

Tab B, No. 13(d)

DESCEND Act

Direct Enhancement of Snapper Conservation and the Economy through Novel Devices

Gulf Council

Primary Regulatory Action Contained Within the Act

Requires a descending device or venting tool to be rigged and ready on board commercial and recreational fishing vessels while fishing for reef fish in federal waters.



Definitions

Descending Device

- Will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma
- 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 is capable of:
 - releasing the fish automatically;
 - releasing the fish by actions of the operator of the device; or
 - allowing the fish to escape on its own.



Definitions

Venting tool (Defined by the Gulf Council)

A device capable of penetrating the abdomen of a fish to release the excess gases accumulated in the body cavity when a fish is retrieved from depth.

A venting tool must be:

- A sharpened, hollow instrument that allows air to escape, such as a hypodermic syringe with the plunger removed.
- A 16-gauge needle, which has an outside diameter of 0.065 inches (1.65 mm), is the minimum diameter hollow tube that must be used. A larger diameter hollow needle is preferred to allow more air to escape from a fish rapidly.

A device that is not hollow, such as a knife or an ice pick, is not a venting tool and will cause additional damage to a fish.



Key Provisions: DESCEND Act

The Act should not affect various programs including approved NRDA Restoration Plans

Note: This was included to ensure that NRDA funding for Return 'Em Right was not disrupted. NRDA generally doesn't support projects that are otherwise mandated by law because they don't enhance restoration benefits. NRDA continued to support Return 'Em Right because the education and gear distribution components of the program are key to restoration success.

Key Provisions: DESCEND Act

National Academy of Sciences to conduct a study and produce a report no later than 2-years after enactment (by 2023), on discard mortality in Gulf reef fish fisheries.* The study shall include:

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

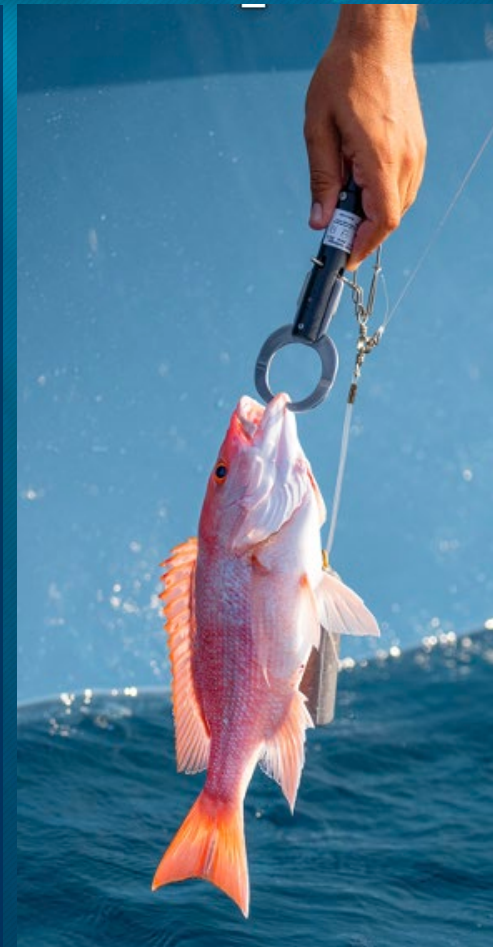
Note: This study was not conducted.

Key Provisions Related to the Gulf Council

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

- (1) guidance for minimum standards for quantifying and reporting discards and associated mortality in the Reef Fish Fishery Management Plan; and
- (2) a plan to assess and monitor the effectiveness and usage of barotrauma-reducing devices and the impact on discard mortality rates in Gulf reef fish fisheries.

Note: In the absence of a NAS study, the Council has not acted on this.



Key Provisions Related to the Gulf Council

The Secretary of Commerce in coordination with the Gulf Council, should develop and disseminate to fishermen education and outreach materials related to proper use of venting tools and descending devices, and strongly encourage their use by commercial and recreational fishermen when releasing fish that are exhibiting signs of barotrauma.

Note: Council staff involvement on the Return 'Em Right Plan Team and support for the program serves this role. This intentionally keeps the agency outside of best practice and educational messaging.

Why are we Here?

The DESCEND Act was enacted January 2021 with a 5-year sunset and expires January 2026

Should the Council consider developing an amendment to the Reef Fish Fishery Management Plan to replace any of the provisions in the DESCEND Act?



Considerations for Council

- Current effectiveness of DESCEND Act likely results from a combination of regulations and the education/outreach component of Return 'Em Right
- Many efforts in progress to evaluate the effectiveness of descending/venting conclusions are not yet definitive
- The Council could develop an Amendment to a Fishery Management Plan which would require a reasonable range of alternatives and evaluation of effects
- In lieu of or in tandem with Council management action, the Council could request completion of NAS study and improved monitoring of discards and release mortality.

Questions?

