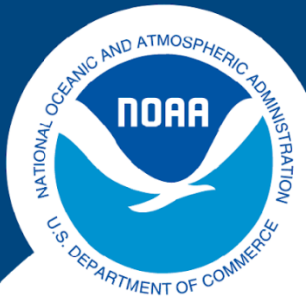


Tab B, No. 12(b)



**NOAA**  
**FISHERIES**

Southeast  
Regional  
Office

# Direct Enhancement of Snapper Conservation and the Economy through Novel Devices Act of 2020

or

## DESCEND Act of 2020

April 13, 2021

# The DESCEND Act does 3 Things

1. Adds new section 321 to the Magnuson-Stevens Fishery Conservation and Management Act, which requires commercial and recreational fishermen to possess a venting tool or descending device that is rigged and ready for use when fishing for reef fish in the Gulf Exclusive Economic Zone
2. Requires the Department of Commerce (DOC) to contract with the National Academy of Sciences (NAS) to conduct a study and produce a report on discard mortality in the Gulf reef fish fisheries
3. After completion of the study, requires the DOC and the Gulf Council to develop guidance for reporting discards and associated mortality and develop a plan to assess the effectiveness and usage of barotrauma-reducing devices.

# 1. Section 321

- Requires commercial and recreational fishermen to possess a venting tool or descending device that is rigged and ready for use when fishing for reef fish in the Gulf Exclusive Economic Zone.
  - Takes effect one year after the date of enactment, which was January 13, 2021.
  - Sunsets 5 years after the date of enactment.
  - Includes definitions of the terms “descending device” and “venting tool.”
- NMFS will develop a rulemaking to clarify these definitions.

# Venting Tool

Venting tool is defined in the Act as “the meaning given to it by the Gulf of Mexico Fishery Management Council.”

- Two possible definitions:

1. Definition of “venting device” in 50 C.F.R. § 622.2:

**Venting device** means a device intended to deflate the abdominal cavity of a fish to release the fish with minimum damage

1. Definition of “venting tool” in the Council Policy on the Use of Venting Tools and Descending Devices

A **venting tool** is a device capable of penetrating the abdomen of a fish in order to release the excess gases accumulated in body cavity when a fish is retrieved from depth. A venting tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16–gauge needle fixed to a handle. A larger gauge needle is preferred in order to allow more air to escape rapidly. A device that is not hollow, such as a knife or ice pick, is not a venting tool and will cause additional damage

**NMFS would like the Council’s input on which definition is most appropriate.**



# Descending Device

Descending device is defined in the DESCEND Act as “an instrument that—

- (A) will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma;
- (B) is a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth, or another device determined to be appropriate by the Secretary; and
- (C) is capable of:
  - (i) releasing the fish automatically;
  - (ii) releasing the fish by actions of the operator of the device; or
  - (iii) allowing the fish to escape on its own.

# Descending Device (con't)

NMFS intends to add more detail regarding the weight used and the length of the line. Possible sources are:

## Definition from Gulf Council policy

A **descending device** is an instrument that will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma, generally 33 feet (twice the atmospheric pressure at the surface) or greater. The device can be a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth. The device should be capable of releasing the fish automatically, releasing the fish by actions of the operator of the device, or by allowing the fish to escape on its own. Since minimizing surface time is critical to increasing survival, descending devices should be rigged and ready for use while fishing is occurring.

## Definition developed by the South Atlantic Council and codified at 50 C.F.R. § 622.188(a)(4)

**Descending device** means an instrument capable of releasing the fish at the depth from which the fish was caught, and to which is attached a minimum of a 16-ounce (454-gram) weight and a minimum of a 60-ft (15.2-m) length of line. The descending device may either attach to the fish's mouth or be a container that will retain the fish while it is lowered to depth. The device must be capable of releasing the fish automatically, by actions of the operator of the device, or by allowing the fish to escape on its own when at depth.

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## 2. NAS Study on Discard Mortality in the Gulf of Mexico Reef Fish Fisheries Requirements

The study shall include:

- Assessment of gaps and biases in reporting of discards and associated discard mortality;
- Assessment of uncertainty and likely impacts of such uncertainty in discard mortality;
- Assessment of the effectiveness and usage rates of barotrauma-reducing devices;
- Recommendations for future research priorities; and
- Recommendations for standardized reporting and quantification of discards in the same metric as landings for fisheries under the Gulf Reef Fish Fishery Management Plan.

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# NAS Study Timeline

- Not later than 2 years after the date of the enactment of this Act, the NAS shall complete the study and transmit the final report to the Secretary of Commerce (Secretary)
- Not later than 3 months after receiving the study and report, the Secretary shall submit the study and report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.



### 3. Plan to Assess the Effectiveness and Usage of Barotrauma-reducing Devices

Not later than 1 year after the Secretary receives the study and report, the Council shall develop:

- Guidance for minimum standards for quantifying and reporting discards and associated mortality in the Reef Fish Fishery Management Plan
- A plan to assess and monitor the effectiveness and usage of barotrauma-reducing devices and the impact on discard mortality rates in Gulf of Mexico reef fish fisheries.

#### Follow-Up report

- Not later than 3 years after developing minimum standards and developing the assessment and monitoring plan, the Secretary shall provide a detailed report on implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.





# Questions?



**NOAA FISHERIES**