

113TH CONGRESS  
1ST SESSION

# S. 1161

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

---

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2013

Ms. LANDRIEU (for herself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## 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:

8 (1) COASTAL WATERS.—The term “coastal  
9 waters” means—

1 (A) all waters, whether salt or fresh, of the  
2 Gulf coastal State shoreward of the baseline  
3 from which the territorial sea of the United  
4 States is measured; and

5 (B) the waters of the Gulf coastal State  
6 seaward from the baseline referred to in sub-  
7 paragraph (A) to the inner boundary of the ex-  
8 clusive economic zone 200 mile limit.

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

12 (3) FISHERY MANAGEMENT PLAN.—The term  
13 “fishery management plan” means a plan for the  
14 conservation and management of Gulf of Mexico red  
15 snapper prepared and adopted by the Commission  
16 pursuant to section 4.

17 (4) GULF COASTAL STATE.—The term “Gulf  
18 coastal State” means the following States bordering  
19 the Gulf of Mexico:

20 (A) Alabama.

21 (B) Florida.

22 (C) Louisiana.

23 (D) Mississippi.

24 (E) Texas.

1           (5) GULF OF MEXICO RED SNAPPER.—The  
2 term “Gulf of Mexico red snapper” means members  
3 of stocks or populations of the species *Lutjanis*  
4 *campechanus*, which ordinarily are found seaward of  
5 the coastal waters.

6           (6) MAGNUSON-STEVENSON ACT.—The term  
7 “Magnuson-Stevens Act” means the Magnuson-Ste-  
8 vens Fishery Conservation and Management Act (16  
9 U.S.C. 1801 et seq.).

10 **SEC. 3. TRANSFER OF MANAGEMENT OF GULF OF MEXICO**  
11 **RED SNAPPER.**

12           (a) NEW FISHERY MANAGEMENT PLAN FROM COM-  
13 MISSION.—The Commission shall submit to the Secretary  
14 of Commerce a fishery management plan for Gulf of Mex-  
15 ico red snapper adopted by the Commission pursuant to  
16 section 4.

17           (b) ACTIONS BY SECRETARY OF COMMERCE.—

18               (1) REVIEW AND CERTIFICATION OF PLAN.—

19           The Secretary of Commerce shall—

20               (A) review the plan submitted pursuant to  
21 subsection (a) to determine whether or not the  
22 plan—

23                       (i) includes fishery management meas-  
24 ures that are compatible to the extent  
25 practicable with the national standards set

1           forth in section 301 of the Magnuson-Ste-  
2           vens Act (16 U.S.C. 1851) and other ap-  
3           plicable provisions of the Magnuson-Ste-  
4           vens Act; and

5                   (ii) will ensure the long-term con-  
6           servation of Gulf of Mexico red snapper  
7           populations; and

8                   (B) certify whether or not the Commission  
9           has submitted a fishery management plan to  
10          properly conserve and manage Gulf of Mexico  
11          red snapper consistent with this Act.

12           (2) REVOCATION OF SUPERSEDED PLAN.—

13          Upon receipt of a certification by the Commission  
14          under section 4(b)(2) that all of the Gulf coastal  
15          States will have sufficient management measures  
16          under section 4(b)(1), the Secretary shall publish a  
17          notice in the Federal Register revoking those regula-  
18          tions and portions of the Federal fishery manage-  
19          ment plan for the Reef Fish Resources of the Gulf  
20          of Mexico that are in conflict with the fishery man-  
21          agement plan for Gulf of Mexico red snapper, in-  
22          cluding the deletion of the species from the manage-  
23          ment unit.

24           (c) STATE ACTIONS.—Upon certification by the Sec-  
25          retary under subsection (b)(1) that the fishery manage-

1 ment plan will properly conserve and manage Gulf of Mex-  
2 ico red snapper consistent with this Act, the Gulf coastal  
3 States shall implement all appropriate measures to man-  
4 age the Gulf of Mexico red snapper resource in the adja-  
5 cent coastal waters in accordance with the fishery manage-  
6 ment plan.

7 **SEC. 4. GULF OF MEXICO RED SNAPPER FISHERY MANAGE-**  
8 **MENT PLAN.**

9 (a) COMMISSION PROCESS.—

10 (1) IN GENERAL.—The Commission shall pre-  
11 pare and adopt a fishery management plan to pro-  
12 vide for the conservation and management of Gulf of  
13 Mexico red snapper and specify the requirements  
14 necessary for Gulf coastal States to be in compliance  
15 with the plan.

16 (2) STANDARDS AND PROCEDURES.—Not later  
17 than one year after the date of the enactment of this  
18 Act, the Commission shall establish standards and  
19 procedures for the preparation of the fishery man-  
20 agement plan, including standards and procedures to  
21 ensure—

22 (A) the long-term sustainability of Gulf of  
23 Mexico red snapper based on the available  
24 science; and

1           (B) adequate opportunity for public par-  
2           ticipation in the preparation of the fishery man-  
3           agement plan, including at least four public  
4           hearings and procedures for the submittal to  
5           the Commission of written comments on the  
6           fishery management plan.

7           (3) LIMITATION ON REDUCTION IN QUOTAS.—

8           (A) IN GENERAL.—Except as provided in  
9           subparagraph (B), the fishery management  
10          plan may not reduce the overall quota of Gulf  
11          of Mexico red snapper apportioned to commer-  
12          cial fishing on the date of the enactment of this  
13          Act until the date that is 3 years after such  
14          date of enactment. Such plan may increase such  
15          a quota based on stock assessments.

16          (B) EXCEPTION IN CASE OF A REDUCTION  
17          IN STOCK.—In the event of a reduction in the  
18          stock of Gulf of Mexico red snapper, the fishery  
19          management plan shall reduce the quota de-  
20          scribed in subparagraph (A) in a manner that  
21          ensures a sustainable harvest of Gulf of Mexico  
22          red snapper.

23          (b) STATE IMPLEMENTATION AND ENFORCEMENT.—

24                  (1) SUBMITTAL OF MANAGEMENT MEASURES.—

25          Each Gulf coastal State shall submit to the Commis-

1 sion management measures to ensure compliance  
2 with the conservation objectives of the fishery man-  
3 agement plan.

4 (2) IMPLEMENTATION.—Upon certification by  
5 the Commission that all Gulf coastal States have  
6 submitted sufficient management measures de-  
7 scribed in paragraph (1), the Commission shall cer-  
8 tify to the Secretary of Commerce under section  
9 3(b)(2) to revoke Federal management of Gulf of  
10 Mexico red snapper, and the Gulf coastal States  
11 shall manage the Gulf of Mexico red snapper in the  
12 adjacent coastal waters consistent with the fishery  
13 management plan.

14 **SEC. 5. MONITORING OF IMPLEMENTATION AND ENFORCE-**  
15 **MENT OF GULF OF MEXICO RED SNAPPER**  
16 **FISHERY MANAGEMENT PLAN BY GULF**  
17 **COASTAL STATES.**

18 (a) DETERMINATION.—In December each year, and  
19 at any other time it considers appropriate, the Commission  
20 shall determine—

21 (1) whether each Gulf coastal State has adopt-  
22 ed all regulatory measures to fully implement the  
23 fishery management plan; and

24 (2) whether the enforcement of the fishery  
25 management plan by each Gulf coastal State is sat-

1 isfactory to maintain the long-term sustainability  
 2 and abundance of Gulf of Mexico red snapper.

3 (b) SATISFACTORY STATE ENFORCEMENT.—For  
 4 purposes of subsection (a)(2), enforcement by a Gulf  
 5 coastal State shall not be considered satisfactory by the  
 6 Commission if, in its view, such enforcement is being car-  
 7 ried out in such a manner that the implementation of the  
 8 fishery management plan within the coastal waters of the  
 9 Gulf coastal State is being, or will likely be, substantially  
 10 and adversely affected.

11 (c) NOTICE TO SECRETARY OF COMMERCE OF AD-  
 12 VERSE DETERMINATION.—The Commission shall imme-  
 13 diately notify the Secretary of Commerce of each negative  
 14 determination made with respect to a Gulf coastal State  
 15 under subsection (a).

16 **SEC. 6. GULF OF MEXICO RED SNAPPER FISHERY MANAGE-**  
 17 **MENT REVIEW.**

18 (a) COMMISSION REVIEW AND REPORT ON CERTIFI-  
 19 CATION ON CERTAIN STATE ACTIONS.—

20 (1) COMMISSION REVIEW OF STATE CERTIFI-  
 21 CATION.—Each Gulf coastal State that manages  
 22 Gulf of Mexico red snapper shall submit to the Com-  
 23 mission a certification as follows:

24 (A) If Gulf of Mexico red snapper is un-  
 25 dergoing overfishing or subject to a rebuilding



1 plan, that such Gulf coastal State shall imple-  
2 ment immediately the necessary measures to  
3 end overfishing and rebuild the fishery.

4 (B) That such Gulf coastal State shall im-  
5 plement a program to provide for data collec-  
6 tion adequate to monitor the harvest of Gulf of  
7 Mexico red snapper by such Gulf coastal State.

8 (2) REPORT TO SECRETARY.—Upon the review  
9 of each certification submitted to the Commission  
10 under paragraph (1), the Commission shall certify to  
11 the Secretary of Commerce whether or not the Gulf  
12 coastal State concerned is fully carrying out the  
13 matters covered by the certification.

14 (b) ACTION BY SECRETARY OF COMMERCE.—Upon  
15 receipt by the Secretary of Commerce of a notice under  
16 section 5(c) or a report under subsection (a)(2) that a  
17 Gulf Coastal State is not fully complying with the matters  
18 specified in subsection (a)(1) as certified by that State  
19 pursuant to subsection (a)(1), the Secretary may declare  
20 a closure of the Gulf of Mexico red snapper fishery within  
21 the Federal waters adjacent to the Gulf coastal State. In  
22 making such a declaration the Secretary shall fully con-  
23 sider and review the comments of the Gulf coastal State  
24 and the Commission.

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

4 (1) to engage in fishing for Gulf of Mexico red  
5 snapper within the Federal waters adjacent to the  
6 Gulf coastal State covered by the closure;

7 (2) to land, or attempt to land, the Gulf of  
8 Mexico red snapper that is subject to the closure; or

9 (3) to fail to return to the water the Gulf of  
10 Mexico red snapper to which the closure applies that  
11 are caught incidental to commercial harvest or in  
12 other recreational fisheries.

13 **SEC. 7. IMPROVED STUDIES AND DATA COLLECTION FOR**  
14 **GULF OF MEXICO RED SNAPPER.**

15 (a) IN GENERAL.—For the purposes of carrying out  
16 this Act, the Secretary of Commerce shall support the Gulf  
17 coastal States and the Commission in developing and im-  
18 plementing a comprehensive study on Gulf of Mexico Red  
19 Snapper. This study shall include, but shall not be limited  
20 to, the following:

21 (1) Annual stock assessments of Gulf of Mexico  
22 red snapper.

23 (2) The number of participants, both commer-  
24 cial and recreational, in the coastal waters of the

1 Gulf coastal States that harvest Gulf of Mexico red  
2 snapper.

3 (3) Recommendations for improved conserva-  
4 tion and management of Gulf of Mexico red snapper.

5 (b) COMPREHENSIVE ECONOMIC ANALYSIS.—The  
6 Secretary of Commerce shall, in consultation with the Gulf  
7 coastal States and the Commission, conduct a comprehen-  
8 sive study and analysis of the economic impacts and bene-  
9 fits for the local, regional, and national economy of the  
10 Gulf of Mexico red snapper fishery. The study shall in-  
11 clude the following:

12 (1) A thorough analysis of the beneficial eco-  
13 nomic impacts of industries directly related to the  
14 Gulf of Mexico red snapper fishery, including, but  
15 not limited to, boat sales, marina activity, boat con-  
16 struction and repair, fishing gear and tackle sales,  
17 and other closely associated industries.

18 (2) A proper economic analysis of the down-  
19 stream economic impacts of the Gulf of Mexico red  
20 snapper fishery on the economies of the Gulf coastal  
21 States, including, but not limited to, hotels, res-  
22 taurants, grocery stores, related tourism, and other  
23 peripheral businesses and industries.

24 (c) BIENNIAL REPORTS.—The Secretary of Com-  
25 merce shall submit to Congress, the Gulf coastal States,

1 and the Commission on a biennial basis a report on the  
2 progress and findings of studies conducted under sub-  
3 sections (a) and (b), and shall make each report available  
4 to the public. Each report shall, to the extent practicable,  
5 include recommendations on additional actions to be taken  
6 to encourage the sustainable conservation and manage-  
7 ment of the Gulf of Mexico red snapper fishery.

○