

H.R. 981, the Red Snapper Regulatory Reform Act

Sponsor – Congressman Byrne (R-Alabama)

Introduced on February 13, 2015

Referred to the House Natural Resources Committee

Section 1 – Short Title.

Section 2 – Repeal of Catch Limit Requirement for Gulf of Mexico Red Snapper Fishery. The bill would repeal section 407(d) of the Act.

Section 3 – State Jurisdiction Over Fisheries in the Gulf of Mexico. The bill would expand the seaward boundary of coastal States in the Gulf of Mexico out to 9 nautical miles for the purposes of managing fisheries in the Gulf of Mexico.

Section 4 – Stock Assessments Used for Fisheries Managed Under Gulf of Mexico Council’s Reef Fish Management Plan. The bill would require the Gulf States Marine Fisheries Commission (Commission) to conduct all stock assessments used for management purposes by the Gulf of Mexico Fisheries Management Council for fisheries managed under the Council’s Reef Fish Management Plan.

The bill would require the Commission to incorporate fisheries survey information collected by universities researchers and, to the extent practicable, use State, university, and private assets to conduct fisheries surveys when conducting fishery stock assessments.

The bill would require any future stock assessments after the date of enactment to incorporate fishery surveys conducted around natural and artificial reefs, and to incorporate other relevant fisheries information collected on or around natural and artificial reefs.

The bill would require that each stock assessment: emphasize constituent and stakeholder participation; contain all of the raw data used in the assessment and a description of the methods used to collect the data; employ a process that is transparent and includes both dependent and independent data collection methods, includes a rigorous and independent scientific review of the completed assessment, and include a panel of independent experts to review the data and the assessment and make recommendations on the most appropriate values of critical population and management quantities.

The bill would require the Secretary of Commerce, subject to the availability of appropriations, to provide appropriate funding for all necessary stock assessments of the red snapper fishery to the Commission.

Section 5 – Data Collection. The bill would add a provision to the Recreational Fisheries Data Collection program in section 401 of the Act to require that the program take into consideration all data collection activities related to fishery efforts that are undertaken by each relevant State marine resources division for each Gulf State.

Section 6 – Membership of Gulf of Mexico Fishery Management Council. The bill would replace the section of the Act describing the Gulf of Mexico Fishery Management Council. The bill would require that the Council consist of 16 voting members (rather than 17 under current law). Each of the Gulf

States (Texas, Louisiana, Mississippi, Alabama, and Florida) shall have 2 voting members who are appointed by the Governor of the State using the same criteria for eligibility currently used by the Secretary (rather than nominated by the Governor and appointed by the Secretary under current law). In addition, each Gulf State's principle official responsible for marine fisheries management shall be a voting member. The regional director of NMFS or his designee shall also be a voting member. One at-large member shall be appointed by a Gulf State Governor and this seat shall rotate among the States as long as no Governor makes consecutive appointments. (This adds up to 17 although the legislation specifies 16 voting seats. Presumably the legislation intended 17 voting members.)

The bill would require the Governors to use the same review process to determine whether an individual is qualified to serve on the Council.

The bill would require the Governor of each Gulf State, in making the appointment, to consider at least one nominee from each of the commercial, recreational, and charter fishing sectors and at least one other knowledgeable individual. The bill would also clarify that a person who owns or operates a fish farm outside of the United States could not be considered to be a representative of the commercial or recreational fishing sector.

The bill would require the Governor to notify the Secretary before making the appointments and would require the Secretary to publish a notice of the appointments at least 45 days prior to that individual taking office. The bill would clarify that individuals appointed to the Gulf Council by a Governor would serve a three-year term.