

113TH CONGRESS
1ST SESSION

S. 1161

To provide for the development of a fishery management plan for the Gulf of Mexico red snapper, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2013

Ms. LANDRIEU (for herself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the development of a fishery management plan for the Gulf of Mexico red snapper, and for other purposes.

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 of Mexico Red
5 Snapper Conservation Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COASTAL WATERS.—The term “coastal
9 waters” means—

1 (A) all waters, whether salt or fresh, of the
2 Gulf coastal State shoreward of the baseline
3 from which the territorial sea of the United
4 States is measured; and

5 (B) the waters of the Gulf coastal State
6 seaward from the baseline referred to in sub-
7 paragraph (A) to the inner boundary of the ex-
8 clusive economic zone 200 mile limit.

9 (2) COMMISSION.—The term “Commission”
10 means the Gulf States Marine Fisheries Commis-
11 sion.

12 (3) FISHERY MANAGEMENT PLAN.—The term
13 “fishery management plan” means a plan for the
14 conservation and management of Gulf of Mexico red
15 snapper prepared and adopted by the Commission
16 pursuant to section 4.

17 (4) GULF COASTAL STATE.—The term “Gulf
18 coastal State” means the following States bordering
19 the Gulf of Mexico:

20 (A) Alabama.

21 (B) Florida.

22 (C) Louisiana.

23 (D) Mississippi.

24 (E) Texas.

1 (5) GULF OF MEXICO RED SNAPPER.—The
 2 term “Gulf of Mexico red snapper” means members
 3 of stocks or populations of the species *Lutjanis*
 4 *campechanus*, which ordinarily are found seaward of
 5 the coastal waters.

6 (6) MAGNUSON-STEVENS ACT.—The term
 7 “Magnuson-Stevens Act” means the Magnuson-Ste-
 8 vens Fishery Conservation and Management Act (16
 9 U.S.C. 1801 et seq.).

10 **SEC. 3. TRANSFER OF MANAGEMENT OF GULF OF MEXICO**
 11 **RED SNAPPER.**

12 (a) NEW FISHERY MANAGEMENT PLAN FROM COM-
 13 MISSION.—The Commission shall submit to the Secretary
 14 of Commerce a fishery management plan for Gulf of Mex-
 15 ico red snapper adopted by the Commission pursuant to
 16 section 4.

17 (b) ACTIONS BY SECRETARY OF COMMERCE.—

18 (1) REVIEW AND CERTIFICATION OF PLAN.—

19 The Secretary of Commerce shall—

20 (A) review the plan submitted pursuant to
 21 subsection (a) to determine whether or not the
 22 plan—

23 (i) includes fishery management meas-
 24 ures that are compatible to the extent
 25 practicable with the national standards set

1 forth in section 301 of the Magnuson-Ste-
2 vens Act (16 U.S.C. 1851) and other ap-
3 plicable provisions of the Magnuson-Ste-
4 vens Act; and

5 (ii) will ensure the long-term con-
6 servation of Gulf of Mexico red snapper
7 populations; and

8 (B) certify whether or not the Commission
9 has submitted a fishery management plan to
10 properly conserve and manage Gulf of Mexico
11 red snapper consistent with this Act.

12 (2) REVOCATION OF SUPERSEDED PLAN.—

13 Upon receipt of a certification by the Commission
14 under section 4(b)(2) that all of the Gulf coastal
15 States will have sufficient management measures
16 under section 4(b)(1), the Secretary shall publish a
17 notice in the Federal Register revoking those regula-
18 tions and portions of the Federal fishery manage-
19 ment plan for the Reef Fish Resources of the Gulf
20 of Mexico that are in conflict with the fishery man-
21 agement plan for Gulf of Mexico red snapper, in-
22 cluding the deletion of the species from the manage-
23 ment unit.

24 (c) STATE ACTIONS.—Upon certification by the Sec-
25 retary under subsection (b)(1) that the fishery manage-

1 ment plan will properly conserve and manage Gulf of Mex-
2 ico red snapper consistent with this Act, the Gulf coastal
3 States shall implement all appropriate measures to man-
4 age the Gulf of Mexico red snapper resource in the adja-
5 cent coastal waters in accordance with the fishery manage-
6 ment plan.

7 **SEC. 4. GULF OF MEXICO RED SNAPPER FISHERY MANAGE-**
8 **MENT PLAN.**

9 (a) COMMISSION PROCESS.—

10 (1) IN GENERAL.—The Commission shall pre-
11 pare and adopt a fishery management plan to pro-
12 vide for the conservation and management of Gulf of
13 Mexico red snapper and specify the requirements
14 necessary for Gulf coastal States to be in compliance
15 with the plan.

16 (2) STANDARDS AND PROCEDURES.—Not later
17 than one year after the date of the enactment of this
18 Act, the Commission shall establish standards and
19 procedures for the preparation of the fishery man-
20 agement plan, including standards and procedures to
21 ensure—

22 (A) the long-term sustainability of Gulf of
23 Mexico red snapper based on the available
24 science; and

(B) adequate opportunity for public participation in the preparation of the fishery management plan, including at least four public hearings and procedures for the submittal to the Commission of written comments on the fishery management plan.

(3) LIMITATION ON REDUCTION IN QUOTAS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the fishery management plan may not reduce the overall quota of Gulf of Mexico red snapper apportioned to commercial fishing on the date of the enactment of this Act until the date that is 3 years after such date of enactment. Such plan may increase such a quota based on stock assessments.

(B) EXCEPTION IN CASE OF A REDUCTION IN STOCK.—In the event of a reduction in the stock of Gulf of Mexico red snapper, the fishery management plan shall reduce the quota described in subparagraph (A) in a manner that ensures a sustainable harvest of Gulf of Mexico red snapper.

(b) STATE IMPLEMENTATION AND ENFORCEMENT.—

(1) SUBMITTAL OF MANAGEMENT MEASURES.—

Each Gulf coastal State shall submit to the Commis-

1 sion management measures to ensure compliance
 2 with the conservation objectives of the fishery man-
 3 agement plan.

4 (2) IMPLEMENTATION.—Upon certification by
 5 the Commission that all Gulf coastal States have
 6 submitted sufficient management measures de-
 7 scribed in paragraph (1), the Commission shall cer-
 8 tify to the Secretary of Commerce under section
 9 3(b)(2) to revoke Federal management of Gulf of
 10 Mexico red snapper, and the Gulf coastal States
 11 shall manage the Gulf of Mexico red snapper in the
 12 adjacent coastal waters consistent with the fishery
 13 management plan.

14 **SEC. 5. MONITORING OF IMPLEMENTATION AND ENFORCE-**
 15 **MENT OF GULF OF MEXICO RED SNAPPER**
 16 **FISHERY MANAGEMENT PLAN BY GULF**
 17 **COASTAL STATES.**

18 (a) DETERMINATION.—In December each year, and
 19 at any other time it considers appropriate, the Commission
 20 shall determine—

21 (1) whether each Gulf coastal State has adopt-
 22 ed all regulatory measures to fully implement the
 23 fishery management plan; and

24 (2) whether the enforcement of the fishery
 25 management plan by each Gulf coastal State is sat-

1 isfactory to maintain the long-term sustainability
 2 and abundance of Gulf of Mexico red snapper.

3 (b) SATISFACTORY STATE ENFORCEMENT.—For
 4 purposes of subsection (a)(2), enforcement by a Gulf
 5 coastal State shall not be considered satisfactory by the
 6 Commission if, in its view, such enforcement is being car-
 7 ried out in such a manner that the implementation of the
 8 fishery management plan within the coastal waters of the
 9 Gulf coastal State is being, or will likely be, substantially
 10 and adversely affected.

11 (c) NOTICE TO SECRETARY OF COMMERCE OF AD-
 12 VERSE DETERMINATION.—The Commission shall imme-
 13 diately notify the Secretary of Commerce of each negative
 14 determination made with respect to a Gulf coastal State
 15 under subsection (a).

16 **SEC. 6. GULF OF MEXICO RED SNAPPER FISHERY MANAGE-**
 17 **MENT REVIEW.**

18 (a) COMMISSION REVIEW AND REPORT ON CERTIFI-
 19 CATION ON CERTAIN STATE ACTIONS.—

20 (1) COMMISSION REVIEW OF STATE CERTIFI-
 21 CATION.—Each Gulf coastal State that manages
 22 Gulf of Mexico red snapper shall submit to the Com-
 23 mission a certification as follows:

24 (A) If Gulf of Mexico red snapper is un-
 25 dergoing overfishing or subject to a rebuilding

1 plan, that such Gulf coastal State shall imple-
2 ment immediately the necessary measures to
3 end overfishing and rebuild the fishery.

4 (B) That such Gulf coastal State shall im-
5 plement a program to provide for data collec-
6 tion adequate to monitor the harvest of Gulf of
7 Mexico red snapper by such Gulf coastal State.

8 (2) REPORT TO SECRETARY.—Upon the review
9 of each certification submitted to the Commission
10 under paragraph (1), the Commission shall certify to
11 the Secretary of Commerce whether or not the Gulf
12 coastal State concerned is fully carrying out the
13 matters covered by the certification.

14 (b) ACTION BY SECRETARY OF COMMERCE.—Upon
15 receipt by the Secretary of Commerce of a notice under
16 section 5(c) or a report under subsection (a)(2) that a
17 Gulf Coastal State is not fully complying with the matters
18 specified in subsection (a)(1) as certified by that State
19 pursuant to subsection (a)(1), the Secretary may declare
20 a closure of the Gulf of Mexico red snapper fishery within
21 the Federal waters adjacent to the Gulf coastal State. In
22 making such a declaration the Secretary shall fully con-
23 sider and review the comments of the Gulf coastal State
24 and the Commission.

1 (c) ACTIONS PROHIBITED DURING CLOSURE.—Dur-
 2 ing a closure of the Gulf of Mexico red snapper fishery
 3 under subsection (b), it is unlawful for any person—

4 (1) to engage in fishing for Gulf of Mexico red
 5 snapper within the Federal waters adjacent to the
 6 Gulf coastal State covered by the closure;

7 (2) to land, or attempt to land, the Gulf of
 8 Mexico red snapper that is subject to the closure; or

9 (3) to fail to return to the water the Gulf of
 10 Mexico red snapper to which the closure applies that
 11 are caught incidental to commercial harvest or in
 12 other recreational fisheries.

13 **SEC. 7. IMPROVED STUDIES AND DATA COLLECTION FOR**
 14 **GULF OF MEXICO RED SNAPPER.**

15 (a) IN GENERAL.—For the purposes of carrying out
 16 this Act, the Secretary of Commerce shall support the Gulf
 17 coastal States and the Commission in developing and im-
 18 plementing a comprehensive study on Gulf of Mexico Red
 19 Snapper. This study shall include, but shall not be limited
 20 to, the following:

21 (1) Annual stock assessments of Gulf of Mexico
 22 red snapper.

23 (2) The number of participants, both commer-
 24 cial and recreational, in the coastal waters of the

1 Gulf coastal States that harvest Gulf of Mexico red
2 snapper.

3 (3) Recommendations for improved conserva-
4 tion and management of Gulf of Mexico red snapper.

5 (b) COMPREHENSIVE ECONOMIC ANALYSIS.—The
6 Secretary of Commerce shall, in consultation with the Gulf
7 coastal States and the Commission, conduct a comprehen-
8 sive study and analysis of the economic impacts and bene-
9 fits for the local, regional, and national economy of the
10 Gulf of Mexico red snapper fishery. The study shall in-
11 clude the following:

12 (1) A thorough analysis of the beneficial eco-
13 nomic impacts of industries directly related to the
14 Gulf of Mexico red snapper fishery, including, but
15 not limited to, boat sales, marina activity, boat con-
16 struction and repair, fishing gear and tackle sales,
17 and other closely associated industries.

18 (2) A proper economic analysis of the down-
19 stream economic impacts of the Gulf of Mexico red
20 snapper fishery on the economies of the Gulf coastal
21 States, including, but not limited to, hotels, res-
22 taurants, grocery stores, related tourism, and other
23 peripheral businesses and industries.

24 (c) BIENNIAL REPORTS.—The Secretary of Com-
25 merce shall submit to Congress, the Gulf coastal States,

1 and the Commission on a biennial basis a report on the
2 progress and findings of studies conducted under sub-
3 sections (a) and (b), and shall make each report available
4 to the public. Each report shall, to the extent practicable,
5 include recommendations on additional actions to be taken
6 to encourage the sustainable conservation and manage-
7 ment of the Gulf of Mexico red snapper fishery.

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