

114TH CONGRESS  
1ST SESSION

# H. R. 3094

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

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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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

11 **“SEC. 501. DEFINITIONS.**

12 “In this title:

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

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

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

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

23 “(A) Alabama.

24 “(B) Florida.

25 “(C) Louisiana.

26 “(D) Mississippi.

1                   “(E) Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15          “(b) REQUIREMENT FOR PLANS.—

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

20          “(2) CONSISTENCY WITH FEDERAL FISHERY  
21          MANAGEMENT PLANS.—To the extent practicable,  
22          the Gulf Coastal States fishery management plans  
23          shall be consistent with the requirements in section  
24          303(a) of the Fishery Conservation and Manage-  
25          ment Act of 1976 (16 U.S.C. 1853(a)).

1 “(c) REVIEW AND APPROVAL OF PLANS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(e) REPORTING REQUIREMENTS.—

11 “(1) REPORTS BY GULF COASTAL STATES.—  
12 Each Gulf coastal State shall submit to the  
13 GSRSMA an annual report on the status of the Gulf  
14 of Mexico red snapper fishery in coastal waters adja-  
15 cent to such State.

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

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

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

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

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

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

12 “(2) TRANSFER OF MANAGEMENT.—Upon re-  
13 ceipt of the certification described in paragraph (1)  
14 and subject to section 502(d), the Secretary shall—

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

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

23 “(b) IMPLEMENTATION.—

24 “(1) IN GENERAL.—Upon the transfer of man-  
25 agement described in subsection (a)(2)(B) and sub-

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

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

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

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

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

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

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

8           “(b) OVERFISHING AND REBUILDING PLANS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

“Sec. 501. Definitions.

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

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

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

the "Sec. 505. Gulf States Marine Fisheries Commission. 1

"Sec. 506. No effect on management of shrimp fisheries in Federal waters." 2

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