

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 MIGRATORY SPECIES COMMITTEE

4
5 Webinar

6
7 NOVEMBER 1, 2020

8
9 **VOTING MEMBERS**

- 10 Greg Stunz.....Texas
- 11 Susan Boggs.....Alabama
- 12 Roy Crabtree.....NMFS
- 13 Jonathan Dugas.....Louisiana
- 14 Lt. Nicholas Giancola.....USCG
- 15 Robin Riechers.....Texas
- 16 John Sanchez.....Florida
- 17 Joe Spraggins.....Mississippi
- 18 Ed Swindell.....Louisiana
- 19 Troy Williamson.....Texas

20
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- 23 Leann Bosarge.....Mississippi
- 24 Glenn Constant.....USFWS
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1 The Migratory Species Committee of the Gulf of Mexico Fishery
2 Management Council convened via webinar on Monday morning,
3 November 30, 2020, and was called to order by Chairman Greg
4 Stunz.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN GREG STUNZ:** I will get started everyone, and happy
11 late Thanksgiving. I guess I drew the short straw, to get to go
12 bright and early after the holiday, but the good news is the
13 agenda is fairly light. We need to review a presentation and
14 talk about how we want to proceed, but I will start by listing
15 the members of this committee, and it looks like we have a
16 quorum.

17
18 I chair the committee, and Robin Riechers is the Vice Chair. We
19 have Ms. Boggs, Dr. Crabtree, Mr. Dugas, Lieutenant Giancola,
20 and it looks like he's here. Mr. Sanchez, General Spraggins,
21 Mr. Swindell, and Mr. Williamson.

22
23 With that, the first item of business we have is the Adoption of
24 the Agenda. If the committee has had a chance to look through
25 that agenda, is there any motions to approve that agenda, or any
26 changes that are needed?

27
28 **MS. SUSAN BOGGS:** Mr. Chairman, I was going to second the
29 motion.

30
31 **CHAIRMAN STUNZ:** Okay. Thank you, Ms. Boggs, and so we have a
32 motion and a second to approve the agenda. Is there any
33 opposition to that motion? Seeing none, that motion is approved
34 to adopt the agenda. The next item of business is to approve
35 our January 2020 minutes, the last time we met. Is there any
36 modifications or any edits to the minutes? Any motions, please,
37 to accept those minutes?

38
39 **MR. ROBIN RIECHERS:** Greg, I will move to accept.

40
41 **MS. BOGGS:** Second.

42
43 **CHAIRMAN STUNZ:** Ms. Boggs seconds. Any opposition to approval
44 of the minutes, or any opposition to the motion? Hearing none,
45 our minutes are approved. Moving on to the main action, Dr.
46 Hollensead, if you want to talk us through our action guide,
47 and, if you're there, please, that would be great.

48

1 **DR. LISA HOLLENSSEAD:** Thank you, Mr. Chair. As Greg mentioned,
2 we only have one agenda item today, and NOAA Fisheries is
3 exploring options for implementing management measures to be
4 consistent with current National Standard 1 policy guidelines
5 for Atlantic sharks in the Draft Amendment 14 to the 2006
6 Consolidated Atlantic Highly Migratory Species Fishery
7 Management Plan.

8
9 What this amendment would do is establish a new framework action
10 for establishing acceptable biological catch and annual catch
11 limits for the Atlantic shark fishery, using a variety of
12 measures, including an ABC control rule, phase-in for an ABC
13 control rule, ACL development, carryover, and multiyear
14 overfishing status determination.

15
16 We will be receiving a presentation on this draft amendment by
17 Mr. DuBeck from the HMS office. Currently, public comment is
18 open, and it will be until the end of the year, and so December
19 31 of this year. In the past, the council has provided written
20 letters on various actions. Should the committee feel that is
21 warranted, they could do so here, but it's not a directive or
22 anything like that, and so it's something for the committee to
23 consider, and, unless there are any other questions, that
24 concludes my presentation of the action guide.

25
26 **CHAIRMAN STUNZ:** Thank you, Lisa. Just recall, as we're
27 listening through the presentation, we've done letters in the
28 past, and we have representatives, including me and others
29 sometimes, for these various HMS committees and that sort of
30 thing, and it's an avenue for us to weigh-in on issues that
31 might be relevant to the Gulf. Lisa, is Guy DuBeck -- I don't
32 see his name on the list. Are we ready for that presentation?

33
34 **DR. HOLLENSSEAD:** Yes, I believe we are, and I believe we have
35 Mr. DuBeck on, and Bernie will pull up his presentation.

36
37 **PRESENTATION ON DRAFT AMENDMENT 14 TO THE 2006 HMS SPECIES FMP**

38
39 **MR. GUY DUBECK:** My name is Guy DuBeck, and I'm here from the
40 Highly Migratory Species, and I would like to mention that I
41 will be talking about Draft Amendment 14, which will be
42 discussing the shark quota management.

43
44 This is kind of a list of acronyms that I plan to talk about
45 throughout the presentation. Most importantly, I will be
46 talking mostly about the ABC, or the acceptable biological
47 catch, the ACLs, the status determination criteria, or SDC, and
48 then the TAC, but this is just kind of a list of acronyms that

1 we're going to use throughout the presentation.

2
3 As the intro discussed, this is kind of talking about NS 1
4 Guidelines, and so, again, it requires management measures to
5 prevent overfishing and achieve optimum yield on a continued
6 basis, and the guidelines provide guidance on how to achieve
7 these requirements.

8
9 The most recent revisions, in 2016, allowed increased management
10 flexibility from lessons learned through the implementation of
11 the ACLs and AMs. Generally, the overfishing limit is greater
12 than the ABC, which is greater than the ACL. However, we may
13 consider that OFL equals ABC, which equals ACL, if sufficient
14 analysis and justification preventing overfishing is available,
15 and that's something that the Highly Migratory Species is
16 developing right now, but we established in 2010 that the OFL
17 equals the ABC, which equals the TAC, which equals the ACL.

18
19 This is a little history, and so the 1999 FMP established -- The
20 Amendment 1 in 1999 defined what the stock determination
21 criteria are, and then the consolidated FMP incorporated them
22 without any changes. In 2010, under Amendment 3, we established
23 the ACL mechanism for federally-managed sharks, and then, in
24 2017, Amendment 5b clarified that ACLs for prohibited sharks
25 would equal zero, and Amendment 14 does not plan to change any
26 of the ACLs for prohibited shark species.

27
28 Here is a list of objectives for Amendment 14, and there's quite
29 a few of them, and this is kind of a slimmed-down version of
30 what is in the document. I'm just going to try to hit a few of
31 them. We want to try to optimize the ability of the commercial
32 shark fishery to harvest shark quotas. We want to revise the
33 ABC control rule methodology to increase accountability and
34 transparency when implementing ABCs for the shark fishery.

35
36 Like it was mentioned, we're going to revise the ACL framework
37 to reflect those changes, and, also, we're just going to
38 increase management flexibility to appropriately react to
39 scientific uncertainties, changes in stock, or changes in
40 allowable harvest levels, to ensure stability within the
41 fishery.

42
43 Here are the management options considered, and we have five
44 management options. We have the ABC control rule. Then we have
45 the phase-in ABC control rule. Topic C is the ACL development,
46 and Topic D is the carryover of the underharvested ACL, and then
47 Topic E, the last one, is we're going to discuss multiyear
48 overfishing status determination criteria, and so, in each one

1 of these sequential slides, we'll talk about all of the
2 management measures considered, plus the ones we prefer, and
3 we'll hit on a couple of bullets of why we prefer each measure.
4

5 The first topic we're going to talk about is the ABC control
6 rule options, and we have three options we have considered here.
7 The first one is no action, and it would maintain status quo.
8 As I mentioned, that was established in Amendment 3 in 2010,
9 where the OFL equals ABC, which equals the TAC, which equals the
10 sum of the sector ACLs.
11

12 Option 2 is to create a standardized ABC control rule, and so
13 it's like one-size-fits-all, and so, regardless of the stock
14 status of a species, we have just created one ABC control rule
15 and used it for all measures. However, HMS currently right now
16 prefers to create a tiered ABC control rule, and we haven't set
17 up what those tiers are going to be yet.
18

19 The tiers may be like assessment-level focused or based on
20 scientific uncertainty, something similar to how the South
21 Atlantic Council has done for the snapper grouper fishery, where
22 they base it on assessment level and the data certainties for
23 those, and we are currently, with the Science Center, developing
24 those different tiers. This will be implemented for all variety
25 of shark species.
26

27 Now we'll talk about phasing-in of the ABC control rule options.
28 Again, we have four options here. B1 is no action, and so do
29 not phase that in, and so, once HMS determines a change in the
30 ABC control rule is needed, we would make that change immediate,
31 once the regulations are implemented.
32

33 The preferred option here is B2, which is to allow consideration
34 of the phase-in ABC control rule for any modifications, and so
35 we would be evaluating this on a stock-by-stock basis. Any
36 reduction, or increase, to the ABC, regardless of stock status,
37 could be phased-in over three years. Some of the factors that
38 could influence whether we're going to use it or not could be
39 the extent of the change in the ABC control rule or impact to
40 the fishery, and so an example is, if we're talking about a 5
41 percent reduction in the ABC, we could just do that in one year,
42 but, if we're talking about maybe a 50 percent reduction, we
43 would probably spread that over a three-year period.
44

45 Option B3 would be to use the phase-in rule for only healthy
46 stocks, and so no phase-in for overfished or overfishing stocks.
47 Option B4 is to use a phase-in ABC control rule unless a stock
48 is overfished with overfishing occurring.

1
2 Now we're going to talk about the ACL development, and we have
3 six options here, with two preferred, and the first one is make
4 no changes, and so keep the status quo, the current mechanism
5 that we established in 2010.

6
7 Option C2, the preferred option, is to actively manage the
8 sector ACLs, commercial and recreational, and I will show what
9 they look like in the next few slides, but what this means is
10 all sectors will have an ACL, and they will be evaluated on a
11 regular interval basis, and so we'll have a commercial ACL,
12 which would have commercial dead discards and then commercial
13 landings, and, currently, right now, we only monitor on an
14 annual basis the commercial landings. This would allow us to --
15 We would be evaluating commercial dead discards annually, and
16 then, also, for the recreational ACL, we would monitor any
17 recreational ACL on a regular interval basis.

18
19 Option C3 would be to create a reserve sector ACL, and so
20 similar to how we have our bluefin tuna fishery, and a reserve
21 sector ACL would have that buffer, and we would be able to
22 distribute quota to the appropriate sector, sector ACL, to keep
23 the fishery open.

24
25 Option C4 would be establish an ACL for each management group as
26 a whole, without a focus on individual species, and so this
27 would be kind of going back to past management measures, where
28 we would have just a large coastal, small coastal, and pelagic
29 management group, and we would manage those just as larger
30 groups without species.

31
32 However, the preferred option is to establish ACLs for each
33 shark management group, like we have now, but, with this, we
34 would be removing quota linkages, and so what we have in our
35 management measures now is that, once one management group
36 closes, a linked quota would be closed at the same time, and so
37 an example is like, in the Gulf of Mexico, we have the
38 aggregated large coastal, and the hammerhead management group is
39 linked, and so, when one quota reaches the limit, both those
40 fisheries, management groups, are closed.

41
42 However, in this, we will remove that linkage, and so they will
43 not be closed at the same time. However, with this option,
44 quotas could be reduced. Commercial quotas could be reduced to
45 offset for potential dead discards that would occur once one
46 quota, or management group, is closed and the other ones stay
47 open. The last measure is to create species-specific ACLs with
48 ACL linkages.

1
2 The next measure is -- So this is the framework, where it's
3 describing where the new one we're talking about for non-
4 prohibited shark species, where we have the OFL, and we have the
5 ABC control rule there, followed by the ABC. In between the ABC
6 and ACL, we would have a management uncertainty buffer, and
7 those things would be sources of non-HMS mortality, things that
8 are out of our control, the management uncertainty, and then
9 research mortality.

10
11 Then we would have the ACL, and it's split, and we would have
12 the recreational ACL, and that would be all recreational
13 mortality, including harvest and dead discards, and then we've
14 got the commercial ACL, and that would be all commercial
15 mortality, like I mentioned, and it would be the commercial dead
16 discards, and then last would be the commercial quota. Again,
17 that's talked about in our document a little bit more.

18
19 Next, we have the carryover of underharvested ACL, and so we
20 have six options here. Option D1 is status quo, and so,
21 currently, right now, we only allow 50 percent carryover of the
22 commercial landings, if the stock is healthy, and so, right now,
23 that only allows, in the Gulf of Mexico, the Gulf of Mexico
24 blacktip and the smoothhound fisheries. Those are the only ones
25 that allow that carryover.

26
27 Option D2 would be to distribute any unused catch to a sector
28 where the underharvest occurs, and so, if the recreational ACL
29 is underharvested, they would get that amount back. Option D3
30 would be to distribute any unused catch across all sectors,
31 based on the regulatory proportion of the sector distribution,
32 and so, like if it's a 60/40 split, whatever the underharvest
33 would be would be divided based on that split.

34
35 Option D4 would be to distribute any unused portion of the ACL
36 to the reserve sector ACL. Currently, right now, we're not
37 proposing to have a reserve sector ACL, and so we're not
38 proposing this option. Option D5 would be to allow limited
39 carryover of any underharvest to be distributed equally, and so
40 that would be a 50/50 split if any underharvest was distributed.

41
42 Option D6 would allow for carryover of underharvest of
43 commercial quotas, and so landings only, under certain
44 conditions, and so this would be that any underharvest of
45 commercial quotas, if the stocks are healthy, have overfishing
46 occurring, or have an unknown status would be eligible for a
47 carryover of commercial quotas, as long as the underharvest
48 carryover does not exceed the ABC. Carryover will not occur for

1 stocks that are both overfished and overfishing is occurring,
2 and so like an example is the Atlantic blacknose fishery, and
3 it's overfished and overfishing, and so that underharvest would
4 not be allowed to carry over.

5
6 The last one here is multiyear overfishing status determination
7 criteria, and so Option E1 is no action, don't allow for this
8 measure to be implemented. We wouldn't make any changes for
9 this. Option E2 is to change it on annual basis in response to
10 fishing mortality. Again, this would be regular changes
11 annually based on the fishing mortality for each one of the
12 management groups.

13
14 Our preferred option, E3, is to compare a three-year average of
15 fishing mortality to the OFL to determine the overfishing
16 status, and so we would be using a rolling average to help
17 account for recent data uncertainty. It could determine if the
18 stock is overfished, is subject to overfishing, and this would
19 not change whether a stock is overfished, and it's only
20 something that a stock assessment would be doing.

21
22 Under this scenario, if a stock or management group was not
23 eligible for commercial carryover, as I mentioned, like the
24 Atlantic blacktip, based on this, E3, based on the three-year
25 fishing mortality estimate, we could change whether overfishing
26 is occurring, and, if it's changed to no overfishing is
27 occurring, then the commercial underharvest could be given back.

28
29 Here's the timeline, potential timeline, for Draft Amendment 14,
30 and so we have our HMS Advisory Panel meeting next week to talk
31 about Amendment 14 with our AP members and the public. As
32 mentioned, public comment is due by December 31. In 2021, we
33 plan to review the public comment, and, hopefully sometime in
34 mid-2021, we will release Draft Amendment 14. Then, as
35 mentioned, since this is a framework, we will begin the process
36 of adjusting quotas, per the new framework.

37
38 This brings us to the end of the presentation, and so, again,
39 public comment is due at the end of the year, and you can submit
40 those to regulations.gov, or you can send it to myself or Karyl
41 Brewster-Geisz.

42
43 **CHAIRMAN STUNZ:** All right. Thank you, Mr. DuBeck. Probably
44 some of the committee members are going to have some questions
45 for you. Just to remind the committee, in the past, as Lisa
46 mentioned earlier, we have provided letters as formal public
47 comment, if we decide to do that, and we also have our own
48 public comment happening tomorrow, where potentially those

1 affected by some of these regulations might want to weigh-in,
2 and that might guide us on what we want to do, and so I don't
3 know that the committee has to make a decision at this moment,
4 but, obviously, before the end of this meeting, it would be nice
5 to provide some guidance on how we want to handle this
6 amendment. With that, I will see what committee members --
7 General Spraggins, I see your hand is up.

8

9 **GENERAL JOE SPRAGGINS:** That was by accident. Sorry.

10

11 **CHAIRMAN STUNZ:** All right. Thank you. Are there other
12 committee members that have any questions? I am going to give
13 it a minute, just to make sure. It looks like Leann is up next.

14

15 **MS. LEANN BOSARGE:** Thank you, Mr. Chairman. Not a question so
16 much, but I was interested in their ABC control rule, and I
17 heard the presenter, Mr. DuBeck, mention the South Atlantic ABC
18 control rule, and I just know that we're in the process of
19 eventually revising our ABC control rule, and so, maybe once
20 they finalize theirs, if they could pass on any learnings that
21 they had in the process, or how their process ended up, to our
22 staff. You never know, and we might find it interesting and use
23 it as guidance in revising ours in the future, and vice versa.
24 Mr. DuBeck, if you would like to see some of our ABC control
25 rule parameters, we would be happy to send that over to you as
26 well.

27

28 I think sharing information is always a wonderful thing. That
29 way, we don't recreate the wheel, and, in the spirit of that,
30 we're hoping, in the future, to see more of some of your HMS
31 stock assessments, and we've had a lot of feedback from our
32 fishermen here in the Gulf, and I am a firm believer that the
33 fishermen's expertise and input is vital to the scientific
34 process, and so, in an effort to increase that feedback
35 throughput to HMS, which is very D.C.-centric, and rightfully
36 so, we're hoping to see some of your stock assessments presented
37 to our SSC, and, that way, we can maybe get some feedback from
38 our fishermen and pass that on to you all, and so we look
39 forward to working with you in the future. Thanks.

40

41 **MR. DUBECK:** Thank you very much. Yes.

42

43 **CHAIRMAN STUNZ:** Well, good points, Leann, and I think we'll
44 take note of that, and, obviously, we want to be as consistent
45 and learn from others where we can. We'll keep you updated on
46 that, as things develop. Mr. Anson, I see that your hand is up.

47

48 **MR. KEVIN ANSON:** Thank you, Mr. Chair. I'm not on your

1 committee, but I appreciate you recognizing me. I have a
2 question for Option D6, to allow for carryover for underharvest
3 of commercial quotas. That would apply when stocks are healthy,
4 but they have overfishing occurring, and so I'm just wondering -
5 - Is there anything else that maybe Mr. DuBeck could describe on
6 overfishing, and is that just within a year, or is that for an
7 extended period? It just seems odd that you would want to have
8 carryover when overfishing is occurring.

9
10 **MR. DUBECK:** Again, this would be sort of the criteria to allow
11 carryover, and so most of our stocks are -- We have some stocks
12 that are healthy, and some are unknown, but mostly the ones that
13 are -- So overfishing is occurring, but not -- They're
14 overfished, but overfishing is not occurring, and so, with this,
15 it would allow for carryover, but we're just not going to allow
16 carryover for stocks that are overfished with overfishing
17 occurring, and so some of those more severe stocks.

18
19 However, under the E options, that could potentially change from
20 overfished, in the E3, where we would have an overfishing -- If
21 it's overfished with overfishing occurring, but then, based on
22 the fishing mortality, the average of the fishing mortality, we
23 would change it from -- It's overfished, but no overfishing is
24 occurring, and so it would allow for the commercial carryover.

25
26 **CHAIRMAN STUNZ:** Thank you, Mr. DuBeck. I don't see other
27 hands, and so will give a few seconds here, to see if there's
28 anyone else that would like to raise their hand. While they're
29 doing that -- Mr. Chairman, go ahead. I see your hand is up.

30
31 **DR. TOM FRAZER:** Thanks, Dr. Stunz. Guy, I just have a quick
32 question. Of the managed shark species, what proportion of
33 those species are essentially -- I would say data-poor, or their
34 kind of status is unknown?

35
36 **MR. DUBECK:** Well, we have a -- Even though, in the aggregate
37 large coastal complex, most of the species are currently
38 unknown, because none of those have been assessed individually.
39 They were assessed as a group, back in 2006, but, since it was
40 assessed as a group, they came back as unknown, but there is a
41 lot of information about some of those shark species, in
42 particular, and some of those are caught very frequently in
43 fisheries, especially bull sharks and spinner sharks.

44
45 Some of the small coastals -- Even though the small coastal
46 complex is labeled as unknown, the Atlantic sharpnose is a
47 healthy stock, and we have some great information, a lot of
48 information, about the bonnethead and finetooth fisheries, too.

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DR. FRAZER: All right. Thank you.

CHAIRMAN STUNZ: Other questions for Mr. DuBeck? Well, I am not seeing anyone, and, Mr. Chairman, if it works for you, I'm just recommending that maybe the committee, and the other larger council, can -- This is obviously a pretty dense amendment here, and things to consider, and we've got public comment coming up, and maybe, when we do the committee report, we can decide what the next steps are, and that will give some time for others to consider, if that would work for you, Mr. Chairman.

DR. FRAZER: I think that's a good idea, and so we'll give people a little time to ruminate on this, and we'll revisit it in Full Council, as part of the committee report.

CHAIRMAN STUNZ: Okay. If that works for the committee, that would bring us to our last agenda item of Other Business. Is there any other business that needs to come before this committee? I am not seeing any, and that would conclude this committee meeting, Mr. Chairman.

(Whereupon, the meeting adjourned on November 1, 2020.)

- - -