

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 SUSTAINABLE FISHERIES COMMITTEE

4
5 Webinar

6
7 January 26, 2022

8
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- 12 Susan Boggs.....Alabama
- 13 Leann Bosarge.....Mississippi
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1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened on Wednesday morning,
3 January 26, 2022, 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:** We'll call to order the Sustainable
11 Fisheries Committee, and, to go down the roster, and the staff
12 might have to help me with this, because I don't see some of the
13 names that might be there, and, obviously, we're sadly missing
14 Dr. Shipp, who is absent, who is the Vice Chair, and I see Mr.
15 Schieble and Mr. Anson and Ms. Boggs and Ms. Bosarge and Mr.
16 Broussard and Dr. Frazer and Ms. McCawley. I didn't see Mr.
17 Burris, and I'm not sure on that one, if you all could help me,
18 and then Mr. Strelcheck and Mr. Williamson, and so we do have a
19 quorum, and, with that, we'll proceed with the first item of
20 business, which is the Adoption of the Agenda.

21
22 Is there any edits or additions to the agenda? We have a
23 relatively short agenda today, with really just one item. I am
24 not seeing any hands up, and so, with that, is there any
25 opposition to the agenda, as it stands? Hearing none, we'll
26 consider that the agenda is approved.

27
28 The same thing with the minutes, and the next item is approval
29 of our minutes, and are there any edits or suggestions or
30 changes to the minutes? Seeing no hands, is there any
31 opposition to the approval of the minutes? Seeing none, we will
32 consider that minutes approved.

33
34 The next item of business is our Action Guide and Next Steps,
35 and there really is just one thing, and, Dr. Diagne, if you want
36 to talk us through that, and that would be great, and maybe, at
37 the end, you could comment, and I know we'll have an SSC report-
38 out on this as well, but I wasn't real clear exactly what you're
39 needing from this committee regarding these SBRMs, and I just
40 want to make sure we get what you need, if that's a motion or
41 just any comment, but, beyond that, if you want to talk us
42 through this action that we need to take up today, that would be
43 great, Assane.

44
45 **STANDARDIZED BYCATCH REPORTING METHODOLOGY**
46

47 **DR. ASSANE DIAGNE:** Yes, and thank you, Dr. Stunz. As you
48 mentioned, Sustainable Fisheries has a single-item agenda for

1 this meeting, and Mr. Dan Luers from SERO will give a
2 presentation to review the Standard Bycatch Reporting
3 Methodology white paper, and this document constitutes the
4 review, which is required by the SBRM final rule.

5
6 The committee will also receive the SSC's recommendations, and
7 what it is that is required from the committee is to consider
8 the information presented and make recommendations to the
9 council, in the form of a motion to approve the document
10 presented to you, would be great. Thank you.

11
12 **CHAIRMAN STUNZ:** Okay. Thank you, Dr. Diagne. If there is no
13 questions or comments from the committee, we will go ahead and
14 proceed with Item Number IV, and, not seeing any, if we could
15 load Mr. Luers presentation, please and, Mr. Luers, if you're
16 ready, that presentation can be found on Tab E, Number 4.

17
18 **PRESENTATION**

19
20 **MR. DAN LUERS:** My name is Dan Luers, and I work with SERO, with
21 Sustainable Fisheries, and, today, I'm going to talk to you
22 about the SBRM five-year review, and so what we're talking about
23 here is standardized bycatch reporting methodology for each of
24 the fisheries, and so what an SBRM is, it's an established,
25 constituent procedure used to collect, record, or report bycatch
26 data in the fishery, and the purpose is to collect, record, or
27 report data that, in conjunction with other information, are
28 used to assess the amount and type of bycatch, and so, as I
29 mentioned, the council SBRMs for each of its FMPs.

30
31 According to Magnuson-Stevens, the term "bycatch" means fish
32 which are harvested in the fishery, but which are not sold or
33 kept for personal use, and they include economic and regulatory
34 discards, and so it does not include fish released under a
35 recreational catch-and-release fishery management program, such
36 as for billfish or tarpon or those sort of things that are
37 intentionally caught and released.

38
39 In this presentation, and for this document, the term "fish"
40 includes turtles, but it does not include marine mammals or
41 seabirds, and so we don't cover any bycatch of marine mammals or
42 seabirds.

43
44 Bycatch also doesn't include incidental catch, and so, in other
45 words, anything that is caught that wasn't targeted, but is
46 kept, that's not considered bycatch, but incidental catch, and
47 so bycatch is composed of discarded species, and so, largely, I
48 will use bycatch interchangeably with discards in this

1 presentation.

2
3 The purpose of this presentation is to outline what should be in
4 this SBRM review, discuss the specific fisheries and the SBRMs,
5 and assess the adequacy of current SBRMs in each fishery, and
6 so, for each fishery, you should be thinking about are the SBRMs
7 adequate to assess bycatch, based on the four criteria I'm about
8 to present, or do current SBRMs require changes or amendments.

9
10 The councils must review the SBRMs every five years, and so this
11 is due by next month, and then we'll do a review every five
12 years subsequently. The four tenets that we're looking at with
13 these are the characteristics of the bycatch occurring in the
14 fishery, the feasibility of the methodology, from a cost,
15 technical, and operational perspective, the uncertainty of the
16 data resulting from the methodology, and how the data resulting
17 from the methodology are used to assess the amount and type of
18 bycatch occurring in the fishery.

19
20 The questions you should answer are is the SBRM feasible, from a
21 cost, technical, and operational perspective? Can the
22 uncertainty associated with bycatch data be described
23 quantitatively, or qualitatively? Are data adequate to assess
24 the amount and type of bycatch occurring in the fishery, and are
25 data useful in management of the FMPs?

26
27 These are the FMPs that we're going to go through, and the first
28 three will require the majority of the time, and there is very
29 little for the last three, and so those will go relatively
30 quickly, and so, without further ado, we'll jump into Reef Fish.

31
32 There is thirty-one species in the Gulf, 837 permitted
33 commercial vessels and 1,289 federally-permitted for-hire
34 vessels, as of when we culled the data in 2020, and, primarily,
35 they use longline, vertical line, or modified buoy gear.

36
37 The bycatch reporting methodologies, logbooks are required for
38 all vessels, which must include the quantity and pounds of all
39 species landed, the area they are caught, the gear, et cetera,
40 and then the supplementary discard data program, and so, if
41 selected, operators must report the number and average size of
42 fish being discarded by species and the reason for discards, and
43 that occurs to 20 percent of fishermen every year, and so it's a
44 rolling, so that every vessel operator should be covered within
45 a five-year period, and no one should be covered more than once.

46
47 We also have the Reef Fish Observer Program, which the observers
48 report all catch, including bycatch of protected resources, and

1 so that happens on approximately 2 percent of trips annually,
2 and this is not really an SBRM, but the shark longline observer
3 program also provides us important data on bycatch of reef fish
4 species.

5
6 Characteristics of the bycatch, for for-hire vessels, we have
7 the Marine Recreational Information Program, and that is the
8 Access Point Angler Intercept Survey, the Coastal Household
9 Telephone Survey, or the new -- I guess it's not really new
10 anymore, but the Fishing Effort Survey.

11
12 These estimate catch rates and effort for captured species,
13 including discards, and we also have the Southeast Regional
14 Headboat Survey, and so that consists of logbooks and dockside
15 sampling, and the logbook portion collects information on fish
16 discards, and then the new Southeast for-hire SEFHIER program,
17 which was implemented in 2021, and so a mandatory electronic
18 reporting of all catch and effort data, and that includes
19 discards.

20
21 For private recreational vessels, again, we have MRFSS and MRIP,
22 and those estimate catch and effort of captured species,
23 including discards, and that's all self-reported, and so I'm
24 going summarize, in these subsequent slides, the amount and type
25 of bycatch. However, the important thing to remember here is
26 that we're not really looking at the numbers of the bycatch as
27 part of assessing it. What we're really looking at is whether
28 our SBRMs are adequate to accurately estimate those numbers, and
29 so are we getting the correct numbers is what we're looking at
30 and not what are we getting.

31
32 First, we have for the commercial fishery, and this is the top
33 ten species by gear type on commercial trips that landed reef
34 fish, and our period that we used was 2015 to 2019, and that was
35 largely because that's the five most recent years of complete
36 data that we had when we began looking at this study, and so you
37 can see that red snapper and red grouper dominate in both the
38 vertical line and in the longline, and, over on the right, you
39 can see the reason for discards, and, for red grouper, that
40 would be not legal size, and, for red snapper, other regs, which
41 could be a combination of things, like undersized and out of
42 season, and so that one is a little hard to quantify exactly
43 what it is, but it's probably a combination of certain things.

44
45 This is a -- This graph shows the recreational discards by mode,
46 and so, if you look at this, you can see the landings, and those
47 are in thousands, and so, when you get up into the thousand
48 thousands, we're talking millions, and so you can see the

1 landings versus discards and then the ratio, and you can see
2 that, for some species, like gray snapper, it's very low, and
3 almost all of them are kept, whereas, when you get to gray
4 triggerfish, you are talking, for private, seventeen out of
5 eighteen fish are discarded, and so, yes, it's a big difference.
6 You can also see the numbers, where the majority of the discards
7 occur, and the private dominates over all of the others in the
8 number of discards.

9
10 The importance of bycatch in estimating mortality, and the
11 effects of bycatch on the ecosystem, discard mortality estimates
12 are species-dependent, and they're variable and highly
13 uncertain. Discard mortality is associated with increased
14 depth, seasons associated with warmer water temperatures, bottom
15 longline gear, and external evidence of barotrauma.

16
17 Discard mortality is accounted for in stock assessments. The
18 accuracy of bycatch estimates are fundamental to appropriate
19 management, and, if not properly accounted for, discard
20 mortality could reduce stock biomass to unsustainable levels.

21
22 Criteria Number 2 is the feasibility of the methodology, from
23 cost, technical, and operational perspectives, and so I went
24 through these one-by-one, to say kind of what our determination
25 was on this, and not that you may not have a different
26 determination, based on the document and what I say here, but
27 this is kind of our assessment.

28
29 For logbooks, it's a long-term program that appears feasible and
30 modernization is possible, as we saw in previous presentations
31 this morning, and the supplemental discard data program is also
32 a long-term program, and it's been around for twenty years, and
33 it appears feasible. The data utility is a bit questionable,
34 and we'll talk about that in a little bit, and then the Reef
35 Fish Observer Program is feasible, provided that funding
36 continues, and funding has dropped off a little bit in recent
37 years, but it does average about 2 percent, and so that's kind
38 of traditionally what it has averaged.

39
40 For recreational SBRMs, we have -- In the for-hire fishery, we
41 have MRIP, which seems -- Which is long-term and appears
42 feasible, and the Southeast Regional Headboat Survey is the same
43 thing, and, with SEFHIER, it's a new program, and there is a lot
44 of work that went into putting infrastructure in place for this,
45 and a lot of money was spent, and so it appears that it is
46 feasible, and it appears stable, due to all the resources that
47 were put into it, and I think we're committed to keeping this
48 going for the long-term. Then the private is the same thing,

1 for MRIP and a long-term program that appears feasible.
2
3 Is the level of uncertainty understood or acceptable, given the
4 obvious obstacles that there are? With logbooks, and logbooks
5 is a supplementary data discard program, and I kind of -- I
6 separated them, but they're kind of grouped together, because
7 logbooks really report the targeted species, and then the
8 discards are reported in the discard logbook, and so rare and
9 unknown species may not be identified before discard. Protected
10 species are potentially not reported, and there is a high
11 uncertainty associated, with CVs often exceeding 100 percent in
12 the discard data program.
13
14 Non-reporting is an issue. There's a box on the form that says
15 no discards, and, if you check that box, you would be in
16 compliance, and, at this time, this occurs on greater than 50
17 percent of all trips, which is probably not an accurate
18 representation of what's going on on those trips, and, finally,
19 we have the Reef Fish Observer Program, at about 2 percent, and
20 it's less accurate in estimating the capture of rare species,
21 just because of the low percentage of coverage.
22
23 Also, the Reef Fish Observer Program indicates that self-
24 reported discard data from the supplementary program are
25 consistently lower than observer reported rates.
26
27 For the recreational SBRMs, all of the recreational are self-
28 reported, and so there is obvious caveats that come with
29 trusting that data, and so the MRIP self-reported by fishermen
30 includes dockside surveys for the for-hire fishery, the SRHS
31 logbook and dockside sampling, and so the logbook is the one
32 that actually provides the discarded -- The information on
33 discarded fish, and then SEFHIER, and we haven't got any data
34 from SEFHIER yet, or, well, we have got data, but it hasn't
35 really been analyzed or anything, but we are expecting that to
36 improve the data on for-hire vessels in the Gulf, as it does
37 collect data on all discards, including sea turtles.
38
39 In the private, we have self-reported data from MRIP and MRFSS,
40 and then LA Creel does estimate, for most council-managed
41 species, and Texas does not estimate -- They only do estimates
42 of landed fish, but not bycatch.
43
44 How is the data resulting from the methodology used to assess
45 the amount and type of bycatch occurring in the fishery? The
46 Southeast Science Center uses the data in stock assessments, to
47 incorporate bycatch into estimates of total fishing mortality,
48 and the SSC uses the information, as they review the status of

1 fisheries and develop ABC recommendations. The council uses
2 SBRMs to derive bycatch information to assess if new management
3 measures are necessary and develop measures and evaluate the
4 potential impacts of measures, and so all aspects of fishery
5 management in the region that have bycatch implications use data
6 from the SBRMs.

7
8 By the way, this slide is pretty similar for all of the
9 fisheries, or for many of the other fisheries, and so I might
10 just say the same thing, or I will probably just skip over this
11 for the future fisheries. That is all that I have for Reef
12 Fish, and I think we were planning on doing questions at the
13 end, but I would be happy to do clarifying questions, if there's
14 anything like that. If not, I will just move on.

15
16 **CHAIRMAN STUNZ:** Committee, I think, if there are some
17 clarifying questions, that would be great, and maybe hold off
18 towards the end, and this is quite a lengthy presentation, and
19 we do have only forty-five minutes, and so I think maybe, Mr.
20 Luers, we want to move through it, unless there is something
21 that the committee really needs at-hand. Otherwise, we'll just
22 kind of keep going.

23
24 **MR. LUERS:** Okay. That sounds great. All right. Next is the
25 Shrimp FMP, and so four managed shrimp species of brown, white,
26 pink, and royal red. Currently, there are 1,467 federally-
27 permitted vessels in the Gulf, and they primarily use trawls.

28
29 The bycatch reporting methodology for commercial vessels are
30 electronic logbooks, including the cELB, and so it's required
31 for all vessels, and there's an accurate calculation of vessel
32 effort, CPUE at fishing locations, and they must provide the
33 size and number of trawls, the types of bycatch reduction
34 devices and turtle excluder devices, and then we have the Gulf
35 of Mexico Shrimp Observer Program, and so observers report catch
36 on all bycatch, including protected resources, and that's 2.5
37 percent of trips annually, and that's generally been the average
38 over the last 5 to 10 years.

39
40 Other programs that are not SBRMs that are helpful is the
41 Southeast Fisheries Science Center cooperates with the states to
42 monitor fishing effort, and then OLE maintains spreadsheets with
43 boarding details, and the Sea Turtle Salvage and Stranding
44 Network maintains a database of sea turtle strandings in the
45 Gulf and uses that, along with observer data and other data, to
46 monitor sea turtle mortalities from fishing interactions.

47
48 Here is kind of a breakdown of the catch, and this comes from a

1 Scott Denton paper in 2020, and the data though is from 2011
2 through 2016, and so, once again, just a reminder that the
3 bycatch -- What the actual species are matters less than whether
4 we're able to accurately estimate what they are, and so, first,
5 I will mention sea turtles and protected species, because they
6 are not on this graph.

7
8 There were 131 sea turtle interactions, 73 percent of which were
9 released alive, during that 2011 through 2016 period, and there
10 were also two smalltooth sawfish, and the preliminary data from
11 2015 to 2019 indicates that the turtle catch rates are pretty
12 similar, and I think the sawfish rates are about the same, and
13 there are a few other protected fish captured that you can find
14 in the document, but, as you can see from this graph, the
15 majority of catch in each fishery, or for most fisheries, is the
16 fish unspecified, which is basically non-targeted, or obviously
17 not targeted, but species that are just grouped because they are
18 not commercially important. Then, when you add that to Atlantic
19 croaker, you get up near 40 to 50 percent of the catch in
20 general before you start to get to the targeted species.

21
22 Generally, for the targeted species, you're looking at third to
23 less than half of the catch, depending on the fisheries, is the
24 targeted shrimp. I included the other important species down
25 here, because those are the managed species, and you can see the
26 percentage of catch of those is very small, and red snapper is
27 at 0.3, and then those are the top-four species.

28
29 The importance is shrimp trawl gear can affect the abundance of
30 species that are targeted by other fisheries, and little is
31 known about the status of the finfish and invertebrate species
32 that are present in shrimp trawl bycatch in the greatest
33 numbers, because they aren't generally targeted in any fishery.

34
35 From a feasibility perspective, the electronic logbooks,
36 including the cELB, and we discussed that recently, and
37 modification is currently being discussed, and the program is
38 expected to be maintained. The Gulf of Mexico Shrimp Observer
39 Program is expected to continue at approximate current coverage
40 levels, and it's always funding dependent, and then the other
41 programs are independent of the council, and I mentioned that
42 they're expected to be continued as well.

43
44 The uncertainty of the data, the Gulf of Mexico Shrimp Observer
45 Program is the best method for estimating the discard rates for
46 each species. Generally, the CVs are low, less than 0.2,
47 associated with bycatch species, which we consider low.

48

1 Logbook data, on the other hand, has some biases, like
2 inaccurate reporting of bycatch, protected species, and low
3 compliance rates. Then it can be -- It is very useful for
4 effort by area and info on captured rare species, and so, by
5 using the observer program, the catch discard rates, combined
6 with the logbook data for effort, that's the best method for
7 estimating bycatch.

8
9 Again, the same -- We're basically using the same SBRM data, for
10 the same reasons, that we did for the reef fish fishery, and
11 that's all I have for shrimp, and so any clarifying questions on
12 that, before I move on? I will give you just a second.

13
14 All right. Next, we have Coastal Migratory Pelagics, the CMP
15 fishery, and so it's jointly managed with the South Atlantic.
16 In the Gulf, the species are king mackerel, Spanish mackerel,
17 and cobia, and the primary gear is trolling, handline, and
18 gillnet.

19
20 The bycatch reporting methodology for commercial vessels is
21 somewhat similar, in that we have logbooks in the supplementary
22 discard data program, which reports -- Which is operated in the
23 same manner as it was for reef fish. Then, in addition, we have
24 the Southeast Gillnet Observer Program, which covers all
25 anchored, strike, or drift gillnet fishing, regardless of
26 species targeted, year-round in the Gulf.

27
28 It covers a percentage of all of those, and so it doesn't matter
29 what species is targeted, and I guess I mentioned that, and so,
30 on recreational vessels, the same thing. For the charter boats,
31 we have MRIP, and then we have the headboat survey and SEFHIER,
32 and, for private anglers, there is MRIP, LA Creel, and Texas
33 doesn't report bycatch.

34
35 Here is a quick rundown of the estimated amount and type of
36 bycatch commercially per year, and that's from 2015 to 2019
37 average, and so you can see that the numbers are pretty low for
38 discards in each of the manners of fishing, and not legal size
39 is the most frequently-cited reason for discards of Gulf CMP
40 species.

41
42 In the recreational fishery, the top ten species with annual
43 discards reported on rec trips capturing a CMP species, and so
44 just a note on capturing a CMP species, and so that doesn't
45 necessarily mean they are targeting CMP species or anything like
46 that, and it just means this is what happened when they captured
47 one, and the private sector has the greatest discards, as you
48 can see, by a substantial margin over the others, and red

1 snapper and gray triggerfish seem to be the dominant species on
2 the charters, but, again, overall, it's dominated by the private
3 sector. Bycatch mortality rates vary from 5 percent for cobia
4 to 100 percent for king mackerel, estimated in the gillnet
5 fishery.

6
7 Are the SBRMs implemented feasible, and so the logbooks and the
8 supplementary data logbooks, the same answers as for reef fish,
9 and they're expected to continue. Also, the Southeast gillnet
10 fishery, and the amount of gillnet fishing that goes on now has
11 definitely subsided quite a bit from what it was a few years
12 ago. Each year, they put out a summary of fishing effort, of
13 observed effort, and it decreases every year, but there is still
14 some, for different species, mostly king and Spanish mackerel,
15 that this program operates covering, and, in the Gulf, it's
16 almost all king mackerel.

17
18 Then, recreationally, we have the same as the reef fish, which
19 we discussed, and the same feasibility, and, for private
20 anglers, the same thing.

21
22 The level of uncertainty, the same caveats with the logbook,
23 especially with the supplementary data discard program. Non-
24 reporting is an issue in this fishery as well, and the gillnet
25 observer program does give accurate estimates of bycatch for the
26 gillnet fishery.

27
28 Recreationally, the same thing, and everything is self-reported,
29 and so you have self-reported data, and you know that there are
30 some, and you have to look at that through the lens of being
31 self-reported. Again, this slide is about the same, on how the
32 data are collected and how they are used, and that's all for the
33 SBRMs for the CMP fishery, and so I will give you a minute for
34 any clarifying questions.

35
36 Okay, and these next fisheries should be very quick, because
37 mostly NOAA and the council don't do a whole lot with them
38 nowadays, and so the Spiny Lobster FMP is jointly managed with
39 the South Atlantic, and primarily they use traps and diving, and
40 then there's a small component that uses hoop nets and bully
41 nets.

42
43 For the commercial fishery, the catch is monitored by Florida
44 FWC, and then the Sea Turtle Stranding and Salvage Network, and
45 that's sort of not really an SBRM, but they do maintain a
46 database of strandings that they link to say entanglement with
47 lines from the traps.

48

1 Recreationally, FWC also monitors bycatch for the spiny lobster
2 fishery, and there are low discards, generally, just because the
3 manner of targeting is generally diving, or free diving, and so
4 there is high specificity with what you're targeting, and so, as
5 far as the amount and type of bycatch, there are low discards,
6 approximately 8 to 15 percent. Most of the finfish caught in
7 the commercial spiny lobster traps are juveniles that escape
8 within forty-eight hours.

9
10 A big issue is ghost fishing, which is discarded, lost, or
11 abandoned traps that keep fishing. About 18 percent of traps
12 are estimated to be lost annually, in years without a major
13 storm, and traps are estimated to fish for one year after loss,
14 which means that they have degradable parts, so that, after a
15 while, they stop fishing, and the animals can get out, but,
16 generally, they keep fishing for about a year, and so you can
17 see the numbers of dead lobsters associated with ghost fishing,
18 and that's from the Fish and Wildlife Commission for Florida,
19 and, after two weeks in the trap, lobster survivability drops
20 dramatically.

21
22 Importance of bycatch estimating, the mortality of commercial
23 and recreationally-important finfish is negligible. The impacts
24 of ghost fishing must be included in management decisions.

25
26 Are the SBRMs implemented and in use feasible, from a cost,
27 operational, and technical standpoint? These are run by FWC,
28 and so, from our standpoint, they are feasible, but we're not
29 directly involved, at this point.

30
31 The uncertainty, the uncertainty of the data resulting from the
32 SBRM has been evaluated through analyses associated with
33 regulatory and FMP amendments implementing the Spiny Lobster
34 FMP. Bycatch levels are low for both sectors. How are the data
35 used, they're used to assess if new management measures and to
36 develop measures to evaluate the potential impacts of the
37 measures. Are there questions on lobster?

38
39 All right. Then we'll move on to Red Drum, and so there's no
40 active federal fishery for red drum in the Gulf, and so red drum
41 may not be harvested in or from the Gulf EEZ. Red drum that are
42 captured in the EEZ must be released immediately, with as little
43 harm done to the animal as possible. There is currently no
44 allowable catch and no federal fishery for red drum in the Gulf.

45
46 There are reports of red drum being retained, and a lot of that
47 is likely due, as I found out during the SSC meeting, that you
48 can only report one area as your primary fishing location on the

1 logbook, and so, if someone goes out and fishes in the EEZ, and
2 catches -- Say for snapper, and comes back in, and then fishes a
3 little bit for red drum, and catches some of those, they would
4 all be reported in the EEZ, and so that may be the reason for
5 some of the reporting of red drum.

6
7 There also could be some, recreationally at least, some who
8 don't know that they're in the EEZ or did not know the
9 regulations, and so it's important to remember that red drum may
10 be incidentally captured in other fisheries, but this bycatch
11 could be captured under the SBRMs in place for that fishery, and
12 so that is why this slide is -- There is no allowable catch in
13 the fishery, and so the feasibility we don't really analyze, and
14 the uncertainty we don't really analyze, and then how the data
15 is used -- We don't really analyze that as well, and that is all
16 for red drum.

17
18 I will move quickly through Coral, and so hard coral harvest is
19 prohibited in the Gulf. Octocorals off the Florida coast and in
20 the EEZ bordering Florida are managed by Florida, and so black
21 and stony coral harvest is prohibited in the Gulf EEZ.
22 Octocorals may be harvested in Florida waters and in the EEZ off
23 of Florida that is managed by Florida. Coral captured in the
24 EEZ must be released immediately, with as little harm done as
25 possible.

26
27 Since there is, again, no allowable harvest of coral, especially
28 aquaculture-wise, then Criteria 2, 3, and 4 we don't really
29 analyze, and just a quick word on this, and so we've gone
30 through the IPT final review and the SSC review, and so we're
31 looking for the council to make -- Largely make a determination
32 on whether any SBRMs need to be updated or amendments made to
33 them, but that's the decision that we're really looking for
34 here, or state that they are adequate.

35
36 Then, after this, NMFS will determine -- They will send a
37 determination to Headquarters, and that will be the end of the
38 process, and, again, the end of this has to be completed by
39 February 21 of this year, and that is all I have, and so thank
40 you very much for your time.

41
42 **CHAIRMAN STUNZ:** Okay. Thank you, Mr. Luers. I'm sure there
43 will be some questions from the committee, and, while we're
44 waiting for them to show the hands that are up, I wanted to
45 remind the committee that -- I think Dr. Nance will weigh-in in
46 just a minute, concerning -- The SSC evaluated this, and made a
47 motion and some recommendations, and so I will be interesting to
48 hear what he has to say regarding that, as we form our opinions,

1 but, for now, we can ask Dr. Luers -- Kevin Anson, I see that
2 your hand is up. Go ahead.

3
4 **MR. KEVIN ANSON:** Thank you, Mr. Chair. Thank you, Mr. Luers,
5 for the presentation, and there was lots of information there,
6 and so I appreciate that, and I do have a couple of questions
7 about the content of the presentation, specifically on Slide 11,
8 if that could be brought up, really quick. I just wanted to get
9 some clarification on the numbers that are provided for the
10 commercial side.

11
12 **MR. LUERS:** Yes.

13
14 **MR. ANSON:** If staff can bring up the presentation.

15
16 **MR. LUERS:** I must not have control of it anymore.

17
18 **MR. ANSON:** The numbers that are depicted there for the mean
19 number of discards per year, that represents the total number of
20 discards as calculated from the reports that were submitted,
21 correct, and that's not -- That doesn't encompass the entire
22 fishery for those species, correct?

23
24 **MR. LUERS:** Let me --

25
26 **MR. ANSON:** It references the discard logbook, and so I assume
27 it's just the total number of the fish that were reported
28 through the logbook.

29
30 **MR. LUERS:** Yes, and I am checking on that right now.

31
32 **MR. ANSON:** All right, and, just for comparison purposes, and
33 this applies to other fisheries in your presentation, and not
34 just to the reef fish, but, in the next slide, Number 12, if
35 staff can go to it, these numbers appear to be estimated for the
36 entire fishery, and not just as was collected from the samples,
37 the interviews, for instance, or from the logbook, in whatever -
38 - In headboats, or maybe it was 100 percent for logbooks, and it
39 probably does represent all of them, but, for charter and
40 private, this looks like for the entire fishery, and so those
41 numbers don't -- They aren't comparable, I guess.

42
43 You're asking the same question, but you're looking at the data
44 differently in each slide, and so I just, for future reference,
45 recommend to use the same, so that you can -- The question is
46 for us to look at the veracity of the data as it pertains to the
47 quantity of the bycatch and whether or not that's applicable or
48 not, and I think it would be better to look at it in those

1 terms.

2
3 Then the second thing is a more minor issue, but it does relate
4 to the definition of bycatch, and that's in Slide 36, and you
5 mentioned that, and this was for the spiny lobster fishery, that
6 juvenile fish are found to escape within forty-eight hours, and
7 I know, for ghost fishing, for traps, for longline gear, trawl,
8 what have you, that's a consideration that is given more for ESA
9 and MMPA species, but, in terms of this, if the fish enters the
10 trap, but is able to escape, is that really bycatch? I guess
11 I'm just trying to get some clarification on that.

12
13 **MR. LUERS:** It would only be bycatch if they pulled it up, and
14 so that number comes from a study that looked at how long the
15 fish stay in the trap, how long it takes them to get out if
16 they're in there, and there is -- If they get out, then, no
17 matter how long they're in there, if they get out, they wouldn't
18 be considered bycatch, because you would never know they were
19 there, but there would be some bycatch of those species, because
20 they don't get out before the trap is pulled.

21
22 **MR. ANSON:** Thank you.

23
24 **MR. LUERS:** That's a theoretical -- That's based on a study, is
25 what that's based on.

26
27 **MR. ANSON:** All right. Thank you.

28
29 **CHAIRMAN STUNZ:** Thank you, Kevin, and I share some of those
30 same concerns in your first comment, and so I appreciate you
31 bringing that up. Next is Mr. Gill, or I'm sorry. Mr.
32 Gloeckner.

33
34 **DR. DAVID GLOECKNER:** I just had a question on the source of the
35 logbook data, because that will determine how I answer this, and
36 do we know if this was just a straight extraction from the
37 logbook database or if this was from SEDAR documents or from the
38 National Bycatch Report?

39
40 **MR. LUERS:** What are you specifically referring to?

41
42 **DR. GLOECKNER:** The estimates that Kevin had identified.

43
44 **MR. LUERS:** On page 11?

45
46 **DR. GLOECKNER:** Yes.

47
48 **MR. LUERS:** Those are just a pull from the logbook data, and so

1 I don't have any more information on that at this time, and
2 there may be someone on who does, and I'm not sure. I'm not
3 sure if Mike Larkin is on and knows the answer to both Kevin's
4 question and your question of whether these are per year or only
5 -- So, basically, whether this is the estimate for the total
6 number that was captured or whether this is an estimate based on
7 that of all captures for the year. That seems more likely.
8

9 **DR. GLOECKNER:** I think, for most of these, you probably could
10 have gone to the SEDAR documents to get some of these discards,
11 and actually had the estimate for the fishery.
12

13 **MR. LUERS:** I agree, and that's a good point. Part of the
14 problem was the years that we were trying to encompass for
15 these, and so it's difficult to get 2015 to 2019 data, based on
16 the SEDARS for most of these, and so that was kind of why we
17 aimed to, where possible, just get 2015 and 2019 data, and maybe
18 that wasn't the most prudent way to do it, but that's what we
19 tried to do.
20

21 **DR. GLOECKNER:** Okay. For Kevin, I think, at some point, we may
22 be able to automate how we do those discard estimates, so we
23 could produce something like this for the whole fishery, when we
24 start talking about this, but I think that might be a couple of
25 years off. All right. Thanks.
26

27 **MR. LUERS:** Thank you.
28

29 **CHAIRMAN STUNZ:** Thank you. Up next is Mr. Gill, and, also,
30 Chairman Diaz has informed me that we have a long lunchbreak,
31 and, obviously, we're going a little bit over our time, and we
32 still need to hear from Dr. Nance on the SSC's take on this as
33 well, and so, with that in mind, up next, Mr. Gill, go ahead.
34

35 **MR. BOB GILL:** Thank you, Mr. Chairman. I am not on your
36 committee, and I have to admit that I am totally confused, and
37 maybe I'm hung up on terminology and the use of this term
38 "feasible", and I guess I'm referencing, for example, Slide 14,
39 where we talk about the commercial versus the rec in the reef
40 fish world, and it seems, to me, embedded in that term, it means
41 are we getting the data we need and are we doing it in a
42 reasonable fashion, and apparently that's not the case, because
43 we're not getting the data we need, for example, particularly
44 recreational, and yet the one that has a question in it is the
45 commercial side.
46

47 Could you explain what that term means and what you're actually
48 trying to achieve here? The programs themselves are one thing,

1 but getting the data we need, it seems to me, is entirely
2 another.

3
4 **MR. LUERS:** I think that's a good point, and I guess that's sort
5 of what we're asking here, and so, to define "feasibility", at
6 least from my perspective, and I think the others that have done
7 this for the other regions, what we're looking at is I'm looking
8 at these programs specifically and not as what we could add or
9 anything like that, and so, for instance, I look at the
10 supplementary data discards specifically, and I say, is that
11 feasible, from a cost perspective, is it feasible from an
12 operational perspective, and is that feasible from a technical
13 standpoint?

14
15 That is the question that -- That is how I came to these
16 conclusions for each one, and I didn't try to -- The question is
17 really more for the council and for the committee on whether we
18 have enough coverage or if we have -- If we cover every aspect,
19 and like if we need more recreational SBRMs, and so I didn't
20 include that in the feasibility here, and so that was just my
21 line of thinking.

22
23 **CHAIRMAN STUNZ:** Thank you, Mr. Luers. There are several more
24 questions, but, to follow-up on Bob's point, and I'm speaking
25 for the committee here, so others can jump in, and bycatch is
26 certainly very important to this committee and to the council,
27 and I think we're being asked here to make some decision points
28 that are very critical, but I'm getting the sense that we want
29 some more information, and I know you're asking us to comment on
30 the technicality of the SBRMs, but, at the same time, the
31 accuracy of the numbers generated from that are what we're
32 really after, at the end of the day.

33
34 I am getting -- I am thinking that maybe this committee needs to
35 evaluate this a little more, especially given what we've seen
36 now in the time, and that's just my general take right now, but
37 I just wanted to throw that out there, is we're being asked to
38 make some of these decisions that you might need, is that we
39 might need to evaluate this a little more, with a little more
40 time, but up next is Dr. Porch. Clay, if you're there, go
41 ahead.

42
43 **DR. CLAY PORCH:** Thank you, Chair. I appreciate it. Just a
44 couple of points, and I just wanted to emphasize that, with the
45 self-reported commercial logbook data, those estimates tend to
46 be much, much less than what we get out of the observer program,
47 and a large fraction of them are just straight reported zeroes,
48 and so we don't have a lot of faith in the logbook data

1 directly, in terms of the estimates of discards.

2
3 That has been discussed a lot of times at SEDAR, and that's why
4 we use the observer data. The problem is that we only have a
5 few percent coverage in the observer program, and so some
6 species we don't get very well, and, even those where we might
7 have a fairly reasonable CV, with only a few percent observer
8 coverage, you get sometimes inconsistencies, sometimes, where
9 you tend to sample in one area a little more than another, and
10 we try and correct for that, but it's difficult when you have
11 relatively low coverage of the fleet, and that's just because
12 it's expensive to do, and we just don't get a huge amount of
13 observer funds to get the observer coverage that we need.

14
15 Of course, as has been pointed out with the recreational
16 fishery, we have entirely self-reported data, other than a few
17 little pilot studies conducted here and there. Even with
18 SEFHIER, our original plan was to have observer coverage, so
19 that we could validate discard estimates, but that didn't appear
20 in the final budget, and so we can't do that, as we would like.

21
22 Then just one more point, and it was mentioned that it was
23 required for all vessels in the shrimp fishery, to have the
24 cellular ELBs, but, in point of fact, what we're actually doing
25 is just requiring them to carry it if they are one of the about
26 a quarter to a third of the vessels that is randomly selected.
27 Ideally, yes, we would have 100 percent coverage on that fleet.
28 Thank you.

29
30 **MR. LUERS:** Thanks for that.

31
32 **CHAIRMAN STUNZ:** Thank you, Dr. Porch, and certainly this has
33 generated some great discussion, and obviously the need to
34 continue this more, and also probably some needs for some more
35 study, Clay, to really get a better handle, because I think a
36 lot of us don't have high confidence in some of this bycatch,
37 but, sorry, and I might have talked over you, Mr. Luers, and
38 were you about to answer that?

39
40 **MR. LUERS:** I didn't really have an answer, and I just said that
41 that was useful information, and so thank you.

42
43 **CHAIRMAN STUNZ:** Okay. All right. Thank you. I will defer
44 still a little bit, if we're able to keep going, Mr. Chairman,
45 and we still have one more item on our agenda, but, with that in
46 mind, Kevin and Andy are up next, and we obviously need to
47 dedicate some more time to this, is what I'm seeing here, but,
48 Kevin, go ahead.

1
2 **MR. ANSON:** Yes, and I want to echo what you just said, and a
3 little bit to Bob's point about the complexity of the
4 information and the task at-hand of what we're trying to
5 evaluate, and it's -- I will let Dr. Nance speak for the SSC,
6 but I did listen in, and it was literally I think the last
7 agenda item, beside Other Business, on the end of a four-day
8 meeting, and there wasn't much discussion.

9
10 I think, to maybe help prompt some discussion, and Dr.
11 Gloeckner's comment regarding maybe getting this stuff, the
12 bycatch information, to us on a more regular basis, consistent
13 basis, potentially, might help in future, and this is what my
14 comment is, is for the future evaluations, and my suggestion
15 would be that sort of table would be created that would have the
16 same information that's requested of each fishery, as far as the
17 criteria is concerned, and then populate that table with the
18 appropriate information as to what exists, how frequently,
19 through the, for instance, observer coverage, and how many trips
20 typically are conducted, maybe by region, east and west, and
21 then the type of -- Then the actual results that come from it,
22 and that might be a little bit easier, as far as taking in the
23 information, is just my comment. Thank you.

24
25 **CHAIRMAN STUNZ:** Thank you, Kevin, and I think that's a good
26 comment, and I will ask the Chair, and, in Full Council, we can
27 talk about maybe dedicating a little more time in this committee
28 to do exactly that and have a broader plan for bycatch, and
29 also, you know, as it relates -- I mean, this SBRM discussion is
30 just spurring a much broader issue, I think, that we want to
31 address, and so thank you for bringing that up, Kevin, because
32 we're definitely going to need to dedicate some more time. Up
33 next is Andy Strelcheck. Go ahead.

34
35 **MR. ANDY STRELCHECK:** Thanks. I appreciate the comments, and I
36 guess a couple of overarching statements and then commenting
37 back on the SBRMs, and so I think we all can agree that bycatch
38 and discards is an enormous issue and challenge for us in the
39 Southeast, and it's a growing problem, and it continues to be a
40 growing problem, not only because of increasing regulations, but
41 also increasing effort, number of anglers participating in
42 fisheries, et cetera.

43
44 Certainly I am concerned, obviously, with the overall adequacy
45 of the bycatch monitoring programs that we have, and I would say
46 that, you know, we're kind of at a minimum adequacy for many of
47 them, and there is certainly a lot of improvements, or changes,
48 that would be desirable.

1
2 With the SBRM effort, and I hear you, Greg, that it would be
3 good to spend more time on this, but we have put in a lot of
4 time and energy, obviously, to prepare the bycatch report for
5 you, and, at this point, all FMPs are required to essentially
6 make a consistency determination by February 21, 2022, right,
7 and so within the month, and so I think the key here is let's
8 not get hung up on the data and estimates that were being shared
9 today as much as we recognize that we have methodologies in
10 place to monitor bycatch, and they certainly could be improved,
11 but we were looking, obviously, for gaps and components where
12 maybe there was missing information and adequacy to make that
13 determination.

14
15 I think Dan and others have done a tremendous job of, obviously,
16 kind of getting to this point. The question then becomes what
17 else -- What improvements, what changes, could be done kind of
18 going forward, and that's where I think, Mr. Chair, it would be
19 really beneficial for this committee, and others, to move
20 forward in kind of thinking about where those challenges exist
21 and how we can improve upon, obviously, data collection specific
22 to bycatch in the Southeast. Thanks.

23
24 **CHAIRMAN STUNZ:** Thank you, Andy, and point well taken. I mean,
25 I think, and the committee, maybe in Full Council, can discuss
26 it a little bit more, and certainly you need to be able to move
27 forward, I guess, under the timelines, and these discussions
28 aren't something we're going to hash out here in the next few
29 minutes or anything like that, and so perhaps this is a
30 departure point to a larger bycatch discussion that -- I mean, I
31 don't hear any feedback from the committee of recommendations
32 for changing or improving the SBRMs in an immediate nature of
33 what has to happen, but, in the future, I think, we -- As you
34 mentioned, these are kind of minimums of what I think most of us
35 would want to see, and there is some opportunities to improve
36 our bycatch information.

37
38 With that in mind, Andy, maybe we hear what the SSC -- How they
39 weighed-in on this, and then we can make a decision, from this
40 committee, of what is exactly needed, so your shop can move
41 forward with what you need to do with this February timeline,
42 and so, if that works, Dr. Nance, if you want to -- If you're
43 available, or, Assane, I'm not sure how we were going to go
44 through the SSC's comments regarding SBRMs.

45
46 **DR. LUIZ BARBIERI:** Thank you, Mr. Chairman. Actually, Dr.
47 Nance is not available to be part of this presentation today,
48 and so you're getting the consolation prize, and I will be

1 giving the SSC summary presentation on this topic, Mr. Chairman,
2 if I may.

3
4 **CHAIRMAN STUNZ:** Okay. Thanks, Luiz. We're happy to have you
5 here as our consolation prize. Go ahead.

6
7 **SSC RECOMMENDATIONS AND JANUARY 2022 MEETING SUMMARY REPORT**

8
9 **DR. BARBIERI:** Slide 37 is the beginning, and, while this is
10 posted there, the SSC received the same presentation that you
11 have just received from Mr. Luers, and the purpose was the same.
12 It was to request that the SSC assess the feasibility of these
13 SBRMs for each fishery under the different council FMPs.

14
15 As a reminder, briefly, those are the criteria, the four main
16 criteria, that the SSC was asked to use to assess the adequacy
17 and feasibility of the current SBRMs being reviewed, and so
18 characteristics of bycatch occurring in the fishery; feasibility
19 of the methodology from cost, technical, and operational
20 perspectives; uncertainty of the data based on current
21 methodology; and, finally, how are the data used to assess
22 bycatch in fisheries.

23
24 Mr. Anson already mentioned this, and I agree with him, that
25 this was an item with a very long presentation, and, by long, I
26 mean very thorough and complete, Mr. Luers, that presented a lot
27 of information at the end of a four-day meeting, where we had a
28 lot of very heavy items to review, and so a couple of points.

29
30 One, I think the committee really wasn't -- They didn't have a
31 full understanding of how to review this and what the main goal
32 of the review, in terms of products for you, the council, would
33 be, but then it was a little bit of this issue of basically
34 having a lot of other items that took a lot of time, and so,
35 anyway, discussion was not as robust as it could have been, but
36 the SSC discussed these criteria and asked a few clarifying
37 questions, and, in general, it felt that the SBRMs appear to be
38 feasible, in light of the cost and the operational perspectives,
39 but the committee made a few comments and recommendations.

40
41 For example, the SSC expressed concern about the lack of
42 verification, or validation, of the self-reported discards, or
43 bycatch, data in the recreational sector, and we have already
44 discussed this in previous comments from council members, and we
45 all are aware that this is a major item that we need to improve
46 data collection on.

47
48 It's a big challenge to be met, and it's something that we need

1 to evaluate more carefully how we would be able to have this
2 addressed, and the SSC also noted that, as Mr. Luers pointed
3 out, that unspecified fish in the shrimp fishery bycatch fishery
4 represents a large portion of dead discard data, and, if those
5 data are available for multiple species, preferably at the
6 species level, instead of lumped under that unspecified fish,
7 that this data would be helpful to assist with state assessments
8 for those species that are being caught as bycatch by this
9 fishery.

10
11 To this effect, the SSC made a motion, and the motion was that
12 the SSC requests that the Southeast Fisheries Science Center
13 consider the collection of bycatch data on specific state-
14 managed species identified by the Gulf States Commission's TCC
15 Data Management Sub-Committee and that those species be added to
16 the appropriate bycatch data programs.

17
18 To clarify here, "TCC" means Technical Coordinating Committee
19 for the Gulf States Commission, and that committee is somewhat
20 equivalent of the SSC, in terms of them serving as scientific
21 advisors to the commission. This substitute motion carried with
22 no opposition. That was the extent, basically, of the
23 discussion of this item by the SSC, and, Mr. Chairman, this
24 concludes my presentation.

25
26 **CHAIRMAN STUNZ:** Well, thank you, Luiz, for that, and maybe you
27 could help guide us, and I am going to ask the committee this,
28 and our charge today was, based on what we were presented today,
29 to make recommendations of the appropriateness regarding the
30 adequacy and completeness of the report, so that Andy can move
31 forward with their deadline.

32
33 It looks like what you're proposing is a great idea with the
34 Gulf States, but that's not something that's going to help us
35 between now and -- We have to make some decisions at this
36 meeting, and it's more back to what we were discussing earlier,
37 about, well, these are all good ideas for improving our bycatch
38 information for the future.

39
40 I guess is that the case, and so you all have expressed some
41 concerns, obviously, and I know it was late, as you mentioned,
42 but, as far as the adequacy of the current SBRMs that we need to
43 make a decision on, the SSC -- Were they generally okay with
44 that?

45
46 **DR. BARBIERI:** Well, yes, and, to that point, Mr. Chairman, if I
47 may, yes, the SSC was okay with the SBRMs as they stand right
48 now, mainly because, if you look at the criteria and the cost

1 and the operation of some of these fisheries, it limits our
2 ability to really, in any short-term, make any specific
3 recommendations on those potential improvements, and we felt
4 that, as presented, the program identified some of the
5 limitations, in terms of data collection, and so those have
6 already been assessed by the program, and we hope that this
7 assessment will lead to improvements into the future. Does that
8 make sense, Mr. Chairman?

9
10 **CHAIRMAN STUNZ:** Okay. Thank you, Luiz. Yes, understood, and
11 so thank you again for filling in and reporting back on this,
12 and we appreciate that. With that, we need to wrap this
13 committee up in the next few minutes, so we can have a lunch
14 before the council meeting starts this afternoon, and public
15 testimony and things that we don't want to be late for, and so I
16 would ask the committee -- Is this something we want to take up
17 in Full Council, or, Assane, are you looking for a motion here
18 regarding the adequacy of this report, or is that something you
19 want us to think about between now and Full Council, of how we
20 want to weigh-in on the SBRM question at-hand?

21
22 **DR. DIAGNE:** Mr. Chair, that is at the discretion of the
23 committee, but certainly, if the committee could propose a
24 motion, and that way give at least the council some indication
25 as to where to go, that would be helpful. Thank you.

26
27 **CHAIRMAN STUNZ:** Okay. Thank you, Dr. Diagne. Committee, is
28 anyone prepared to make a similar motion, or would you prefer
29 that we think about this and bring that motion to Full Council I
30 guess on Thursday? I am kind of hearing crickets here. Mr.
31 Anson, I see your hand is up. Would you like to bail us out
32 here? If not, I will move us forward. Go ahead.

33
34 **MR. ANSON:** Well, only to break up the cricket noise briefly, I
35 suggest that we postpone a motion until Full Council.

36
37 **CHAIRMAN STUNZ:** Okay. Thank you, Kevin. That was going to be
38 my recommendation as well, and so, unless I hear otherwise from
39 the committee, it will give us a little time to think about it,
40 and I think this will be relatively simple to do in our report-
41 out at Full Council, and I will verify with staff exactly what
42 we need here, and then, also, I think what I'm hearing from this
43 committee is continuing the discussion, largely on bycatch, and
44 particularly in light of some of the SSC's comments and
45 suggestions, but also getting what the Regional Office needs to
46 move forward in the shorter time period is where we'll head with
47 that.

48

1 Wrapping this committee meeting up, and I don't want to cut
2 anyone off. If there's anybody else that has any comments
3 regarding the SBRMs, please chime-in now. Seeing none, that
4 takes us to Number V, which is our last item of business, of
5 Other Business, before this committee, and so is there any other
6 business that committee members would like to bring up before we
7 conclude? Seeing no hands, we will adjourn and concludes the
8 Sustainable Fisheries Committee, with taking up these items at
9 Full Council, as we mentioned.

10

11 (Whereupon, the meeting adjourned on January 26, 2022.)

12

13

- - -