

AMENDMENT TO H.R. 1335

OFFERED BY MR. GRAVES OF LOUISIANA

Add at the end the following:

SEC. __. 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. SHORT TITLE.

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

“SEC. 502. 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 STATES.—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 ‘GSR SMA’, means the Gulf States Red Snapper Management Authority established under section 503(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. 503. 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 GRSMA 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.—The GRSMA shall establish a deadline for each Gulf coastal State to submit to the GRSMA a red snapper fishery management plan for such State.

“(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 GRSMA 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 GSR SMA 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 GSR SMA 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 GSR SMA to reduce quota apportioned to the commercial sector by more than 10 percent shall be reviewed and approved by the Gulf 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.

“(3) ANNUAL REPORT BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress an annual report on the implementation of this title.

“SEC. 504. 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 503 for each of the Gulf coastal States.

“(2) TRANSFER OF MANAGEMENT.—Upon receipt of the certification described in paragraph (1) and subject to section 503 (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 503 (d), each Gulf coastal State shall implement and enforce the red snapper fishery management plans approved under section 503 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. 505. 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 504(a)(2), and at any other time the GSR SMA considers appropriate after that date, the GSR SMA shall determine if—

“(1) each Gulf coastal State has fully adopted and implemented the red snapper fishery management plan approved under section 503 for such State;

“(2) each such plan continues to be in compliance with the standards for sustainability provided by the GSR SMA pursuant to section 503(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 GSR SMA showing that such State—

“(A) has implemented the necessary measures to end overfishing or rebuild the fishery; and

“(B) in consultation with the National Oceanic and Atmospheric Administration, has implemented a program to provide for data collection adequate to monitor the harvest of Gulf of Mexico red snapper by such State.

“(2) NOTIFICATION TO SECRETARY.—If, after such time as determined by the GSR SMA, a Gulf coastal State that submitted a certification under paragraph (1) has not implemented the measures and requirements described in subparagraphs (A) and (B) of such paragraph, the GSR SMA 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 GSR SMA.

“(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. 506. GULF STATES MARINE FISHERIES COMMISSION.

“(a) RESEARCH, ASSESSMENT, AND MANAGEMENT.—

“(1) FUNDING TO THE GULF STATES MARINE FISHERIES COMMISSION.—The Secretary shall provide all Federal funding to the Gulf States Marine Fisheries Commission for all necessary stock assessments, research, and management for the red snapper fishery.

“(2) FUNDING TO THE GULF COASTAL STATES.—The Gulf States Marine Fisheries Commission shall be responsible for administering the Federal funds referred to in paragraph (1) to each of the Gulf coastal States for proper management of the red snapper fishery.

“(b) STOCK ASSESSMENTS.—

“(1) IN GENERAL.—The Gulf States Marine Fisheries Commission shall conduct all fishery stock assessments used for management purposes by the Gulf of Mexico Fishery Management Council for the fisheries managed under the Council’s Reef Fish Management Plan.

“(2) USE OF OTHER INFORMATION AND ASSETS.—

“(A) IN GENERAL.—Such fishery assessments shall—

“(i) incorporate fisheries survey information collected by university researchers; and

“(ii) to the extent practicable, use State, university, and private assets to conduct fisheries surveys.

“(B) SURVEYS AT ARTIFICIAL REEFS.—Any such fishery stock assessment conducted after the date of the enactment of this subparagraph shall incorporate fishery surveys conducted, and other relevant fisheries information collected, on and around natural and artificial reefs.

“(3) CONSTITUENT AND STAKEHOLDER PARTICIPATION.—Each such fishery assessment shall—

“(A) emphasize constituent and stakeholder participation in the development of the assessment;

“(B) contain all of the raw data used in the assessment and a description of the methods used to collect that data; and

“(C) employ an assessment process that is transparent and includes—

“(i) both dependent and independent data collection methods;

“(ii) a rigorous and independent scientific review of the completed fishery stock assessment; and

“(iii) a panel of independent experts to review the data and assessment and make recommendations on the most appropriate values of critical population and management quantities.

“(4) FUNDING.—

“(A) IN GENERAL.—The Secretary, subject to the availability of appropriations, shall provide to the Gulf of Mexico Marine Fisheries Commission appropriate funding for all necessary stock assessments concerning the Gulf of Mexico red snapper fishery.

“(B) NO ADDITIONAL APPROPRIATIONS AUTHORIZED.—Nothing in this section may be construed to increase the amount of Federal funds authorized to be appropriated for Gulf of Mexico red snapper fishery management.

“SEC. 507. 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 as in effect on the date of the enactment of this section, 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)(G)) 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 managing fisheries in 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. Short title.

“Sec. 502. Definitions.

“Sec. 503. Management of Gulf of Mexico red snapper.

“Sec. 504. State implementation of the red snapper fishery management plans.

“Sec. 505. Oversight of Gulf of Mexico red snapper management.

“Sec. 506. Gulf States Marine Fisheries Commission.

“Sec. 507. No effect on management of shrimp fisheries in Federal waters.”.