

## GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

## SUSTAINABLE FISHERIES COMMITTEE

Perdido Beach Resort

Orange Beach, Alabama

October 25, 2021

**VOTING MEMBERS**

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 Susan Boggs.....Alabama  
 Leann Bosarge.....Mississippi  
 Billy Broussard.....Louisiana  
 Tom Frazer.....Florida  
 Martha Guyas (designee for Jessica McCawley).....Florida  
 Chris Schieble (designee for Patrick Banks).....Louisiana  
 Bob Shipp.....Alabama  
 Joe Spraggins.....Mississippi  
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 Dave Donaldson.....GSMFC  
 Jonathan Dugas.....Louisiana  
 Phil Dyskow.....Florida  
 Bob Gill.....Florida  
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 Lisa Hollensead.....Fishery Biologist  
 Ava Lasseter.....Anthropologist  
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 Jim Nance.....SSC

1 John Walter.....SEFSC  
2  
3 - - -  
4

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1 The Sustainable Fisheries Committee of the Gulf of Mexico  
2 Fishery Management Council convened on Monday morning, October  
3 25, 2021, and was called to order by Chairman Greg Stunz.

4  
5 **ADOPTION OF AGENDA**  
6 **APPROVAL OF MINUTES**  
7 **ACTION GUIDE AND NEXT STEPS**  
8

9 **CHAIRMAN GREG STUNZ:** We will call the Sustainable Fisheries  
10 Committee together, call to order, and we have a quorum, and I  
11 think everyone is present. Since there are new members of this  
12 committee, I will go ahead and go through that list. Obviously,  
13 I'm the Chair, and Dr. Shipp is the Vice Chair, Mr. Schieble,  
14 Mr. Anson, Ms. Boggs, Ms. Bosarge, Mr. Broussard, Dr. Frazer,  
15 Ms. Guyas, General Spraggins, Mr. Strelcheck, and Mr.  
16 Williamson. With that, our first order of business is the  
17 Adoption of the Agenda. Is there a motion to adopt the agenda?  
18

19 **GENERAL JOE SPRAGGINS:** I will make a motion.  
20

21 **CHAIRMAN STUNZ:** Okay, and it's seconded by Ms. Boggs. General  
22 Spraggins made the motion. I would, if it's okay with the  
23 committee, I would like to add one item in Other Business, and  
24 some of you know, and some of you may not, that we have  
25 representation on the ICCAT Advisory Committee, and I just  
26 wanted to briefly update you on that last meeting that we just  
27 had last week with that, but, other than that, is there any  
28 other business or any other -- Is there any opposition to that  
29 agenda and addition to the agenda in Other Business? Seeing  
30 none, we will consider that the agenda is approved.  
31

32 The next item of business is the Approval of the Minutes. Is  
33 there a motion for approval of the minutes? It's moved by Mr.  
34 Broussard and seconded by Mr. Anson. I am not seeing any  
35 opposition to the approval of the minutes. Seeing none, we will  
36 consider the minutes approved. Is Dr. Diagne online?  
37

38 The next step is to go through the Action Guide, if he's there.  
39 While we're waiting, and I don't know if Assane can hear me,  
40 but, since there's really three main areas we need to go  
41 through, and they are very different, maybe we can go through  
42 each one of those individually right before those agenda topics.  
43 If he's not available, Mr. Chairman, I can kind of go through  
44 the Action Guide, since we're behind on timing, if you want me  
45 to --  
46

47 **DR. ASSANE DIAGNE:** Hello.  
48

1 **CHAIRMAN STUNZ:** Assane, we were just at the Action Guide and  
2 Next Steps phase, and I was asking if you would please go  
3 through that action guide, but maybe each agenda item one-by-  
4 one, since they're very different. The first item up for  
5 consideration and discussion is the Draft Allocation Review  
6 Guidelines, and so could you talk us through that, please?

7  
8 **DRAFT ALLOCATION REVIEW GUIDELINES**  
9

10 **DR. DIAGNE:** Thank you very much. Apologies, and I was speaking  
11 without realizing that I kept myself muted, and so let's go  
12 ahead and get started. The first item that we will discuss is  
13 the draft allocation review guidelines. For this item, staff  
14 will present draft review guidelines, and the council will  
15 consider the information presented and ask questions. After  
16 that, the committee is expected to give feedback and suggest  
17 revisions and discuss next steps, as warranted. Thank you.

18  
19 **CHAIRMAN STUNZ:** Thank you, Assane, and so that draft allocation  
20 review guidelines can be found on Tab E, Number 4. Assane, are  
21 you going to be the one talking us through this?

22  
23 **DR. DIAGNE:** Yes, and I will present the draft allocation  
24 guidelines. I will start with talking a little bit about the  
25 guidelines. As you recall, NMFS's allocation review policy did  
26 request that the councils develop allocation review triggers,  
27 and this is something that our council has done, and the  
28 council's allocation review policy is on our website.

29  
30 What it is that we want to discuss today is a draft of  
31 guidelines that will help the council, if you would, conduct the  
32 allocation review, and so we are just going to detail the  
33 process, and I would like to mention that these guidelines are  
34 not a requirement of the allocation review policy, and it is  
35 simply an extra step that our council has decided to take,  
36 essentially, I guess, to streamline the allocation reviews, when  
37 the time comes.

38  
39 Before we start, I would like to make a distinction, once again,  
40 between an allocation review and the development of an  
41 allocation FMP, and the allocation review is the preliminary  
42 look, and that is an evaluation that leads to the decision of  
43 whether or not the development of an amendment to look at  
44 reallocation is warranted. Therefore, it is a much simpler  
45 process than the development of an amendment itself, and the  
46 development of an amendment would, of course, evaluate  
47 alternative reallocation options with the full analysis, and,  
48 upon that, the council would then make its decisions.

1  
2 We have detailed several steps, if you would, or issues, that we  
3 thought were relevant to detailing the process of an allocation  
4 review, and we will start with the terms of reference, and,  
5 here, for the process that we are laying out, the council will  
6 formally adopt the terms of reference for each of its allocation  
7 reviews. The terms of reference could either be drafted by the  
8 SSC or by council staff, with conjunction, or at least the help,  
9 of the Science Center and SERO.

10  
11 We are planning also to have the SSC review the terms of  
12 reference prior to final approval by the council, and, of  
13 course, the council can suggest revisions, additions, and  
14 changes, and then formally adopt the terms of reference.

15  
16 The next item that we discussed that we consider here is  
17 essentially who would serve on an allocation review panel.  
18 Prior to each allocation review, the council will either appoint  
19 a review panel or specify the method by which such a panel would  
20 be appointed. One of the issues that we highlighted here is the  
21 fact that the council should pay special attention to potential  
22 conflicts of interest, by avoiding the appointment of  
23 individuals with affiliation to a particular sector to serve on  
24 an allocation review panel.

25  
26 Here, we have three alternatives and a combination of those, if  
27 you would, and the council may decide to let an IPT, which are  
28 the groups that would typically develop the amendments, conduct  
29 the allocation review, and the IPT includes SERO, Science  
30 Center, and council staff, and these members are selected  
31 through the same process, essentially, between our leadership  
32 here at the council, plus SERO and the Science Center, and an  
33 IPT tasking memo is then drafted, and then members are then  
34 known.

35  
36 If the council decided to, it could appoint SSC members to serve  
37 on the review panel, and, finally, as warranted by the council,  
38 the council can decide to appoint independent experts. The  
39 council could also consider a combination between these three  
40 alternatives, and, in any case, regardless of the alternatives  
41 selected, council staff and SERO staff will assist.

42  
43 The next issue that we would like to talk about is the review  
44 notice. A Federal Register notice will have to be published  
45 prior to the initiation of each allocation review, and some of  
46 the things that should be on the FRN notice would include, of  
47 course, the species and the allocation to be reviewed at the  
48 time, the membership of the review panel, and, as applicable,

1 provide the anticipated locations and dates of the review  
2 panel's meetings, and this is to allow an opportunity for the  
3 general public to participate in this.

4  
5 In terms of looking at the review tiers, essentially, we are  
6 going to have, potentially, what is called here a routine review  
7 for most of the species, unless the council decides otherwise,  
8 and, for the routine reviews, just a look at the goals and  
9 objectives of the FMP, and looking at, essentially, descriptive  
10 statistics, if you would, some of which are including the quota  
11 utilization rate, for example, either how much of the ACL has  
12 been harvested, and other relevant items like that.

13  
14 If we could scroll down a little bit, in the routine review, the  
15 things that we would look at would include, of course, a  
16 historical landing by sector or by user group, if the allocation  
17 to be reviewed includes different user groups, and discard and  
18 discard mortality rates, if such information is available.

19  
20 These routine allocation reviews will be conducted for most, if  
21 not all, of the species, unless the council decides, on a  
22 specific case, to ask for additional information based on the  
23 species at-hand and based on the council's interest. In any  
24 event, should the council decide to do that, we would rely on  
25 factors, if you would, that are consistent with the allocation  
26 review policy.

27  
28 If we scroll down a little bit, to be able to discuss the  
29 allocation review stages, and, essentially, the allocation  
30 review process could be divided into three stages, and one stage  
31 would look at the data, and we call it here, quote, unquote, a  
32 data review phase, if you would, and the second stage would  
33 concentrate on the core of the review itself, by providing the  
34 information and looking at the data series and the like, and,  
35 finally, the emphasis would be, during Stage 3, on the  
36 production of the report, the draft report, if I can call it  
37 that, or a preliminary report.

38  
39 One issue that is important throughout the process will be to  
40 give opportunities to the public to participate in these  
41 reviews, and so, once the draft allocation document has been  
42 prepared, it will be submitted to the relevant SSCs, the  
43 Standing SSCs and the Socioeconomic SSC as well as the other  
44 relevant SSCs, for example the Mackerel SSC, depending on the  
45 species to be reviewed.

46  
47 The draft review will also be presented to the relevant APs and  
48 give them an opportunity to comment and provide recommendations

1 to the council. After that, the draft report, the SSC  
2 recommendations, and the AP recommendations will be presented to  
3 the council, and the council will comment and will have an  
4 opportunity to suggest revisions and to request additional  
5 information, including additional data series, as warranted.

6  
7 In addition to that, the public will be allowed to provide  
8 comments during the usual public comment session that the  
9 council holds during each meeting, and the public will also have  
10 an opportunity to submit electronic comments along the process  
11 at any time, as they see fit.

12  
13 With all of that, the council will then be able to make its  
14 final decision and make its recommendation, and, at the end of  
15 the process, the council's recommendation could be one of two  
16 things. Either the council would decide that, for the time  
17 being, the allocation is fine, or is still working, quote,  
18 unquote, according to the FMP objectives, and decide that a  
19 reallocation amendment is not warranted at that time, or the  
20 council may decide to initiate an FMP amendment to change, or at  
21 least to consider, potential changes to the allocation that has  
22 just been reviewed.

23  
24 Now, depending on the decision that the council makes, the  
25 clock, the allocation review clock, if you would, would reset  
26 one way or another. If the council, following the review,  
27 decides that an allocation amendment is not needed at the time,  
28 then we reset the allocation review clock immediately, and then  
29 we plan for the next review, for example, in the following four  
30 years, six, or seven years, depending on the allocation at-hand,  
31 consistent with the triggers that the council has selected.

32  
33 If the council decides to develop an FMP amendment, then we will  
34 go through the process and develop the FMP amendment, and the  
35 council would make its final decision, and then, on the day of  
36 the publication of the final rule for that amendment, that date  
37 will be used to reset the allocation review clock.

38  
39 I think this was the last topic, here, and, if we scroll down,  
40 we will go to the allocation review policy, which was just added  
41 here for reference, and so, Dr. Stunz, I am going to stop here  
42 for now. Thank you.

43  
44 **CHAIRMAN STUNZ:** Thank you, Dr. Diagne. That was a good summary  
45 of where we are, and we'll open it up to the committee now for  
46 any questions they may have of you or the document in general.  
47 Mr. Anson.



1 **MR. KEVIN ANSON:** Thank you, Dr. Diagne, for the presentation,  
2 or at least the summary of the document. I am looking at  
3 Section 3 on membership of the review panel, and it says,  
4 "appoint independent experts". Are those experts going to be  
5 solicited through some notification that the council is  
6 interested on certain topics or expertise, or are these going to  
7 be certified independent experts, or all of the above, and is  
8 that where we decide, or can decide, if you need extra input?

9  
10 **DR. DIAGNE:** At this point, extra input or guidance from the  
11 council or committee would be welcome, but the first thing is  
12 that, essentially, in preparation for a given allocation review,  
13 we would solicit, if you would, applications in the different  
14 expertise, if you would, that would be needed. For example, we  
15 would solicit an application from economists or anthropologists  
16 and biologists, and essentially bring those applications to the  
17 council, and the council then would make its decision as to who  
18 they would want to appoint in these panels.

19  
20 **CHAIRMAN STUNZ:** Other questions from the committee? Mr.  
21 Williamson.

22  
23 **MR. TROY WILLIAMSON:** Thank you. Dr. Diagne, give us an example  
24 of a term of reference, please?

25  
26 **DR. DIAGNE:** Essentially, in drafting this, we looked at, for  
27 example, our SEDAR process, and this is something that the  
28 council has suggested in a previous meeting, and an example  
29 would be, for example, a clear explanation, if you would, or  
30 discussion, of the capacity utilization rates by sector.

31  
32 To fulfill that, I guess you would take the different ACLs and  
33 landings by sector, or user groups, for example, if you are  
34 looking at red snapper and having the two separate components,  
35 and present a historical series of capacity utilization rates,  
36 and I am using this as an example, thinking that, for example,  
37 if let's say a particular sector is consistently below let's say  
38 100 percent capacity utilization rate, that may lead the council  
39 to think that perhaps an allocation could be readjusted, one way  
40 or another, to bring that more in line of a full utilization of  
41 the resource at-hand, and that is an example.

42  
43 **CHAIRMAN STUNZ:** Okay. Thank you. Are there other questions?  
44 Mr. Gill.

45  
46 **MR. BOB GILL:** Thank you, Mr. Chairman. I'm not on your  
47 committee, but I have a question and several comments, however  
48 you would like to handle that, but my general comment, and thank

1 you, Dr. Diagne, for the document that you prepared.

2  
3 My read is that this document, for us, is a new document, and we  
4 don't have anything like it currently, and so we're using it to  
5 look at the future of how to do allocations and allocation  
6 reviews. As such, it's somewhat open-ended, in the sense that  
7 we ought to be thinking about things that we don't currently do,  
8 and, in fact, my read of 11902 says that that's what they're  
9 saying, on page 5, under Factors to Consider.

10  
11 I think that we could be a little more expansive, in terms of  
12 what we include and don't include, and one example of that would  
13 be, in my view, the tiers that you have written and the wording  
14 that you have relative to supplemental factors, and my way of  
15 thinking is that, when we actually are doing an allocation  
16 review, then the supplemental factors mentioned, socioeconomic,  
17 et cetera, are not elective, and they're mandatory.

18  
19 They're part of the consideration of how to review the  
20 allocation, because there is obviously considerable impact not  
21 only from the biological side, but from the socioeconomic, et  
22 cetera, and, these external factors, we historically typically  
23 ignore, but, in the future, we need to pay attention to, and so  
24 I think that the wording that says "may elect to" needs to be  
25 rewritten to ensure that they are mandatorily part of the  
26 review. Another thought, if I could continue, Mr. Chairman.

27  
28 **CHAIRMAN STUNZ:** Sure. Go ahead.

29  
30 **MR. GILL:** On the review stages, it seems to me that we have  
31 historically done allocations one way, and, in the future, that  
32 may or may not be the case, but we ought to be open to  
33 considering different ways of doing that business, and so this  
34 review team has some expertise, and I think part of their draft  
35 report ought to include, and recommend, the allocation process  
36 to be used, and it may be the same as we've done, but it may be  
37 something different, but, if we don't think about doing it  
38 differently, we never will.

39  
40 I guess my other question is, in terms of the review policy, on  
41 page 7, I am little confused, at the bottom, about the  
42 allocations listed there, and I am not sure exactly what you  
43 mean, but my sense is those are examples of possible  
44 allocations, and the terminology of allocations included doesn't  
45 suggest that, and so could you clarify that for me?

46  
47 **DR. DIAGNE:** Thank you, Mr. Gill, and I will try to answer the  
48 questions in the order which I have written them down. I will

1 start with this idea of let's say an expansive list of factors.  
2 Yes, definitely that section could be rewritten and adjusted,  
3 but a couple of factors.

4  
5 This document is not about telling us, I mean telling the  
6 council, how they should or shouldn't evaluate allocation  
7 alternatives within an FMP. I guess one of the challenges is  
8 the fact that we have never formally reviewed any of our  
9 allocations.

10  
11 As a council, we are in the habit of essentially just going to  
12 the second stage, meaning the council has, on several occasions,  
13 just offered a motion to request the development of a  
14 reallocation amendment, and that is within the council's  
15 authority, of course, within its purview, and, in fact, the  
16 allocation review policy recognizes it as such. The most recent  
17 example of this would be for us to think about the red grouper  
18 adjustment in allocation, and, essentially, we had new  
19 information, due to the recalibration and a stock assessment,  
20 and the council took the opportunity to adjust the reallocation.  
21 That is one part.

22  
23 The second part is that having guidelines to conduct allocation  
24 reviews is not required by the allocation review policy. In  
25 fact, around the country, if I am not mistaken, only us and the  
26 South Atlantic Council have decided to draft a set of  
27 guidelines, but this is very useful, because it will allow us to  
28 essentially broadly draw, if you would, the contours of our  
29 future allocation reviews, even though we have never conducted  
30 one formally, and we typically subsume the review within the FMP  
31 amendment to look at reallocation.

32  
33 Another thing that I may offer as a point to answer is that NMFS  
34 has indicated that the allocation review itself should be a  
35 fairly simple process, and the more elaborate, if you would,  
36 process is reserved for the amendment, the FMP amendment, to  
37 consider reallocation options.

38  
39 One thing that I would like to stress, and which I started with,  
40 is that we need to make a distinction between the allocation  
41 review and the FMP amendment, and so, as far as asking the  
42 review panel to recommend how an allocation amendment should  
43 proceed, that is within the purview of the council, if they so  
44 desired, but that is, it seems to me, going outside of their  
45 mission, which is essentially just to present the data that  
46 would allow the council to decide whether they should initiate  
47 an amendment or not, but certainly, if the council would want us  
48 to add that to this, we will be able to do that.

1  
2 If we went to the allocation review policy, when we started this  
3 process, essentially, to meet the request, or the mandates, of  
4 the allocation review policy that NMFS published, we had  
5 preliminary meetings, and we did talk with I think Ms. Levy, and  
6 then determined which one of the Gulf allocations will be  
7 subjected to this review process.

8  
9 That is where the list that Mr. Gill refers to on page 7 comes  
10 from, but, if you go on page 8, then we would see those  
11 allocations, as well as the different time intervals that the  
12 council selected as time triggers to review these allocations,  
13 and so I guess one of the examples would be that our first  
14 formal review, or collective set of reviews, would be to review  
15 the recreational red snapper ACL allocations between the two  
16 components that we have, private angling and the for-hire  
17 component, and so that should be done, or at least initiated, in  
18 April of 2023, and so on, and so that is where the list comes  
19 from. These are all of our allocations that are subject to the  
20 policy. It may be the case that I forgot something, but, if I  
21 did, Mr. Gill, please let me know, and I will try to answer.

22  
23 **CHAIRMAN STUNZ:** Thank you, Dr. Diagne, and, Bob, thank you for  
24 those comments. I share some of those, and I want to add to  
25 that in a minute, but I want to make sure the committee, before  
26 I do that, has had an opportunity to chime-in on this. Mara.

27  
28 **MS. MARA LEVY:** Thanks. Just a quick question to Assane. Have  
29 you considered putting any kind of rough timeframe for  
30 completion in this document? We know when it's starting, right,  
31 and I heard you just say that it's meant to be a fairly simple  
32 process, but I understand that, depending on the allocation, the  
33 timeframe might be different, and have you thought about how  
34 long it would take to complete and whether you should put that  
35 in this document?

36  
37 **DR. DIAGNE:** Yes, and, for exactly the reasons that you  
38 mentioned, that is why we didn't put it. It may be the case  
39 that, for certain allocations, it will go extremely fast, and,  
40 for others, it will take a little more time, but certainly, if  
41 the committee, or the council, has in mind a maximum timeframe  
42 to complete these things, that would be a piece of information  
43 that we would include here.

44  
45 Again, the main reason why we did not include it here was  
46 because of the specificities of the different species and the  
47 corresponding allocations, the level of interest and so on and  
48 so forth. That is why, but we did think about it, but perhaps

1 we just didn't know how to put let's say a maximum timeframe for  
2 something like this, but, if the committee has directions for  
3 that, we will certainly add it.

4  
5 **CHAIRMAN STUNZ:** Thank you, Dr. Diagne. Is there other  
6 questions regarding this document? Andy.

7  
8 **MR. ANDY STRELCHECK:** Thanks, Dr. Diagne, for the presentation.  
9 I guess mine is more of a comment, and maybe Bob Gill, who  
10 listened, or participated, in the South Atlantic meeting in  
11 September, or Tim Griner, can weigh-in.

12  
13 This, to me, is a very different approach than what the South  
14 Atlantic Council is taking right now, and this is very much kind  
15 of procedural. The South Atlantic Council has been working on a  
16 decision tree for these allocation reviews, and, although it's  
17 still a work in progress, I like the approach they're taking,  
18 because it really is kind of a thoughtful process from the  
19 beginning, in terms of looking at all the steps and things that  
20 they need to be considering as part of this allocation review  
21 process.

22  
23 I am wondering, Assane, one, if you have looked at that and  
24 given any consideration to that, in some form or fashion, for  
25 the Gulf Council, and, two, for those that are familiar with  
26 that allocation decision tree, if you would want to comment on  
27 that.

28  
29 **DR. DIAGNE:** Thank you, Mr. Strelcheck, and, in fact, during one  
30 of the meetings of the allocation review working group, we  
31 invited my colleague, an economist at the South Atlantic, John  
32 Hadley, and he presented to us the decision tree, as Mr.  
33 Strelcheck mentioned, and we discussed it and asked questions.

34  
35 We, on this end, are taking this procedural approach for several  
36 reasons. One, the decision tree approach, there are still a lot  
37 of unknowns, and, as Mr. Strelcheck mentioned, it's a work in  
38 progress, and one of the issues we discussed during that meeting  
39 was how would we put weight on the different, if you would,  
40 factors?

41  
42 For example, if you have one factor that is pointing in a  
43 direction, and another factor that is pointing in an opposite  
44 direction, who is going to decide what weight to put on each one  
45 of those factors, so that the decision tree essentially is going  
46 to proceed in one branch or in another direction, and my  
47 understanding is that they are still essentially considering  
48 those, among other, factors.

1  
2 The second thing also, in our approach here, is one of the  
3 things that we really put really front and center was to, if you  
4 would, preserve, as much as possible, the flexibility of our  
5 council to let the council make the decisions, but not to be  
6 driven or led towards a certain, I guess, conclusion, if you  
7 would, and so that was also important in our thinking and in our  
8 discussions, to, if you would, maintain as much flexibility as  
9 possible for our council. For those reasons, we did not really  
10 go with, if you would, a decision tree approach.

11  
12 **CHAIRMAN STUNZ:** Thank you, Dr. Diagne, and we've got a lot of  
13 other business in this committee, and so we probably need to  
14 move on, but I want to make sure there's not any last-minute,  
15 pressing issues.

16  
17 One thing I would add to this, Assane, is, obviously, this is an  
18 early document, and some of the comments that Andy and Bob  
19 brought up are clearly -- I don't know if maybe strengthen it  
20 more, being a little more explicit, and so, for example, I would  
21 question the utility of the document, in a way, if we're not  
22 going to have a little more specificity, but then, also, at the  
23 same time, we want to preserve the council's ability to  
24 adequately address problems that we're not thinking about right  
25 now.

26  
27 I'm not sure how we get there, but, to give you an example, in  
28 the Allocation Tier Section 5, it doesn't talk much about  
29 socioeconomics, and that is, obviously, something that would  
30 need to be considered in a full amendment process, but does it  
31 need to be in here at this point? I don't know, and so I guess  
32 maybe the committee can think about this more and go back and  
33 see what is the real purpose of this document.

34  
35 If it's not needed, and we're not real specific, we'll spend a  
36 lot of time creating a guidance document where we still have the  
37 flexibility to do anything else, and so are we really getting  
38 anywhere without just moving forward with a more formal process.  
39 I don't know, and I would personally just like to see it be a  
40 little more explicit.

41  
42 **DR. DIAGNE:** Thank you, Dr. Stunz, and part of, I guess, the  
43 information that we would like to get from the committee and  
44 from the council would be to perhaps suggest those specific  
45 things that they would like to see, because, again, this is a  
46 procedural document to give you the contours of how it is that  
47 the council would proceed to conduct an allocation review and  
48 then allow sufficient time for stakeholder input and conclude

1 the process.

2  
3 We can put examples, if you would, of socioeconomic factors that  
4 may be considered in an allocation review, but, again, this is  
5 just the first step, and those socioeconomic analyses, in-depth  
6 analyses, lengthy ones, those should be in an amendment, if the  
7 council decides to go to that next step. That's the thing, but  
8 we are ready, and I am listening to the specific information  
9 that the committee would want us to add to this document.

10  
11 Certainly I've heard that examples of factors that could be used  
12 can be added to this document, and we can do that, as far as  
13 let's say the steps to be taken and the sequence that the  
14 council will follow to conduct allocation reviews. If there are  
15 additional steps on perhaps issues that we overlooked, I would  
16 certainly bring it back to the working group, and then we will  
17 strengthen the document, but part of the presentation today is  
18 to expect to get some of that from the committee. Thank you.

19  
20 **CHAIRMAN STUNZ:** Thank you, Dr. Diagne. I think that will help,  
21 and, in the interest of time, what I would recommend is that the  
22 committee think about this between now and Full Council, and I  
23 certainly would recommend having the socioeconomics bullet in  
24 there, under that Section 5, for sure, at a minimum, but other  
25 needs, as pointed out by Andy and Mr. Gill, as well, and so, if  
26 other committee members come up with ideas, we can address that  
27 when we get to this section in Full Council.

28  
29 Moving on to Item V on our agenda, Assane, if you want to talk  
30 us through the action guide for that, and, while you're doing  
31 that, maybe Dr. Gordon can be preparing to get ready, because he  
32 will be up to give a presentation on his field experiments  
33 relating to distributing fish in the recreational sector, but,  
34 Assane, can you talk us through what the committee charge is for  
35 that particular agenda item?

36  
37 **SSC RECOMMENDATIONS ON USING FIELD EXPERIMENTS TO ASSESS**  
38 **ALTERNATIVES FOR DISTRIBUTING FISH TO THE RECREATIONAL SECTOR**  
39

40 **DR. DIAGNE:** Thank you. For this agenda item, the committee  
41 will hear a summary of the SSC's recommendations on using field  
42 experiments to assess alternative distribution methods for fish  
43 in the recreational sector, and, as such, these are SSC  
44 recommendations following the presentation, and so Dr. Nance, I  
45 believe, is going to be giving you that summary.

46  
47 For this item, you will receive a summary of the presentation  
48 that Dr. Gordon gave to the SSC during their September meeting,

1 and the committee will hear the information presented and ask  
2 questions, as warranted, and, at this time, this agenda item is  
3 for information only, and no further action is expected from the  
4 committee. Thank you.

5  
6 **CHAIRMAN STUNZ:** Okay. Thank you, Dr. Diagne. That was my  
7 misunderstanding. Dr. Nance is going to summarize the  
8 presentation that Dr. Gordon did at the SSC meeting a few weeks  
9 ago. Dr. Nance, if you're ready. Dr. Diagne, is that right?  
10 Dr. Nance is providing the summary of the presentation, and is  
11 that correct, just to make sure?

12  
13 **DR. DIAGNE:** No, not a summary of the presentation, but a  
14 summary of the SSC's recommendations, if you would, or the SSC's  
15 reaction to the presentation.

16  
17 **CHAIRMAN STUNZ:** Okay. Thank you.

18  
19 **DR. DIAGNE:** In the briefing book, the presentation was added,  
20 just as a reference for background, for those council members  
21 who didn't have an opportunity to listen to the presentation  
22 during the SSC meeting.

23  
24 **CHAIRMAN STUNZ:** Okay. Thank you. Hopefully, Dr. Nance, that's  
25 clear as mud for you.

26  
27 **DR. JIM NANCE:** It's good. Thank you, and so this is not going  
28 to be the presentation, but it will be some of the summary and  
29 the discussions that we had as an SSC committee about that  
30 presentation, and you have the whole presentation in your  
31 packet, if you would like to review that.

32  
33 **CHAIRMAN STUNZ:** That is Tab B-6(a), for those of you following  
34 along or looking for that presentation.

35  
36 **DR. NANCE:** Thank you. We did have Dr. Gordon, from the  
37 Southeast Fisheries Science Center, come give us a presentation  
38 on his project. Recreational fishing quotas are typically  
39 managed using season lengths, bag limits, and size limits. The  
40 one-size-fits-all approach though could certainly be improved.

41  
42 Alternative management could account for differences in how  
43 anglers fish. Dr. Gordon described a proposed pilot program  
44 that would allow private anglers to fish outside the regular  
45 fishing season in exchange for participation in a data  
46 collection program. A draft exempted fishing permit, an EFP  
47 application, is in development.



1 The data collected from the EFP project would include catch,  
2 location, and discards. The Southeast Fisheries Science Center  
3 plans to fund this pilot program. Gag, red grouper, and red  
4 snapper are being considered as potential for this project.

5  
6 SSC members recommended an experiment limited to small portions  
7 in the Gulf of Mexico for this project. The SSC also feels like  
8 the Southeast Fisheries Science Center would benefit from  
9 reviewing the many discussions had to-date on fish tags, day  
10 passes, and other forms of individual recreational fishing  
11 rights. Mr. Chair, that ends my presentation.

12  
13 **CHAIRMAN STUNZ:** Okay. Thank you, Dr. Nance. I will open it up  
14 now to the committee for any questions regarding that topic or  
15 presentation. Ms. Boggs.

16  
17 **MS. SUSAN BOGGS:** I can't help to say that this sounds a whole  
18 lot like the Headboat Collaborative pilot program and Amendment  
19 42 that this council couldn't pass. Thank you.

20  
21 **CHAIRMAN STUNZ:** Thank you, Ms. Boggs. Is there other comments  
22 or questions? Andy.

23  
24 **MR. STRELCHECK:** More of a general comment, and so I am  
25 certainly supportive of innovative new methods that we can  
26 experiment with and test, and I am certainly not opposed to  
27 this. Because of the sensitivity around this, I think it's  
28 really important that the agency and the council work together,  
29 in terms of working with the recreational fishing community on  
30 any sort of EFP like this going forward, and I've heard some  
31 concerns from participants who were listening to the SSC meeting  
32 about kind of being surprised by this and the information that  
33 was being presented, and so that's certainly something that the  
34 agency can learn from and benefit from.

35  
36 Buy-in, obviously, is critical to any sort of program like this,  
37 and certainly I think, as this develops, we'll want to come back  
38 to the council further to discuss the EFP and work with industry  
39 more cohesively. Thank you.

40  
41 **CHAIRMAN STUNZ:** Thank you, Andy. I am not seeing other  
42 questions, but I have a question for you, Dr. Nance, or maybe  
43 Andy, and where would the quota come from for a program like  
44 this? I mean, I guess the EFP is in the progress of being  
45 prepared, but, obviously, it will create some haves and have-  
46 nots, which have a lot of potential for conflict within that  
47 fishery, and so that seems to be the next question, is, okay,  
48 where are these fish coming from?

1  
2 **MR. STRELCHECK:** I think there's not enough details worked out  
3 at this point to even be able to answer that question at this  
4 point, and so it would be really important, obviously, to bring  
5 back to the council and others to discuss those very issues,  
6 when we're ready.

7  
8 **CHAIRMAN STUNZ:** Dr. Frazer.

9  
10 **DR. TOM FRAZER:** Thank you, Mr. Chair. I didn't have an  
11 opportunity to see the presentation that was provided to the  
12 SSC, but I think, with "experiment", I'm thinking that there's a  
13 specific hypothesis being tested, and I am not sure what that  
14 hypothesis is, and can you shed some light on that?

15  
16 **DR. NANCE:** The hypothesis is to be able to look at angler  
17 participation and why they're out there and things like that,  
18 and so, while they're fishing during that time, they're  
19 collecting data, but we're also looking at socioeconomic reasons  
20 of why they are participating at that time and for that species  
21 and things like that.

22  
23 **CHAIRMAN STUNZ:** Mr. Anson.

24  
25 **MR. ANSON:** I listened to some of the SSC presentation on this  
26 topic, and I had some questions about it, and so, if it appears  
27 that it is moving forward, I would just add these questions for  
28 consideration, and so would participants be identified in the  
29 EFP? That's been a stipulation in the past for getting  
30 approval. Would anglers be able to participate in the regular  
31 season, and how would that be monitored? Then, if this is to  
32 try to determine about satisfaction and socioeconomic things,  
33 there might be some interest in commercial fishermen in certain  
34 IFQ programs to look at a similar program for them.

35  
36 **DR. NANCE:** I think, as this goes forth, those questions need to  
37 be addressed, and there was a great deal, certainly from our  
38 social scientists on the SSC -- They were looking at this is  
39 really a nice thing to be able to look at, and sometimes we  
40 don't look at why fishermen are out there and the socioeconomic  
41 aspects of that, and so this would be able to do that, but those  
42 detailed questions are something that need to be considered,  
43 certainly. Who would be able to participate, where the extra  
44 catch is coming from, and those types of things, need to be  
45 addressed.

46  
47 **CHAIRMAN STUNZ:** We have an online question from Dr. Walter.

1 **DR. JOHN WALTER:** Thanks, Jim, for this presentation and for  
2 presenting the work from Zander. I just wanted to highlight  
3 that I think, as we're presented with really difficult  
4 management challenges, we need to look to some creative  
5 solutions, and Bob had brought up the gag issue that could  
6 present a very difficult management challenge, and if there was  
7 a way to retain the integrity of fishery-dependent data, and it  
8 could be through a process like this.

9  
10 Also, as we begin to entertain things like optimal yield and  
11 identifying things other than just yield-based operational  
12 management objectives, we need to get a better handle on what  
13 the recreational fishery and the recreational community really  
14 desires out of the fishery, and it's these kinds of experiments,  
15 and the experiment is sort of to collect the data, as has been  
16 said, and as well to evaluate can this achieve our management  
17 objectives.

18  
19 That, I think, is, as we proceed into the future, going to be  
20 something that our social sciences research group is going to  
21 begin to embark upon more, to find the best solutions to  
22 difficult management challenges, and this is one option, and  
23 it's probably not the solution to everything, but it might work  
24 in some situations, and so I thank the council for hearing this,  
25 and I hope that it is something that at least we can get some  
26 approval to proceed on fleshing out the details. Thanks.

27  
28 **CHAIRMAN STUNZ:** All right. Thank you, Dr. Walter, and I am not  
29 seeing any more hands raised from around the committee,  
30 obviously, on this agenda item, and there was a lot of questions  
31 that came up, and certainly we would need to see a lot more  
32 details, if this EFP materializes, and that sort of thing, but,  
33 right now, I guess it's more a conceptual phase than anything,  
34 but is there any more questions from the committee regarding  
35 these field experiments for rec allocation? All right. Seeing  
36 none, thank you, Dr. Nance.

37  
38 **DR. NANCE:** Thank you.

39  
40 **CHAIRMAN STUNZ:** Dr. Diagne, do you want to talk us through the  
41 next item, the Report to Congress on Shark and Dolphin  
42 Depredation?

43  
44 **REPORT TO CONGRESS ON SHARK AND DOLPHIN DEPREDATION**

45  
46 **DR. DIAGNE:** Yes, Dr. Stunz. For this item, the committee will  
47 listen to the presentation and ask questions of NOAA staff and  
48 provide feedback. That will also be sent via a formal comment

1 letter, and the information in question would come from Ms.  
2 Karyl Brewster-Geisz from the Office of Atlantic Highly  
3 Migratory Species, and she will discuss the objective of the  
4 report and review the proposed report development timeline and,  
5 finally, solicit your input. Thank you.

6  
7 **CHAIRMAN STUNZ:** Okay. Thank you, Assane, and, while we're  
8 getting that presentation ready, I would direct a question back  
9 to Chairman Diaz. It's 12:10, and I guess do you want to just  
10 continue to proceed? We're scheduled to go to 12:30. Okay, and  
11 so we'll proceed with the presentation.

12  
13 **MS. KARYL BREWSTER-GEISZ:** Thank you, everybody. Thank you, Dr.  
14 Stunz, for introducing, and for Dr. Diagne as well. My name is  
15 Karyl Brewster-Geisz, and I'm with the Highly Migratory Species  
16 Management Division of NOAA Fisheries. I am here today to talk  
17 about a new report to Congress, and this is a report on shark  
18 and dolphin, dolphin being the marine mammal, depredation.

19  
20 This report was first introduced in the 2021 Appropriations Act  
21 Joint Explanatory Statement, and it directs NOAA Fisheries to  
22 undertake a review to better assess and understand the  
23 occurrence of conflicts between dolphins and sharks in a variety  
24 of fisheries in both the Gulf of Mexico and South Atlantic  
25 regions.

26  
27 Congress directed us to include in the report a quantification  
28 of the degree to which sharks and dolphins interfere with  
29 fishing, and also to recommend non-lethal methods. They also  
30 directed us to consult with all of you, along with the South  
31 Atlantic Council, the Highly Migratory Species Advisory Panel,  
32 the Marine Mammal Commission, and public outreach to commercial,  
33 for-hire, and recreational fishermen.

34  
35 Right now, we are pulling together that report, and we are  
36 planning to have one report to address both shark and dolphin  
37 interference issues, but the scope of what we're looking at are  
38 going to be a little bit different, and so, for sharks, we are  
39 focusing on all gear types in the South Atlantic and in the Gulf  
40 of Mexico, and so the commercial gear types, longline, gillnet,  
41 trawl, recreational, would be all of the hand gears, and that  
42 includes the for-hire as well.

43  
44 For dolphin, there is a lot of effort put into the take  
45 reduction team, and so we will be focusing primarily on rod-and-  
46 reel fisheries across all the sectors.

47  
48 What I primarily want to talk to you about today will be the

1 major topics, and we want to make sure that we are not missing  
2 anything that we should be considering, and so the next few  
3 slides go through what topics we're planning on talking about,  
4 and then I have a bunch of questions, to help guide any  
5 discussion points or comments that you might have.

6  
7 The first thing we want to do, first of all, is define  
8 depredation and scavenging, and those are the type of  
9 interactions that we know about. If there are others, we can  
10 definitely talk about it, and so depredation occurs when a fish  
11 is on the hook, and that shark or dolphin comes up and bites the  
12 target fish on the hook.

13  
14 Scavenging happens you have caught the fish, and then you go to  
15 release it back into the water, and maybe it's catch-and-  
16 release, or maybe it's a regulatory discard, but, whatever the  
17 case, you have released the fish into the water, and that's when  
18 the shark or the dolphin come up, and they eat whatever it is  
19 that you just released into the water. Those are the two  
20 interactions that we're focusing on.

21  
22 Then there are the consequences of these interactions, and we  
23 have split this into two parts. One is on the fisheries, and so  
24 this is the target fishery, whether it is red snapper or it's  
25 yellowfin tuna or king mackerel, and there are consequences to  
26 this depredation or scavenging events, and so we're trying to  
27 define those interactions.

28  
29 We are looking at things like economic losses, which could be  
30 lost or damaged gear, or maybe lost or damaged catch, that you  
31 are no longer getting that economic benefit to, and there's also  
32 impact to the fishery population, and so what impact this  
33 depredation and the resulting discard is having on the target  
34 fishery.

35  
36 There is a degraded fishing experience, which can also lead to  
37 economic loss, and so the degraded fishing experience could be  
38 your charter boat captain, and you always take out the same  
39 customers, but now they're just so frustrated by the amount of  
40 depredation that they're not coming anymore, and that could be  
41 an example of what we're talking about.

42  
43 The other type of consequence of interactions is on the shark  
44 and the dolphins themselves, and so this would be population-  
45 level impacts, or the risk of injury or entanglement to the  
46 animal as they are coming up and biting fish that are on the  
47 hook, and there is also consequences of increased retaliation on  
48 dolphins and sharks, if they are doing their thing and eating

1 fish in the water.

2  
3 Continuing with the major topics, of course, the language from  
4 Congress required that we look and quantify shark and dolphin  
5 interactions, and so we are reviewing all of our fishery and  
6 observer data that we have, along with reviewing all of the  
7 literature that we know about.

8  
9 Lastly, or not lastly, but almost there, and the recommendations  
10 from non-lethal deterrents, we are required to come up with  
11 recommendations for that, but I also wanted to remind everybody  
12 that, back in August of 2020, and so over a year ago, NOAA  
13 Fisheries did have a proposed rule out on guidelines for safely  
14 deterring marine mammals, and so that would be non-lethal  
15 deterrents. We are still reviewing those public comments. The  
16 comment period closed a year ago, in October of 2020, and we  
17 hope to have a final rule out sometime in early 2022.

18  
19 Then the last major topic are what research needs, and what do  
20 we need to look into, in order to either further quantify the  
21 interactions or come up with a solution to stop the  
22 interactions.

23  
24 I will come back to these questions, but these are the questions  
25 we have regarding those major topics. The timeline, all of you,  
26 and this council, are actually the last group of people that we  
27 are consulting with, and I believe we have asked for your  
28 comments by November 5, and then we hope to have the final  
29 report submitted to Congress in March of 2022.

30  
31 Then, if you have, after this discussion, additional comments or  
32 questions, you can reach out to me or Dr. John Carlson at the  
33 Science Center, if it is a shark-related issue, and then, if it  
34 is a dolphin issue, you can reach out to Jessica Powell or Stacy  
35 Horstman, and all of us are very involved in writing this report  
36 to Congress, and so if we could go back to the slide with the  
37 questions.

38  
39 One last thing is, as you are thinking about comments, or even  
40 if you are just interested in the shark fishery overall, I do  
41 want to let you know that, just today, we released our shark  
42 fishery review, which we have entitled "SHARE", and this is a  
43 review of the last few years' worth of data for the shark  
44 fisheries, so you can see how we are doing. It is not a stock  
45 assessment, and it is looking at the fishery as a whole.

46  
47 Regarding shark depredation, which, of course, is related to the  
48 fishery, going back to these questions, we are interested to

1 know if there are other types of interactions besides  
2 depredation or scavenging that we should be considering. Have  
3 we overlooked any consequences of interactions to the fisheries  
4 or to sharks and dolphins overall?

5  
6 Are there other data sources of information sources that we may  
7 not be aware of that you would like to make sure that we are?  
8 Are there any studies on non-lethal deterrents that you think we  
9 should review, along with any research needs that you want to  
10 make sure that we consider? With that, Dr. Stunz, I will hand  
11 it back over to you. Thank you.

12  
13 **CHAIRMAN STUNZ:** Well, thank you for that informative  
14 presentation, Karyl, and I'm sure -- This has been an issue for  
15 this council for a while, and it's even becoming more relevant,  
16 and so I'm sure there's going to be a lot of questions coming  
17 from the committee. Before we get into the questions, Dr.  
18 Simmons, I guess my question to you would be, obviously, there's  
19 going to be a bunch of things, and we've heard a lot of public  
20 testimony in the past over this issue.

21  
22 Are we going to -- What would you recommend to the committee?  
23 Should this be put into a letter of just a list, or how do we  
24 convey this information, or maybe, Karyl, how would you like  
25 that information delivered to you from this council, because  
26 there will be quite a bit, I'm sure.

27  
28 **MS. BREWSTER-GEISZ:** I believe the South Atlantic Council at  
29 least provided a letter to Jack McGovern, and I think it was to  
30 Jack, and it might have been to Andy, and that would be just  
31 fine, or I could take comments here.

32  
33 **CHAIRMAN STUNZ:** Well, I'm sure that you will get some comments  
34 here, but I might recommend, Carrie, that we generate a letter,  
35 maybe even looking back through some of the public testimony  
36 we've had in the past, and whatever comes out here, and I'm sure  
37 you'll hear some in the public testimony at this meeting, and  
38 then provide a letter, and I don't know if the committee is okay  
39 with that, and I'm assuming we wouldn't need a motion, but go  
40 ahead, Dr. Simmons.

41  
42 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chair. I did  
43 discuss, with Dr. Jack McGovern, the fact that this has really  
44 been throughout the council's discussions, in public comment,  
45 probably in the most recent five years, and asked if there was  
46 going to be any type of research done on the minutes of key  
47 words, and we haven't touched base again on whether they were  
48 going to handle that or they anticipated that we should handle

1 that. If our staff is going to be responsible for that, then we  
2 need a longer deadline than the November 5 request in the  
3 letter.

4  
5 **CHAIRMAN STUNZ:** Well, I will open that one up to committee  
6 discussion, but maybe we should have some questions, and I see  
7 Ms. Bosarge. Go ahead, Leann.

8  
9 **MS. LEANN BOSARGE:** Sometimes a picture is worth a thousand  
10 words, and so I have some show-and-tell for today. I brought a  
11 piece of net, shrimp net, and I am going to show you the shark  
12 holes in it, and I have kind of talked about this in the past to  
13 the council, but I really thought that we should illustrate it,  
14 and, Ms. Brewster-Geisz, I know you can't see it, but I see that  
15 Dr. Porch is with us, and so men usually pack light, and I am  
16 going to send it back in his luggage, and he can get it back to  
17 you, and his wife will be thrilled when I put a used piece of  
18 shrimp net in his luggage, and she's going to want to know what  
19 kind of hooligans he's been hanging out with. Dave is going to  
20 help me open up the shrimp net, if you wanted to go to Mr. Anson  
21 while we get that ready.

22  
23 **CHAIRMAN STUNZ:** While she's getting the net prepared, is there  
24 other questions from the committee regarding this? Mr. Anson.

25  
26 **MR. ANSON:** Not questions, per se, but comments. In regard to  
27 the types of known interactions, I think those are two of the  
28 most prevalent, and certainly most concerning to the fishermen  
29 that I talk to, and they're probably the easiest to quantify  
30 with data that we currently have, or studies that have been  
31 conducted. Something else that might be an issue, as it relates  
32 to the consequences of interactions of those, is just the actual  
33 presence.

34  
35 I know that the animals are present in the natural environment,  
36 and there's nothing we can do so much about it, but there is a  
37 link, I think, between the presence of dolphins and sharks on  
38 the --

39  
40 **CHAIRMAN STUNZ:** I guess, for those of you in the virtual world,  
41 Ms. Bosarge and Mr. Donaldson are holding up a shrimp net, and  
42 we kind of got distracted here, but it's a piece of a shrimp net  
43 that has large, gaping holes that, obviously, would prevent you  
44 from retaining shrimp in the catch.

45  
46 **MS. BOSARGE:** What I kind of wanted to point out here, and I can  
47 put my head and shoulders through some of these holes, and I  
48 grant you that, in the shrimp fishery, we have always had sharks



1 that are going to come up, and let me be clear that these sharks  
2 are outside the net, and they're not inside the net, and they  
3 are outside the net, and they are swimming through, and they  
4 come up, and you can identify a shark hole, typically, because  
5 he takes all the webbing out of the net, right, and so he takes  
6 a big chunk out, and so that's where you see a hole.

7  
8 These holes -- I mean, I can stick my shoulders through some of  
9 these holes, and I say that because I know that these are a  
10 long-lived species, and so we have to be careful categorizing  
11 them as being prolific, and, well, what is the age range that  
12 we're seeing, right, and so some of these are older, larger  
13 sharks.

14  
15 Although we have always had sharks that are going to come up and  
16 bite the net, it really has just gotten worse and worse and  
17 worse over the last let's say five to ten years, and I made this  
18 comment at the last meeting, and so this particular piece of  
19 this net came off of a trip, and it was a thirty-day trip, and  
20 we had \$6,000, approximately, in shark damage to our nets on  
21 that one trip.

22  
23 I mean, that's how bad it's getting from an economic  
24 perspective, and then, just from a longer-term perspective, and  
25 so our net man is in his seventies at this point, and he's been  
26 in the business of building and patching nets all his life, and  
27 so long before he could drive, and so call it six decades, sixty  
28 years, of experience, because that's about the time he started  
29 patching our nets.

30  
31 He told me, he said, Leann, you know, I have never, in all my  
32 years in this industry, I have never seen the sharks this bad,  
33 and I realize that we have to be careful when we talk about  
34 harvesting sharks, because they are a long-lived species, but  
35 they are also an apex predator, and they're at the top of the  
36 food chain, and I think we really need to give maybe some more  
37 credence to that.

38  
39 I am going to send this home with Dr. Porch, and he'll get it to  
40 you and all your folks up there, and I hope that maybe it will  
41 be useful, and, when I sit back down, I have some actual  
42 specific recommendations that may be helpful to you, and so  
43 thanks for listening.

44  
45 **CHAIRMAN STUNZ:** All right. Thank you, Leann, for showing that,  
46 and I really think it drives the point home for sharks, and  
47 other issues as well, and so are there other points or comments  
48 that the committee would like to -- Mr. Anson, sorry, and I know

1 we cut you off, kind of, there in the middle of that  
2 demonstration. Go ahead.

3  
4 **MR. ANSON:** Thank you. I was just mentioning that another  
5 interaction that could be of interest, down the road, is just  
6 the presence of those, and so Leann had indicated, with her net  
7 person fixing the nets, that he's seen more holes, more nets  
8 with holes, than he's ever seen.

9  
10 Well, that goes kind of hand-in-hand with this issue of the  
11 depredation and such, in that there appears to be more sharks,  
12 and I don't know about the dolphins, but they are certainly  
13 showing up on those things, and so there is an issue with  
14 learned behavior and whether or not those dolphins are passing  
15 down the act of depredation and such to their offspring, and so  
16 it's going to continue to be a problem, and so there are some  
17 issues there, or some research, potentially, there.

18  
19 Again, the presence of those animals, and the increase of those  
20 animals, potentially, showing up more, and then that impacting  
21 the actual fishing, or catching, I should say, and you can still  
22 fish, but you're doing more fishing, because then the fish  
23 react, because there is that apex predator around in the  
24 vicinity, and they know it, and so they just may not bite the  
25 hook.

26  
27 Then the last thing, regarding the data and that slide that was  
28 presented for questions, Alabama, as part of their dockside  
29 survey with the Snapper Check program, we've asked a series of  
30 questions regarding the presence of dolphins and sharks and then  
31 any depredation that occurs there, as well as entanglement of  
32 gear, and so we started that last year, and so this is our  
33 second year of collecting data on those, and we'll reach out to  
34 the folks, Dr. Brewster-Geisz, and just talk to her offline,  
35 after the meeting, about the data and how we can provide that,  
36 if it's warranted. Thank you.

37  
38 **CHAIRMAN STUNZ:** Thank you, Mr. Anson. Are there other comments  
39 from the committee? Dr. Frazer.

40  
41 **DR. FRAZER:** Real quick, thanks, Greg, and so, in the  
42 presentation, Ms. Brewster-Geisz made reference to a shark  
43 fishery review that has been recently completed, and I was just  
44 hoping that she might provide us direction to where we can  
45 access it, and just send it to the staff or something, and we  
46 can distribute it from there.

47  
48 **CHAIRMAN STUNZ:** Karyl, were you able to hear that request okay?

1  
2 **MS. BREWSTER-GEISZ:** I did, and I will send that to the staff,  
3 so they can distribute it.

4  
5 **DR. FRAZER:** Thank you very much.

6  
7 **CHAIRMAN STUNZ:** Okay. Thank you. Ms. Bosarge.

8  
9 **MR. BOSARGE:** Thank you, Dr. Stunz, and so my three items that I  
10 was going to specify, as far as the input letter that staff is  
11 going to be working on, I guess, I think we have some APs, at  
12 least the Shrimp AP, that has an upcoming meeting, and I know  
13 that this topic is on their agenda, and, actually, one of the  
14 committee members, AP members, asked for it to be on there,  
15 because it has become such a problem, and so whatever feedback  
16 comes out of that AP, and if we can maybe incorporate that in  
17 the letter that we provide for that report of Ms. Brewster-  
18 Geisz's.

19  
20 Another thing that I had mentioned in the past that I think --  
21 It's more of a long-term perspective on this issue, but I think  
22 it could be helpful, and that is that, as some of these stock  
23 assessments on shark species that we have here in the Gulf are  
24 completed, if we could just have a summary presentation to our  
25 SSC on those stock assessments, as time presents, right, and I  
26 think that helps continue that feedback loop with our fishermen  
27 and with our scientists, although some of our scientists were  
28 involved in it.

29  
30 Everything we do around this council table has to be rooted and  
31 based in science, and so I think it's important, as we're  
32 starting to see some issues with these, to have that feedback  
33 loop and have that presented to our SSC, where our Gulf  
34 fishermen are listening in, where they may not be, a lot of  
35 times, for the HMS stock assessment presentations that occur out  
36 of Headquarters.

37  
38 Then the last thing is, while we have Ms. Brewster-Geisz on the  
39 line, we would like to, I hope, push out our Something's Fishy  
40 tool before you get too too far into your hammerhead assessment  
41 that you have ongoing now, and know you have a data workshop  
42 coming up in December, and that will go out to more than just  
43 commercial stakeholders. That goes out to all of our fishermen,  
44 in an effort to maybe try and summarize and quantify, to some  
45 degree, a lot of the anecdotal data that you have been hearing  
46 from our fishermen, as far as what they're seeing on the water  
47 with these sharks.

1 I wanted to make sure that you all are open to that, and,  
2 obviously, we do not expect you to use that in any kind of  
3 quantitative way in your stock assessment process, and that's  
4 not the end goal, and it is there for a qualitative review, in  
5 case it can be helpful for you all in interpreting any of the  
6 trends that you may be seeing. Are you okay with that, and so  
7 you have any specific feedback on questions or how you would  
8 like to see that go out, logistically, and is there anything in  
9 particular that you may be looking for?

10  
11 **MS. BREWSTER-GEISZ:** I am not familiar with the tool at all, and  
12 so I would need more information, and maybe we can talk offline  
13 about that.

14  
15 **MS. BOSARGE:** Okay. Well, it's just essentially a questionnaire  
16 that we send out to our fishermen prior to stock assessments  
17 that we're doing here in the Gulf on different reef fish species  
18 and otherwise, and we say, hey, what are you seeing in this  
19 particular species, what kind of trends are you seeing, and  
20 we're looking for longer-term trends, generally speaking, in  
21 that survey, and so, as long as you're acceptable to us sending  
22 that on to you, we would love to try and pull that information  
23 together for you, in case it could be helpful.

24  
25 **MS. BREWSTER-GEISZ:** It sounds like this is something you do  
26 normally before your SEDAR assessments, and so I don't see any  
27 problem with including that type of information, or having that  
28 type of information, for our hammerhead SEDAR assessment. Thank  
29 you.

30  
31 **CHAIRMAN STUNZ:** Thank you, Leann. Dr. Froeschke.

32  
33 **DR. FROESCHKE:** Just a couple of things to add on this. We did  
34 reach out to Randy Blankenship about the potential to use this,  
35 and I don't think we've heard back at this time, but, to provide  
36 a little background information to you, we've done these for  
37 several reef fish and CMP species previously, and those reports  
38 are on our council webpage, and so, if you wanted to take a look  
39 at those and see the kinds of information that we collect, a  
40 little bit about how we do it, and if you kind of want to run  
41 that, perhaps, through the HMS -- Your process and see if the  
42 information we collect could be useful, and that would probably  
43 facilitate some of this conversation.

44  
45 **CHAIRMAN STUNZ:** Okay. Thank you, John. I am not seeing any  
46 other hands up from the committee, and, Dr. Simmons, I would  
47 recommend that, obviously, anybody can reach out to Karyl and  
48 her team about this, and we'll develop the best way to approach

1 this in the most efficient manner, as well as I know you're  
2 stressed for workload and personnel and that kind of thing, and  
3 we'll figure out whose responsibility and the best way to  
4 approach that, and we can quickly revisit this at Full Council,  
5 the best way forward. Dr. Simmons, go ahead.

6  
7 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think  
8 that's a good suggestion. I think one thing we need to hear  
9 back from, Karyl, your group is can we have a little bit more  
10 time, because I think the letter that we got from Randy  
11 suggested that we needed to have our comments in by November 5,  
12 and that's next Friday.

13  
14 That really doesn't give us much time to take some of this to  
15 our advisory panels and really formulate a good letter and go  
16 through our public comments, and can we get an extension on  
17 that, and, if you can't answer now, if we could know by  
18 Thursday, that would be great.

19  
20 **MS. BREWSTER-GEISZ:** All right. I will reach out, and I will  
21 probably have most of these discussions with Jack McGovern, if  
22 he is there, and so you should also feel free to reach out to  
23 him and talk more with him about the deadline. Just so you  
24 know, we are under pretty tight deadlines on our end, and so,  
25 the sooner we have comments back from all of you, the better we  
26 are able to incorporate those into the report.

27  
28 **CHAIRMAN STUNZ:** Okay. Thank you, Karyl. Chairman Diaz.

29  
30 **MR. DIAZ:** I just want to mention that, for folks out there,  
31 members of the public that is listening right now, we do have,  
32 during our public comment session on Wednesday -- It is listed  
33 as one of the items that we're taking public comments on, and  
34 so, if anybody sees this presentation that Ms. Brewster-Geisz  
35 just gave us, and, if they have any comments they would like to  
36 share, we would love to hear them on Wednesday. Thank you.

37  
38 **CHAIRMAN STUNZ:** Thank you, Mr. Chairman. I appreciate you  
39 bringing that up, and that's an important point. Stay tuned,  
40 Karyl, and we'll figure out exactly the best way to get a more  
41 formal response to you, and I'm sure you're going to hear a lot  
42 from public testimony and just the constituents in general.  
43 Andy, go ahead.

44  
45 **MR. STRELCHECK:** I just wanted to comment on the timeline, and  
46 we are under the gun to get this report written and drafted, and  
47 so drafting is happening as soon as possible, pretty much. I  
48 would say, if we can meet the November 5 deadline for an initial

1 response, and then anything else that you would want to provide  
2 thereafter, and we're certainly not going to turn away  
3 information, but we do want as much input as possible, as early  
4 as possible, given the amount of drafting that we're doing right  
5 now.

6  
7 **CHAIRMAN STUNZ:** Thank you, Andy, and just one last comment from  
8 me on this, and, Karyl, I have put this on the record many  
9 times, and, being a researcher that deals with this, there are  
10 devices in both the shark realm, and I don't know if they would  
11 work on Leann's nets, but it might be worth a try, but I know  
12 they can work in recreational fisheries, on smaller gear, but  
13 also acoustic deterrent devices that teams, ours and others,  
14 have shown can prevent dolphin depredation.

15  
16 The issue becomes the Marine Mammal Protection Act and the  
17 Endangered Species Act and actually getting the appropriate  
18 studies needed, and so there is sort of this conflict of we know  
19 there is devices that work, and likely don't harm the animals,  
20 the mammals in this case, but we're prevented from actually  
21 doing those demonstrative studies that would show that, and so  
22 we're kind of in a little bit of a catch-twenty-two, but there  
23 are options available, I guess I should say, that are used in  
24 other fisheries to help mitigate some of these issues, and so I  
25 would highly encourage your team to explore or help to develop  
26 the science that can maybe offer some solutions to this issue  
27 that we're facing.

28  
29 **MS. BREWSTER-GEISZ:** Great suggestions. Thank you so much, and  
30 thank you for the opportunity to talk with all of you. I wish I  
31 was down there face-to-face.

#### 32 33 **OTHER BUSINESS**

34  
35 **CHAIRMAN STUNZ:** All right. Thank you, Karyl. Moving on, Mr.  
36 Chairman, there is one small last other business that I had on  
37 the agenda, and I think I can turn it over, if you're willing  
38 that we can move on, and I know we're right ahead of lunch.  
39 That last agenda item had to do with the ICCAT advisory group  
40 that we are a part of.

41  
42 If you don't know, we, obviously, don't manage some of the  
43 highly migratory species, for obvious reasons, but we do have  
44 representation, and, in fact, each council does, and that  
45 meeting took place last week, and I am more than happy to take  
46 any recommendations we would have to that group, but they met in  
47 front of an intersessional online meeting that the ICCAT will be  
48 having coming up.

1  
2 The main species of concern that would be relevant to this  
3 council were yellowfin tuna, bluefin tuna, and mako sharks, and  
4 I think most of you have already heard this story, and Martha  
5 might have stepped out, and she was there too, and so, Martha,  
6 feel free to add what I am missing.

7  
8 As far as bluefin tuna, it was sort of a similar story that we  
9 got here. The assessment, there were questions of the utility  
10 for management advice of that assessment, although the Gulf of  
11 Mexico indices seemed to be increasing, and I think we're  
12 probably seeing that on the water from fishermen, with increased  
13 catches, and we're probably looking at a 2.3-ton increase in  
14 that fishery, and that's still very tentative, but that's very  
15 sort of cautious that that will happen or not, in terms of some  
16 of the recommendations going forward.

17  
18 The yellowfin tuna catch was elevated by about a 1,000 metric --  
19 More than that, or about 1,000 metric tons, from 2,600 to 3,600,  
20 which is good news. The Gulf catches a significant portion of  
21 those fish, namely through the Gulf longline, but also there are  
22 major, obviously, recreational components for yellowfin tuna in  
23 the Gulf, and so, if there's issues there, we have a mechanism  
24 to take that forward, but no major changes to yellowfin tuna.

25  
26 The big kind of problem is makos, which were overfished and  
27 undergoing overfishing, and we're down now to fishing juveniles,  
28 because of their late maturity rate, which is not a good  
29 position to be in. If you recall, last time I gave this report,  
30 with a zero TAC, there is only about a 50 percent recovery rate,  
31 and I think that's like the 2050 realm.

32  
33 If they implemented some of the proposed retentions and live at  
34 haul-back release, their discard mortality is very low, but  
35 there is only -- Even with that, there is only about a 40 to 50  
36 percent recovery by 2070, and so it's not looking good, because  
37 those fish just happen to be caught, sort of as bycatch, but  
38 they are valued for -- They're one of the few sharks that are  
39 valued for their flesh, and so mako sharks are not looking good.

40  
41 However, the ICCAT decided to table that discussion, probably,  
42 moving forward, for a whole variety of reasons that are too much  
43 to get into right now, and there was a lot of pushback from  
44 groups, as you might imagine, about look at the status, and  
45 we're not really doing anything, but, obviously, there is a lot  
46 of other international issues that are involved with that, and  
47 so it's not looking good for mako sharks right now, which are,  
48 obviously, important recreationally for the Gulf.

1  
2 That is the brief update there, and I will be happy to talk  
3 offline, or later, since we're running out of time here, if you  
4 would like more details regarding what's going on in that realm,  
5 but, with that, is there any other questions before this  
6 committee? I am seeing none, and so, with that, Mr. Chairman,  
7 that would conclude the business for today for Sustainable  
8 Fisheries, and I will turn it back over to you.

9  
10 (Whereupon, the meeting adjourned on October 25, 2021.)

11  
12 - - -  
13