

113TH CONGRESS
1ST SESSION

H. R. 3099

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2013

Mr. MILLER of Florida (for himself, Mr. RICHMOND, Mr. BOUSTANY, Mr. DUNCAN of South Carolina, Mr. FARENTHOLD, Mr. LATTA, Mr. OLSON, Mr. PALAZZO, Mr. ROGERS of Alabama, Mr. SCALISE, Mr. AUSTIN SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. WALZ, Mr. WESTMORELAND, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Natural Resources

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:

1 (1) COASTAL WATERS.—The term “coastal
2 waters” means all waters of the Gulf of Mexico—

3 (A) shoreward of the baseline from which
4 the territorial sea of the United States is meas-
5 ured; and

6 (B) seaward from the baseline described in
7 subparagraph (A) to the inner boundary of the
8 exclusive economic zone.

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

12 (3) EXCLUSIVE ECONOMIC ZONE.—The term
13 “exclusive economic zone” has the meaning given to
14 such term in section 3 of the Magnuson-Stevens
15 Fishery Conservation and Management Act (16
16 U.S.C. 1802).

17 (4) FEDERAL FISHERY MANAGEMENT PLAN.—
18 The term “Federal fishery management plan”
19 means the Fishery Management Plan for the Reef
20 Fish Resources of the Gulf of Mexico prepared by
21 the Gulf of Mexico Fishery Management Council
22 pursuant to section 622.1 of title 50, Code of Fed-
23 eral Regulations.

24 (5) FISHERY MANAGEMENT MEASURE.—The
25 term “fishery management measure” means any pol-

1 icy, process, or tool used by a Gulf coastal State to
2 implement the fishery management plan.

3 (6) FISHERY MANAGEMENT PLAN.—The term
4 “fishery management plan” means a plan created by
5 the Commission for the sustainability of Gulf of
6 Mexico red snapper and the economic and commu-
7 nity benefits of each of the Gulf coastal States.

8 (7) GULF COASTAL STATE.—The term “Gulf
9 coastal State” means any of—

- 10 (A) Alabama;
11 (B) Florida;
12 (C) Louisiana;
13 (D) Mississippi; or
14 (E) Texas.

15 (8) GULF OF MEXICO RED SNAPPER.—The
16 term “Gulf of Mexico red snapper” means members
17 of stocks or populations of the species *Lutjanis*
18 *campechanus*, which ordinarily are found shoreward
19 of coastal waters.

20 (9) OVERFISHING.—The term “overfishing” has
21 the meaning given to such term in section 3 of the
22 Magnuson-Stevens Fishery Conservation and Man-
23 agement Act (16 U.S.C. 1802).

24 (10) SECRETARY.—The term “Secretary”
25 means the Secretary of Commerce.

1 **SEC. 3. DATA COLLECTION STRATEGY FOR GULF OF MEX-**
2 **ICO RED SNAPPER.**

3 Not later than one year after the date of the enact-
4 ment of this Act, the Commission, with the support of the
5 Secretary, shall prepare and adopt by vote a strategy for
6 the collection of data on the Gulf of Mexico red snapper
7 fishery that shall include—

8 (1) measures to enhance interstate collaboration
9 on the collection of data regarding the Gulf of Mex-
10 ico red snapper fishery; and

11 (2) a plan to undertake annual stock assess-
12 ments of Gulf of Mexico red snapper.

13 **SEC. 4. ADOPTING A FISHERY MANAGEMENT PLAN.**

14 (a) **IN GENERAL.**—Not later than one year after the
15 date of the enactment of this Act, the Commission shall
16 prepare and adopt by vote a fishery management plan and
17 submit the plan to the Secretary.

18 (b) **REQUIREMENTS.**—In adopting a fishery manage-
19 ment plan under subsection (a), the Commission shall en-
20 sure—

21 (1) adequate opportunity for public participa-
22 tion prior to a vote under subsection (a), including—

23 (A) at least 1 public hearing held in each
24 Gulf coastal State; and

25 (B) procedures for submitting written com-
26 ments on the fishery management plan to the

1 Commission and for making such comments
2 and responses of the Commission available to
3 the public; and

4 (2) that such plan contains standards and pro-
5 cedures for the long-term sustainability of Gulf of
6 Mexico red snapper based on the available science.

7 (c) LIMITATIONS ON QUOTAS.—The fishery manage-
8 ment plan shall address the quotas of Gulf of Mexico red
9 snapper on the date of the enactment of this Act as fol-
10 lows:

11 (1) Based on stock assessments, the fishery
12 management plan may increase the quota appor-
13 tioned to commercial fishing in a fair and equitable
14 manner.

15 (2) Except as provided in paragraph (3), the
16 fishery management plan shall not reduce such
17 quota until the date that is 3 years after the date
18 of the enactment of this Act.

19 (3) If there is a reduction in the stock of Gulf
20 of Mexico red snapper prior to the date specified in
21 paragraph (2), the fishery management plan shall
22 reduce quotas apportioned to all fishing sectors in a
23 fair and equitable manner that ensures a sustainable
24 harvest of Gulf of Mexico red snapper.

1 (d) GULF COASTAL STATE REQUIREMENTS.—The
2 fishery management plan shall describe standards of com-
3 pliance for Gulf coastal States to use in developing fishery
4 management measures.

5 **SEC. 5. REVIEW AND CERTIFICATION BY SECRETARY.**

6 (a) PLAN REVIEW.—The Secretary shall review the
7 fishery management plan submitted pursuant to section
8 4 to determine if the plan—

9 (1) is compatible, to the extent practicable, with
10 section 301 of the Magnuson-Stevens Fishery Con-
11 servation and Management Act (16 U.S.C. 1851);
12 and

13 (2) will ensure the long-term sustainability of
14 Gulf of Mexico red snapper populations.

15 (b) PLAN CERTIFICATION.—The Secretary shall de-
16 termine whether to certify the fishery management plan
17 based on the review conducted under subsection (a).

18 (c) FAILURE TO CERTIFY.—If the Secretary does not
19 certify the fishery management plan under subsection (b),
20 the Secretary shall submit a written explanation to the
21 Commission explaining why the plan was not certified.
22 The Commission may submit a new fishery management
23 plan to the Secretary pursuant to section 4.

24 (d) TIME FOR SECRETARY RESPONSE.—If the Sec-
25 retary fails to act pursuant to subsection (b) within 120

1 days of receipt of the fishery management plan, the plan
2 shall be treated as certified by the Secretary.

3 **SEC. 6. STATE IMPLEMENTATION OF THE FISHERY MAN-**
4 **AGEMENT PLAN.**

5 (a) **MANAGEMENT MEASURES DEADLINE.**—The
6 Commission shall establish a deadline for each Gulf coast-
7 al State to submit fishery management measures to the
8 Commission.

9 (b) **REVIEW AND APPROVAL.**—Within 60 days of re-
10 ceipt of the fishery management measures, the Commis-
11 sion shall review and approve such measures that ensure
12 each Gulf coastal State is in compliance with the objectives
13 of the fishery management plan.

14 (c) **REVOCAION OF FEDERAL MANAGEMENT.**—The
15 Commission shall certify to the Secretary that the Com-
16 mission has approved the fishery management measures
17 submitted under subsection (a) for all Gulf coastal States.
18 Upon receipt of the certification, the Secretary shall—

19 (1) publish a notice in the Federal Register re-
20 voking those regulations and portions of the Federal
21 fishery management plan that are in conflict with
22 the fishery management plan submitted under sec-
23 tion 4, including the deletion of the Gulf of Mexico
24 red snapper from the Federal fishery management
25 plan; and

1 (2) transfer management of Gulf of Mexico red
2 snapper to the Gulf coastal States.

3 (d) IMPLEMENTATION.—Upon the transfer of man-
4 agement described in subsection (c)(2), each Gulf coastal
5 State shall implement the measures approved under sub-
6 section (b).

7 **SEC. 7. COMMISSION OVERSIGHT RESPONSIBILITIES.**

8 (a) IMPLEMENTATION AND ENFORCEMENT OF FISH-
9 ERY MANAGEMENT MEASURES.—In December of the year
10 following the transfer of management described in section
11 6(c)(2), and at any other time the Commission considers
12 appropriate after that December, the Commission shall de-
13 termine if—

14 (1) each Gulf coastal State has fully adopted
15 and implemented fishery management measures;

16 (2) such measures continue to be in compliance
17 with the fishery management plan; and

18 (3) the enforcement of such measures by each
19 Gulf coastal State is satisfactory to maintain the
20 long-term sustainability and abundance of Gulf of
21 Mexico red snapper.

22 (b) CERTIFICATION OF OVERFISHING AND REBUILD-
23 ING PLANS.—If the Gulf of Mexico red snapper in a Gulf
24 coastal State is experiencing overfishing or is subject to

1 a rebuilding plan, that Gulf coastal State shall submit a
2 certification to the Commission showing that such State—

3 (1) has implemented the necessary measures to
4 end overfishing or rebuild the fishery; and

5 (2) in consultation with the National Oceanic
6 and Atmospheric Administration, has implemented a
7 program to provide for data collection adequate to
8 monitor the harvest of Gulf of Mexico red snapper
9 by such Gulf coastal State.

10 **SEC. 8. OPPORTUNITY TO REMEDY.**

11 (a) IN GENERAL.—If the Commission finds that a
12 Gulf coastal State is noncompliant under section 7, the
13 Commission shall offer assistance to that Gulf coastal
14 State to remedy the finding of noncompliance.

15 (b) NOTIFICATION TO SECRETARY FOR CONTINUED
16 NONCOMPLIANCE.—If, after such time as determined by
17 the Commission, the Gulf coastal State receiving assist-
18 ance described in subsection (a) remains noncompliant,
19 the Commission shall vote on whether to notify the Sec-
20 retary.

21 **SEC. 9. CLOSURE OF THE GULF OF MEXICO RED SNAPPER**
22 **FISHERY.**

23 (a) CONDITIONS FOR CLOSURE.—Not later than 60
24 days after the receipt of a notice under section 8(b), the
25 Secretary may declare a closure of the Gulf of Mexico red

1 snapper fishery within the Federal waters adjacent to the
2 waters of the Gulf coastal State that is the subject of such
3 notice.

4 (b) CONSIDERATIONS.—Prior to making a declara-
5 tion under subsection (a) the Secretary shall consider the
6 comments of such Gulf coastal State and the Commission.

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

10 (1) to engage in fishing for Gulf of Mexico red
11 snapper within the Federal waters adjacent to the
12 waters of the Gulf coastal State covered by the clo-
13 sure;

14 (2) to land, or attempt to land, the Gulf of
15 Mexico red snapper to which the closure applies; or

16 (3) to fail to return to the water any Gulf of
17 Mexico red snapper to which the closure applies that
18 are caught incidental to commercial harvest or in
19 other recreational fisheries.

20 **SEC. 10. ECONOMIC ANALYSIS AND REPORT.**

21 (a) ECONOMIC ANALYSIS OF GULF OF MEXICO RED
22 SNAPPER FISHERY.—The Secretary, in consultation with
23 the Gulf coastal States and the Commission, shall conduct
24 a study and analysis of the economic impacts for the local,

1 regional, and national economy of the Gulf of Mexico red
2 snapper fishery. The study shall include an analysis of—

3 (1) the beneficial economic impacts on indus-
4 tries directly related to the Gulf of Mexico red snap-
5 per fishery, including boat sales, marina activity,
6 boat construction and repair, fishing gear and tackle
7 sales, and other closely related industries; and

8 (2) the downstream economic impacts of the
9 Gulf of Mexico red snapper fishery on the economies
10 of the Gulf coastal States, including hotels, res-
11 taurants, grocery stores, related tourism, and other
12 peripheral businesses and industries.

13 (b) BIENNIAL REPORTS.—Beginning 2 years after
14 the date of the enactment of this Act, and every 2 years
15 thereafter, the Secretary shall submit a report on the find-
16 ings of the study conducted under subsection (a) to Con-
17 gress, the Governor of each of the Gulf coastal States, and
18 the Commission. Each report shall be made available to
19 the public and shall include recommendations for addi-
20 tional actions to be taken to encourage the sustainability
21 of the Gulf of Mexico red snapper fishery.

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