To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for management of red snapper in the Gulf of Mexico, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. Graves of Louisiana (for himself, Mr. Richmond, Mr. Byrne, Mr. Thompson of Mississippi, Mr. Weber of Texas, Mr. Clay, Mr. Palazzo, Mr. Farenthold, Mr. Austin Scott of Georgia, and Mr. Higgins of Louisiana) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for management of red snapper in the Gulf of Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regionally Empowered Decision-making for Snapper, Noting the Angling Public and the Preservation of an Exceptional Resource Act” or the “RED SNAPPER Act”.

SEC. 2. STATE EXCLUSIVE FISHERY MANAGEMENT AUTHORITY OVER PRIVATE RECREATIONAL RED SNAPPER FISHING SEASONS IN THE GULF OF MEXICO.

(a) In General.—Section 407 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1883) is amended by striking subsection (d) and inserting the following:

“(d) Catch Limits.—Any fishery management plan, plan amendment, or regulation for the red snapper fishery that is submitted by the Gulf of Mexico Fishery Management Council after the date of the enactment of the RED SNAPPER Act shall contain conservation and management measures that—

“(1) establish separate catch limits for each of—

“(A) private recreational fishing;

“(B) federally permitted charter fishing;

and

“(C) commercial fishing; and

“(2) ensure that such catch limits reflect allocations among such sectors and do not reflect any harvests in excess of such allocations.

“(e) State Exclusive Authority Over Private Recreational Red Snapper Fishing Seasons in the Gulf of Mexico.—
“(1) Exclusive authority.—

“(A) In general.—Except as provided in subparagraph (B) and paragraph (5), and subject to paragraph (4) and section 306(b), each of the Gulf States shall have exclusive authority to establish for each of fishing years 2018 through 2024 the timing and duration of the fishing season for private recreational fishing of red snapper in the Gulf of Mexico in the extended red snapper management zone of such Gulf State under paragraph (2).

“(B) Special rule for Florida.—With respect to the State of Florida, the exclusive authority provided under subparagraph (A) shall apply only to waters adjacent to the State of Florida in the Gulf of Mexico.

“(2) Extended red snapper management zone described.—

“(A) In general.—For purposes of this subsection, the extended red snapper management zone of a Gulf State consists of all waters that are—

“(i) seaward of the State seaward boundary of such Gulf State;
“(ii) not further from shore than the 25-fathom line described under subpara-
graph (B); and

“(iii) between the projected lines de-
determined for that State under section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)).

“(B) DESCRIPTION OF LINE.—

“(i) In general.—Not later than 60 days after the date of the enactment of the RED SNAPPER Act and subject to clause (ii), the Secretary shall publish in the Fed-
eral Register and make available on the website of the Department of Commerce a description of, and map showing, a contin-
uous line in waters of the exclusive eco-
nomic zone in the Gulf of Mexico along the coasts of the Gulf States, that is comprised of points that are, on average, 25 fathoms in depth.

“(ii) Minimum distance.—No point on such continuous line shall be less than 25 nautical miles from the shore.

“(iii) Consultation with states.—
In determining the placement of such con-
timuous line, the Secretary shall consult with appropriate agencies of each Gulf State.

“(3) CRITERIA.—In determining a fishing season under this subsection, a Gulf State shall—

“(A) to the extent practicable, ensure sustainable and responsible fishery management consistent with the national standards for fishery conservation and management in section 301; and

“(B) include—

“(i) the most recent stock assessment for the red snapper in the Gulf of Mexico;

“(ii) surveys of red snapper in the Gulf of Mexico certified under subsection (g);

“(iii) data related to red snapper in the Gulf of Mexico collected by the Gulf States Marine Fisheries Commission, non-governmental organizations, and non-governmental sources, including fishermen, universities, and research institutions;

“(iv) consideration of the duration of the fishing seasons for red snapper within the State’s seaward boundary;
“(v) estimates of private recreational fishing effort and catch rates both within the State’s seaward boundary and within the State’s extended red snapper management zone under paragraph (2)(A); and

“(vi) relevant data from independent biological surveys, including State population estimates of the biomass of red snapper within the State’s seaward boundary and within the State’s extended red snapper management zone under paragraph (2).

“(4) LIMITATION WITH RESPECT TO CHARTER FISHING.—The authority of a State under paragraph (1) does not apply with respect to the timing or duration of the charter fishing season.

“(5) SECRETARIAL ACTION TO ADDRESS ADVERSE EFFECTS OF STATE ACTIONS.—For purposes of section 306(b)(1), the extended red snapper management zone of a State under this subsection shall be treated as within the boundaries of such State.

“(6) REPORT.—Not later than 150 days before the end of the 2024 fishing year and biannually thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transpor-
tation of the Senate and the Committee on Natural Resources of the House of Representatives detailing the health of the red snapper fishery in the Gulf of Mexico. The report shall—

“(A) be based upon the boundaries prescribed in paragraph (2);

“(B) describe the impact of the criteria listed under paragraph (3); and

“(C) include results of the NOAA Fisheries Southeast Region head boat surveys.

“(7) Relationship to other federal authority and requirements.—Nothing in this subsection affects the authority of the Secretary under any other provision of law—

“(A) to establish the acceptable biological catch and total allowable catch of red snapper in the Gulf of Mexico; or

“(B) to establish any limited access privilege program for the commercial harvest of red snapper in the Gulf of Mexico.

“(8) Relationship to state authority over state waters.—Nothing in this subsection affects the authority of a Gulf State over the territorial waters of such State and fishing in such waters.”.
(b) **Conforming Amendments.—**

(1) **United States sovereign rights to fish and fishery management authority.—** Section 101(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1811) is amended by striking “102,” and inserting “102 and section 407(e),”.

(2) **Gulf Council.—** Section 302(a)(1)(E) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(E)) is amended by striking “paragraph (3),” and inserting “paragraph (3) of this subsection and section 407(e),”.

(c) **Extension of State Seaward Boundary.—**

Section 407 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1883) is further amended by adding at the end the following:

“(f) **State Seaward Boundary.—**Notwithstanding any other provision of law, for the purpose of management of red snapper fisheries in the Gulf of Mexico, the seaward boundary of a Gulf State is a line 9 nautical miles seaward from the baseline from which the territorial sea of the United States is measured.”.
SEC. 3. FEDERAL GULF OF MEXICO RED SNAPPER MANAGEMENT.

(a) ALLOCATIONS OF PERCENTAGE OF TOTAL ALLOWABLE CATCH AND SEASONS FOR OTHER SECTORS.—

Section 407 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1883) is further amended by adding at the end the following:

“(g) ACCEPTABLE BIOLOGICAL CATCH, TOTAL ALLOWABLE CATCH, AND CERTIFIED STATE SURVEYS; ALLOCATION.—

“(1) INCLUSION OF CERTIFIED STATE SURVEYS.—In establishing the acceptable biological catch and total allowable catch for red snapper in the Gulf of Mexico, the Secretary shall include—

“(A) Gulf State recreational fisheries surveys that are certified under subsection (h); and

“(B) data related to red snapper in the Gulf of Mexico collected by the Gulf States Marine Fisheries Commission, nongovernmental organizations, and other nongovernmental sources, including universities and research institutions.

“(2) ALLOCATION AND DURATION OF COMMERCIAL AND FEDERALLY PERMITTED CHARTER SEASON.—Beginning in fishing year 2018, the percentage of the total allowable catch of red snapper, and
the duration of the red snapper fishing season in the
Gulf of Mexico—

“(A) for the commercial fishing sector
shall be the same as such percentage and dura-
tion, respectively, that applied for the most re-
cent fishing year, unless amended by the Sec-
retary; and

“(B) for the federally permitted charter
fishing sector may not be less than the alloca-
tion and duration that applied to such sector
for the most recent fishing year, unless amend-
ed by the Secretary.

“(3) Fishing by federally permitted
charter sector within Gulf State seaward
boundaries.—Nothing in this Act shall be con-
strued to authorize limiting fishing for red snapper
by the federally permitted charter sector within a
Gulf State’s seaward boundary in any period in
which such fishing in the exclusive economic zone is
not prohibited.”.

(b) State Surveys.—Section 407 of the Magnuson-
Stevens Fishery Conservation and Management Act (16
U.S.C. 1883) is further amended by adding at the end
the following:

“(h) State Surveys.—
“(1) Submission.—A Gulf State that conducts a recreational fisheries survey in the Gulf of Mexico to make catch estimates for red snapper landed in such State may submit such survey to the Secretary for certification.

“(2) Certification.—

“(A) In general.—The Secretary shall make a certification or a denial of certification for any survey submitted under paragraph (1) not later than the end of the 6-month period beginning on the date the survey is submitted.

“(B) Deemed certified.—A recreational fisheries survey is deemed to be certified effective upon the expiration of such period if the Secretary has not made a certification or denial of certification.

“(3) Modification of surveys denied certification.—

“(A) In general.—If a survey of a Gulf State is denied certification under paragraph (2), the Secretary shall, not later than 60 days after the date of the denial, provide the Gulf State a proposal for modifications to the survey.
“(B) PROPOSAL.—A proposal provided to a Gulf State for a survey under subparagraph (A)—

“(i) shall be specific to the survey submitted by such Gulf State and may not be construed to apply to any other Gulf State;

“(ii) shall require revision to the fewest possible provisions of the survey; and

“(iii) may not unduly burden the ability of such Gulf State to revise the survey.

“(C) MODIFIED SURVEY.—

“(i) AUTHORITY TO SUBMIT.—If a survey of a Gulf State was denied certification under paragraph (2), the Gulf State may modify the survey and submit the modified survey to the Secretary for certification or denial of certification.

“(ii) SCHEDULE.—The Secretary shall make a certification or denial of certification for any modified survey not later than the end of the 30-day period beginning on the date the modified survey is submitted.
“(iii) DEEMED CERTIFIED.—A modified survey is deemed to be certified effective upon the expiration of the period described in clause (ii) if the Secretary has not made a certification or denial of certification.”.

(e) REDUCTION OF BAROTRAUMA.—Section 407 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1883) is further amended by adding at the end the following:

“(i) REDUCTION OF BAROTRAUMA.—Each Gulf State shall develop and promote best practices for use in the red snapper fishery in the Gulf of Mexico to reduce barotrauma.”.

(d) CONSTRUCTION.—Section 407 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1883) is further amended by adding at the end the following:

“(j) CONSTRUCTION.—Nothing in this section may be construed to alter—

“(1) any commercial catch share program for Gulf of Mexico red snapper;

“(2) any Federal program related to charter fishing; or
“(3) the fishing gear that may be used in the red snapper fishery in the Gulf of Mexico.”.

(c) DEFINITIONS.—Section 407 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1883), as amended by this section, is further amended by adding at the end the following:

“(k) DEFINITIONS.—In this section:

“(1) GULF STATE.—The term ‘Gulf State’ means each of the States of Texas, Louisiana, Mississippi, Alabama, or Florida.

“(2) RED SNAPPER.—The term ‘red snapper’ means the species Lutjanus campechanus.”.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that in order to supplement State data collection efforts, Gulf States should continue modernizing fishery harvest data for red snapper through the development and implementation of voluntary electronic reporting applications for use by the private recreational fishing sector to determine red snapper catch rates and effort in the Gulf of Mexico.