

Union Calendar No. 664

114TH CONGRESS
2D SESSION

H. R. 3094

[Report No. 114–851]

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

DECEMBER 8, 2016

Additional sponsors: Mr. TOM PRICE of Georgia, Ms. BORDALLO, Mr. COLLINS of Georgia, Mr. LOUDERMILK, Mr. ALLEN, Mr. GRAVES of Georgia, Mr. WESTERMAN, Mr. GOHMERT, Mr. FARENTHOLD, Mr. HINOJOSA, Mr. CARTER of Texas, Mr. ZINKE, Mrs. LUMMIS, Mr. MOONEY of West Virginia, Mr. DENHAM, Mr. CLAY, Mr. THOMPSON of Pennsylvania, Mr. LAHOOD, Mr. LABRADOR, Mr. GOSAR, and Mr. HARDY

Deleted sponsor: Mr. MICA (added October 21, 2015; deleted December 10, 2015)

DECEMBER 8, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 16, 2015]

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 Snapper*
 5 *Management Authority Act”.*

6 **SEC. 2. TRANSFER TO STATES OF MANAGEMENT OF RED**
 7 **SNAPPER FISHERIES IN THE GULF OF MEX-**
 8 **ICO.**

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

12 **“TITLE V—TRANSFER TO STATES**
 13 **OF MANAGEMENT OF RED**
 14 **SNAPPER FISHERIES IN THE**
 15 **GULF OF MEXICO**

16 **“SEC. 501. DEFINITIONS.**

17 *“In this title:*

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

20 *“(A) shoreward of the baseline from which*
 21 *the territorial sea of the United States is meas-*
 22 *ured; and*

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

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

3 “(A) *Alabama*.

4 “(B) *Florida*.

5 “(C) *Louisiana*.

6 “(D) *Mississippi*.

7 “(E) *Texas*.

8 “(3) *GULF OF MEXICO FISHERY MANAGEMENT*
9 *COUNCIL*.—The term ‘Gulf of Mexico Fishery Manage-
10 *ment Council*’ means the Gulf of Mexico Fishery Man-
11 *agement Council* established under section 302(a).

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

18 “(5) *GULF STATES RED SNAPPER MANAGEMENT*
19 *AUTHORITY*.—The term ‘Gulf States Red Snapper
20 Management Authority’ and ‘GSR SMA’, means the
21 Gulf States Red Snapper Management Authority es-
22 tablished under section 502(a).

23 “(6) *RED SNAPPER FISHERY MANAGEMENT*
24 *PLAN*.—The term ‘red snapper fishery management
25 plan’ means a plan created by one or more Gulf

1 *coastal States to manage Gulf of Mexico red snapper*
 2 *in the coastal waters adjacent to such State or States,*
 3 *respectively.*

4 “(7) *REEF FISH FEDERAL FISHERY MANAGE-*
 5 *MENT PLAN.*—*The term ‘Reef Fish Federal fishery*
 6 *management plan’ means the Fishery Management*
 7 *Plan for the Reef Fish Resources of the Gulf of Mex-*
 8 *ico, as amended, prepared by the Gulf of Mexico Fish-*
 9 *ery Management Council pursuant to title III and*
 10 *implemented under part 622 of title 50, Code of Fed-*
 11 *eral Regulations (or similar successor regulation).*

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

18 **“SEC. 502. MANAGEMENT OF GULF OF MEXICO RED SNAP-**
 19 **PER.**

20 “(a) *GULF STATES RED SNAPPER MANAGEMENT AU-*
 21 *THORITY.*—

22 “(1) *REQUIREMENT TO ESTABLISH.*—*Not later*
 23 *than 60 days after the date of the enactment of this*
 24 *title, the Secretary shall establish a Gulf States Red*
 25 *Snapper Management Authority that consists of the*

1 *principal fisheries manager of each of the Gulf coastal*
2 *States.*

3 “(2) *DUTIES.—The duties of the GSR SMA are*
4 *as follows:*

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

7 “(B) *To provide standards for each Gulf*
8 *coastal State to use in developing fishery man-*
9 *agement measures to sustainably manage Gulf of*
10 *Mexico red snapper in the coastal waters adja-*
11 *cent to such State.*

12 “(C) *To the maximum extent practicable,*
13 *make scientific data, stock assessments and other*
14 *scientific information upon which fishery man-*
15 *agement plans are based available to the public*
16 *for inspection prior to meetings described in*
17 *paragraph (c)(2).*

18 “(b) *REQUIREMENT FOR PLANS.—*

19 “(1) *DEADLINE FOR SUBMISSION OF PLANS.—*
20 *The GSR SMA shall establish a deadline for each Gulf*
21 *coastal State to submit to the GSR SMA a red snap-*
22 *per fishery management plan for such State.*

23 “(2) *CONSISTENCY WITH FEDERAL FISHERY*
24 *MANAGEMENT PLANS.—To the extent practicable, the*
25 *Gulf Coastal States fishery management plans shall*

1 *be consistent with the requirements in section 303(a)*
2 *of the Fishery Conservation and Management Act of*
3 *1976 (16 U.S.C. 1853(a)).*

4 “(c) *REVIEW AND APPROVAL OF PLANS.*—

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

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

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

20 “(B) *procedures for submitting written com-*
21 *ments to GSR SMA on the fishery management*
22 *plan.*

23 “(3) *PLAN REQUIREMENTS.*—*A red snapper fish-*
24 *ery management plan submitted by one or more Gulf*
25 *coastal States shall—*

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

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

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

10 “(i) any recommendation by the
11 GSRMSA to reduce quota apportioned to
12 the commercial sector by more than 10 per-
13 cent shall be reviewed and approved by the
14 Gulf of Mexico Fishery Management Coun-
15 cil;

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

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

1 “(4) *REVIEW AND APPROVAL.*—Not later than 60
2 *days after the date the GSR SMA receives a red snap-*
3 *per fishery management plan from one or more Gulf*
4 *coastal State or States, the GSR SMA shall review*
5 *and approve such plan if such plan satisfies the re-*
6 *quirements of subsection (b).*

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

13 “(e) *REPORTING REQUIREMENTS.*—

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

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

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

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

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

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

12 “(A) *publish a notice in the Federal Reg-*
13 *ister revoking the regulations and portions of the*
14 *Reef Fish Federal fishery management plan that*
15 *are in conflict with any red snapper fishery*
16 *management plan approved by the GSRSMA;*
17 *and*

18 “(B) *transfer management of Gulf of Mexico*
19 *red snapper to the GSRSMA.*

20 “(b) *IMPLEMENTATION.*—

21 “(1) *IN GENERAL.*—*Upon the transfer of man-*
22 *agement described in subsection (a)(2)(B) and subject*
23 *to section 502(d), each Gulf coastal State shall imple-*
24 *ment and enforce the red snapper fishery management*
25 *plans approved under section 502 for the Gulf of Mex-*

1 *ico red snapper fishery in the coastal waters adjacent*
 2 *to each Gulf coastal State.*

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

9 **“SEC. 504. OVERSIGHT OF GULF OF MEXICO RED SNAPPER**
 10 **MANAGEMENT.**

11 “(a) *IMPLEMENTATION AND ENFORCEMENT OF FISH-*
 12 *ERY MANAGEMENT PLANS.—Not later than December 1 of*
 13 *the year following the transfer of management described in*
 14 *section 503(a)(2), and at any other time the GSRsMA con-*
 15 *siders appropriate after that date, the GSRsMA shall deter-*
 16 *mine if—*

17 “(1) *each Gulf coastal State has fully adopted*
 18 *and implemented the red snapper fishery manage-*
 19 *ment plan approved under section 502 for such State;*

20 “(2) *each such plan continues to be in compli-*
 21 *ance with the standards for sustainability provided*
 22 *by the GSRsMA pursuant to section 502(a)(2); and*

23 “(3) *the enforcement of the plan by each Gulf*
 24 *coastal State is satisfactory to maintain the long-term*

1 *sustainability and abundance of Gulf of Mexico red*
2 *snapper.*

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

4 “(1) *CERTIFICATION.*—*If the Gulf of Mexico red*
5 *snapper in the coastal waters adjacent to a Gulf*
6 *coastal State is experiencing overfishing or is subject*
7 *to a rebuilding plan, such Gulf coastal State shall*
8 *submit a certification to the GSR SMA showing that*
9 *such State has implemented the necessary measures to*
10 *end overfishing or rebuild the fishery.*

11 “(2) *NOTIFICATION TO SECRETARY.*—*If, after*
12 *such time as determined by the GSR SMA, a Gulf*
13 *coastal State that submitted a certification under*
14 *paragraph (1) has not implemented the measures and*
15 *requirements described in such paragraph, the*
16 *GSR SMA shall vote on whether to notify the Sec-*
17 *retary of a recommendation of closure of the red*
18 *snapper fishery in the waters adjacent to the State*
19 *territorial waters of the Gulf coastal State.*

20 “(c) *CLOSURE OF THE GULF OF MEXICO RED SNAP-*
21 *PER FISHERY.*—

22 “(1) *CONDITIONS FOR CLOSURE.*—*Not later than*
23 *60 days after the receipt of a notice under subsection*
24 *(b)(2) for a Gulf coastal State, the Secretary may de-*
25 *clare a closure of the Gulf of Mexico red snapper fish-*

1 *ery within the waters adjacent to the State territorial*
2 *waters of the Gulf coastal State.*

3 “(2) *CONSIDERATIONS.—Prior to making a dec-*
4 *laration under paragraph (2), the Secretary shall*
5 *consider the comments of such Gulf coastal State and*
6 *the GSRSMA.*

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

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

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

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

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

1 **“SEC. 505. PROHIBITION ON FEDERAL FUNDING.**

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

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

7 *“(a) BYCATCH REDUCTION DEVICES.—Nothing in this*
 8 *title may be construed to effect any requirement related to*
 9 *the use of Gulf of Mexico red snapper bycatch reduction de-*
 10 *vices in the course of shrimp trawl fishing activity.*

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

16 **(b) CONFORMING AMENDMENTS.—**

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

24 *“(vi) in the case of each fishery in the*
 25 *Gulf of Mexico, taking into consideration all*
 26 *data collection activities related to fishery*

1 *effort that are undertaken by the marine re-*
 2 *sources division of each relevant State of the*
 3 *Gulf of Mexico Fishery Management Coun-*
 4 *cil.”.*

5 (2) *GULF STATE TERRITORIAL WATERS.*—*Section*
 6 *306(b) of the Magnuson-Stevens Fishery Conservation*
 7 *and Management Act (16 U.S.C. 1856(b)) is amended*
 8 *by adding at the end the following:*

9 “(4) *Notwithstanding section 3(11) and subsection (a)*
 10 *of this section, for purposes of carrying out activities pursu-*
 11 *ant to the Fishery Management Plan for the Reef Fish Re-*
 12 *sources of the Gulf of Mexico, the seaward boundary of a*
 13 *coastal State in the Gulf of Mexico is a line three marine*
 14 *leagues seaward from the baseline from which the territorial*
 15 *sea of the United States is measured.”.*

16 (c) *CLERICAL AMENDMENT.*—*The table of contents in*
 17 *the first section of such Act is amended by adding at the*
 18 *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.”.

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[Report No. 114-851]

A BILL

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