

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners

**From:** Jackie Fauls, Director, Legislative Affairs and Jessica McCawley,  
Director, Division of Marine Fisheries Management

**Date:** February 10, 2016

**Subject:** Federal Legislative Outlook

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**Purpose:**

Staff will provide Commissioners with an overview of recent federal legislation relating to fish and wildlife. There will be multiple speakers during this item including Whit Fosburg with the Teddy Roosevelt Conservation Partnership, Brian McManus FWC's lobbyist in DC, Jessica McCawley, and Jackie Fauls (if she is available).

**Summary:**

During this Congress, several bills have been introduced that are relevant to fish and wildlife management in Florida. Commission staff have been actively tracking these bills and advocating for options that benefit Florida. Staff will provide a brief overview of these bills and their status.

Legislation that would reauthorize the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson) has been introduced in the House of Representatives (House). The Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (H.R. 1335), by Rep. Young (AK) with three co-sponsors, has been approved by the House and supported by FWC staff. In the Senate, the Florida Fisheries Improvement Act (S. 1403) introduced by Sen. Rubio (FL), co-sponsored by Sen. Nelson (FL), would amend (but not specifically reauthorize) Magnuson. This legislation has been passed by the Senate Committee on Commerce, Science, and Transportation.

The 2016 Omnibus Appropriations bill approved by Congress contains language that extends Alabama, Mississippi, and Louisiana's seaward boundary for management of red snapper and other reef fish out to nine nautical miles (Florida and Texas already manage waters shoreward of nine nautical miles in the Gulf). It also provides funds for a Gulf red snapper tagging study and independent (non-NOAA Fisheries) stock assessments for Gulf reef fish, including red snapper.

Several bills have been introduced regarding management of Gulf red snapper. Many of these bills propose to give more management authority to the Gulf States. The Gulf States Red Snapper Management Authority Act (H.R. 3094), by Rep. Graves (LA), co-sponsored by 28 Members including Rep. Miller (FL), would transfer management of red snapper from the Gulf of Mexico Fishery Management Council (Council) to the Gulf states fishery management agency via a new management body. In October 2015, Executive Director Wiley testified in support of this bill at a Congressional hearing. The Red Snapper Management Improvement Act (S. 105), by Sen. Vitter (LA) with one co-sponsor, would also give the Gulf states exclusive authority to manage red snapper if they agree on a fishery management plan. The Red Snapper

Regulatory Reform Act (H.R. 981), by Rep. Bradley (AL) and 10 co-sponsors, would extend all five Gulf states' seaward boundary for fisheries management authority out to nine nautical miles, require the Gulf States Marine Fisheries Commission to conduct all reef fish stock assessments used for management by the Council, and would change who appoints Gulf Council members from the U.S. Commerce Secretary to the Governor of each state. Similarly, the Offshore Fairness Act (S. 55) by Sen. Vitter (LA) and one co-sponsor) would extend all southeastern states' management authority out to nine nautical miles, but also give the Gulf states exclusive authority to manage red snapper in Gulf state and federal waters. Finally, Rep. Jolly (Fla.) introduced two bills (H.R. 3521 and H.R. 3644) that would award competitive grants for data collection for use in red snapper and reef fish stock assessments in the Gulf of Mexico and South Atlantic. H.R. 3521 is co-sponsored by Rep. Bilirakis (FL) and Rep. Nugent (FL). H.R. 3644 is co-sponsored by Rep. Crenshaw (FL) and Rep. Posey (FL).

The Sportsmen's Heritage and Recreational Enhancement Act (H.R. 2406, referred to as the Sportsmen's Act or SHARE Act) has passed its House committees and ready for consideration by the full House. It is sponsored by Rep. Wittman (VA) and has 37 co-sponsors including Rep. Miller (FL) and Rep. Nugent (FL). This bill includes an exemption of sporting equipment, such as lead tackle, from regulation under the Toxic Substances Control Act and a requirement that federal officials facilitate fishing, hunting, and recreational shooting on certain public lands. It also has been amended to include the provisions of H.R. 3310 (see below). The Senate version of the Sportsmen's Act (S. 405) by Sen. Murkowski (AK) and 23 co-sponsors also revises federal programs that provide and promote access to fishing and hunting, and contains some similar provisions.

The Preserving Access to Public Waters Act (H.R. 3310) by Rep. Ros-Lehtinen (Fla.) would require the National Park Service and NOAA Fisheries to gain the approval of the relevant state fish and wildlife agency before creating areas closed to fishing in National Park and National Marine Sanctuary waters that occur in what would otherwise be state-managed waters. H.R. 3310 has 37 co-sponsors including the following Florida Representatives: Bilirakis, Buchanan, Crenshaw, Curbelo, DeSantis, Diaz Balart, Graham, Jolly, Mica, Miller, Nugent, Posey, Rooney, Ross, Webster, and Yoho. The provisions of this bill have been added to the Sportsmen's Act in the House and there is interest among federal legislators in seeing them added to the Sportsmen's Act in the Senate, should that bill be brought to the the Senate floor this session.

The 2016 Omnibus Appropriations bill also included an almost \$2 million increase in funding for State Wildlife Grants to \$60.5 million, nationwide. This is the funding source that is used by the states to keep common species common – and off of the endangered species list. Last year's appropriations was \$58.7 million. Florida's share should continue to be in the \$2.2 million range.

Finally, Congress approved and the President signed into law the Illegal, Unreported, and Unregulated Fishing Enforcement Act (H.R. 774) by Rep. Bordallo (Guam) and 39 co-sponsors including the following Florida Representatives: Bilirakis, Castor, Clawson, Curbelo, Diaz Balart, Jolly, and Ros-Lehtinen. This law is intended to prevent illegally-harvested fish from entering the United States, address seafood fraud, and promote sustainable fisheries worldwide.

Staff will update the Commission on the status of this legislation as needed, at the Commission meeting.

**Staff Recommendation:**

No specific direction is requested. However, staff welcomes Commission direction on federal legislative items.

**Staff Contact and/or Presenter:**

Jackie Fauls, Legislative Affairs; Jessica McCawley/Brian McManus, Division of Marine Fisheries Management; Thomas Eason, Division of Habitat and Species Conservation

**Briefing points:**