF COASTAL STATES.**—Each Gulf coastal State shall submit to the GSR SMA an annual report on the status of the Gulf of Mexico red snapper fishery in coastal waters adjacent to such State.

(2) **REPORT BY THE GSR SMA.**—Not less often than once every 5 years, the GSR SMA shall use the information submitted in the annual reports required by paragraph (1) to prepare and submit to the Secretary a report on the status of the Gulf of Mexico red snapper fishery.

SEC. 503. STATE IMPLEMENTATION OF THE RED SNAPPER FISHERY MANAGEMENT PLANS.

(a) **ALLOCATION OF MANAGEMENT TO THE GULF STATES.**—

(1) **CERTIFICATION OF APPROVED PLANS.**—The GSR SMA shall certify to the Secretary that a red snapper fishery management plan is approved under section 502 for each of the Gulf coastal States.

(2) **TRANSFER OF MANAGEMENT.**—Upon receipt of the certification described in paragraph (1) and subject to section 502(d), the Secretary shall—

(A) publish a notice in the Federal Register revoking the regulations and portions of the Reef Fish Federal fishery management plan that are in conflict with any red snapper fishery management plan approved by the GSR SMA; and

(B) transfer management of Gulf of Mexico red snapper to the GSR SMA.

(b) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—Upon the transfer of management described in subsection (a)(2)(B) and subject to section 502(d), each Gulf coastal State shall implement and enforce the red snapper fishery management plans approved under section 502 for the Gulf of Mexico red snapper fishery in the coastal waters adjacent to each Gulf coastal State.

(2) **FAILURE TO TRANSFER MANAGEMENT.**—If the certification described in subsection (a)(1) is not made the transfer of management described in subsection (a)(2)(B) may not be accom-

plished and the Secretary shall remain responsible for management of the Gulf of Mexico red snapper.

SEC. 504. OVERSIGHT OF GULF OF MEXICO RED SNAPPER MANAGEMENT.

(a) **IMPLEMENTATION AND ENFORCEMENT OF FISHERY MANAGEMENT PLANS.**—*Not later than December 1 of the year following the transfer of management described in section 503(a)(2), and at any other time the GSRsMA considers appropriate after that date, the GSRsMA shall determine if—*

(1) *each Gulf coastal State has fully adopted and implemented the red snapper fishery management plan approved under section 502 for such State;*

(2) *each such plan continues to be in compliance with the standards for sustainability provided by the GSRsMA pursuant to section 502(a)(2); and*

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

(b) **OVERFISHING AND REBUILDING PLANS.**—

(1) **CERTIFICATION.**—*If the Gulf of Mexico red snapper in the coastal waters adjacent to a Gulf coastal State is experiencing overfishing or is subject to a rebuilding plan, such Gulf coastal State shall submit a certification to the GSRsMA showing that such State has implemented the necessary measures to end overfishing or rebuild the fishery.*

(2) **NOTIFICATION TO SECRETARY.**—*If, after such time as determined by the GSRsMA, a Gulf coastal State that submitted a certification under paragraph (1) has not implemented the measures and requirements described in such paragraph, the GSRsMA shall vote on whether to notify the Secretary of a recommendation of closure of the red snapper fishery in the waters adjacent to the State territorial waters of the Gulf coastal State.*

(c) **CLOSURE OF THE GULF OF MEXICO RED SNAPPER FISHERY.**—

(1) **CONDITIONS FOR CLOSURE.**—*Not later than 60 days after the receipt of a notice under subsection (b)(2) for a Gulf coastal State, the Secretary may declare a closure of the Gulf of Mexico red snapper fishery within the waters adjacent to the State territorial waters of the Gulf coastal State.*

(2) **CONSIDERATIONS.**—*Prior to making a declaration under paragraph (2), the Secretary shall consider the comments of such Gulf coastal State and the GSRsMA.*

(3) **ACTIONS PROHIBITED DURING CLOSURE.**—*During a closure of the Gulf of Mexico red snapper fishery under paragraph (1), it is unlawful for any person—*

(A) *to engage in fishing for Gulf of Mexico red snapper within the waters adjacent to the State territorial waters of the Gulf coastal State covered by the closure;*

(B) *to land, or attempt to land, the Gulf of Mexico red snapper in the area of the closure; or*

(C) *to fail to return to the water any Gulf of Mexico red snapper caught in the area of the closure that are incidental to commercial harvest or in the recreational fisheries.*

(4) *CONSTRUCTION.*—Nothing in this subsection shall be construed to allow the Secretary to close the red snapper fishery in the State territorial waters of a Gulf coastal State.

SEC. 505. PROHIBITION ON FEDERAL FUNDING.

No Federal funds are authorized to be appropriated to or used for the GSR SMA or its members to carry out management actions of red snapper in the Gulf of Mexico.

SEC. 506. NO EFFECT ON MANAGEMENT OF SHRIMP FISHERIES IN FEDERAL WATERS.

(a) *BYCATCH REDUCTION DEVICES.*—Nothing in this title may be construed to effect any requirement related to the use of Gulf of Mexico red snapper bycatch reduction devices in the course of shrimp trawl fishing activity.

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

DISSENTING VIEWS

At its core, H.R. 3094 is an attempt, backed by a small group of well-funded and politically connected recreational fishermen, to re-allocate the Gulf of Mexico red snapper quota from commercial fishermen to private boat anglers. It is not based on sound science or sound economics, and would lead to significant hardship for seafood related businesses along the Gulf Coast. The bill is opposed by the National Restaurant Association, the Gulf Seafood Institute, the League of Conservation Voters, and more than 150 other businesses, commercial and recreational fishing groups, and conservation organizations.

We understand the frustrations of recreational anglers and Members of Congress who see and hear about an abundance of red snapper in the Gulf of Mexico while at the same time watching the federal waters season shrink to only a handful of days. However, while the politics of this situation are complicated, the arithmetic is not. More recreational anglers are taking more trips targeting red snapper and are catching them at a faster rate than the still-overfished stock is rebuilding. The Gulf States continue to set liberal seasons in their waters, resulting in a smaller share of the quota available to be harvested in the Exclusive Economic Zone (EEZ). And private boat anglers have been hesitant to submit catch data that can be used to accurately monitor and predict harvest from that sector.

Instead of addressing these problems and using creative management approaches already allowed by law to lengthen the season, H.R. 3094 would turn red snapper management over to the five Gulf States. It would allow the states to determine recreational catch allocations for red snapper even though they have proven incapable so far of agreeing on what those allocations might be. At a hearing last Congress, one state fisheries director suggested his state should receive 60 percent of the quota, leaving just 40 percent for the other four states, combined.

But the larger problems with this bill lie in its rejection of the Magnuson-Stevens Act as a framework for fisheries management. Not only would the bill allow for overfishing, it would also let the newly formed state management body take as much as 10 percent of the commercial quota each year and give it to the recreational sector. In combination, these two changes would be a disaster for the red snapper stock, the commercial reef fishermen and many related businesses that have sacrificed to help put this stock on the path to rebuilding.

Commercial red snapper fishermen have used the fisheries management process under Magnuson to develop an economically and environmentally sustainable solution for their fishery. Charter captains have done the same, and the head boat fleet is moving in that direction. It is only private boat anglers that have resisted working

through the Gulf Council, hoping instead that Congress will give them everything they want at the expense of others. This is not how our fisheries should be managed. Instead, all of the stakeholders need to sit at the table together and develop solutions that allow them to utilize the resources in a responsible manner. Even in the few cases where fisheries in the EEZ are managed outside of Magnuson—such as Dungeness crab on the West Coast—that is what Congress has required.

We believe that the Gulf Council is the appropriate venue for making decisions about a complex, mixed-sector fishery like red snapper. Development of any alternative would require serious, deliberative conversations that must take place over time and with significant outside input.

After a hearing on H.R. 3094 last October, and again in a letter to the bill's sponsor in December, some Democratic Members of the Committee indicated their willingness to enter into such conversations, but have thus far been ignored. For these reasons, we oppose H.R. 3094 as reported.

RAÚL GRIJALVA,
*Ranking Member, Committee
on Natural Resources.*

JARED HUFFMAN,
*Ranking Member, Sub-
committee on Water, Power
and Oceans.*

GRACE NAPOLITANO.

ALAN LOWENTHAL.

LOIS CAPPS.

