

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
MIGRATORY SPECIES COMMITTEE

Omni Houston Houston, Texas

June 26, 2024

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Jonathan Dugas.....Louisiana
Tom Frazer.....Florida
Bob Gill.....Florida
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Michael McDermott.....Mississippi
Anthony Overton.....Alabama
Chris Schieble (designee for Ryan Montegut).....Louisiana
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Ed Walker.....Florida

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5
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1 The Migratory Species Committee of the Gulf of Mexico Fishery
2 Management Council convened at The Omni Houston in Houston,
3 Texas on Wednesday morning, June 26, 2024, and was called to
4 order by Chairman Kesley Banks.

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

10 **CHAIRMAN KESLEY BANKS:** Kicking this committee off, the members
11 are myself, Captain Walker, Ms. Boggs, Mr. Dugas, Dr. Frazer,
12 Mr. Gill, Dr. Sweetman, Mr. McDermott, Mr. Schieble, Dr.
13 Overton, and Mr. Geeslin.

14
15 Do we have any additions to the agenda? We do have one other
16 item added for Other Business, discussing clarifying public
17 comment for electronic reporting. Are there any other
18 additions? Anybody have any objection to the agenda?

19
20 **MR. DAKUS GEESLIN:** Motion to approve.

21
22 **CHAIRMAN BANKS:** We have a motion to approve the agenda. Dr.
23 Frazer seconds. Any objections? Seeing none, the motion
24 passes. Moving on to the approval of the minutes, and the last
25 time this committee met was August of 2023, and are there any
26 clarifications or additions or edits to the meeting minutes?
27 Seeing none, we have a motion to approve from Mr. Geeslin, and
28 it's seconded by Michael. Any objection? Seeing none, we're
29 moving forward. Dr. Hollensead, the Action Guide and Next
30 Steps.

31
32 **SCOPING DOCUMENT: GEAR CONSIDERATIONS IN ATLANTIC HIGHLY**
33 **MIGRATORY SPECIES**
34

35 **DR. LISA HOLLENSHAD:** Thank you, Madam Chair. Today, we'll be
36 receiving an update on a scoping document for gear
37 considerations in Atlantic highly migratory species, or HMS.
38 Mr. Guy DuBeck, from that office, will provide a presentation
39 updating the committee on the development of a scoping document
40 that would consider modifying several measures related to
41 fishing gears.

42
43 The need for this action is to review current fishing gear
44 restrictions, to see if the measures are limiting fishing
45 opportunities or the ability to achieve optimum yield. Fishing
46 gears being considered for modification are buoy gear, deep-set
47 pelagic longline, bait collection net restrictions, and
48 expanding the use of spearguns in harvesting HMS species.

1
2 Just so everyone is aware, the comment period will be open until
3 July 31, 2024, and so the committee should review the scoping
4 document, ask questions of HMS staff, and, if desired, request
5 staff to write a comment letter based on the committee's input
6 or receive guidance from the HMS office whether or not our
7 comments today would go into the record, or if we need to do
8 something official, and so we'll just make sure that that's all
9 buttoned up, if you all would like to make comment. With that,
10 I would hand it over to Mr. DuBeck online.

11
12 **MR. GUY DUBECK:** Thank you all for taking time for us, and so my
13 name is Guy DuBeck, and I'm from the Atlantic Highly Migratory
14 Species Management Division, and I'm here to talk about the gear
15 modifications and other considerations.

16
17 Here's kind of an overview of the presentation, but the ultimate
18 goal of this presentation is to gather your input, to make sure
19 we're on the right track, is there anything else that we should
20 consider, and before we move forward with our next stage in
21 rulemaking. In HMS, we like to use a lot of acronyms, like
22 everyone else, and here's kind of a list of acronyms in our
23 presentation, and I will try and highlight those, and then say
24 those out.

25
26 Kind of the need for action is, over the years, we've
27 implemented a number of measures related to fishing gears, and
28 these gears are meant to, you know, achieve fishery management
29 our conservations goals. Over time, the fishing gear, and the
30 techniques, have evolved, and we want to kind of review if these
31 restrictions are limiting fishery opportunities or the ability
32 to achieve optimum yield. We have requested -- We have been
33 requested for a number of gear-related changes, and I'm going to
34 be going over those in the future slides.

35
36 The objectives of this rulemaking is to kind of increase
37 flexibility for targeting HMS, while maintaining consistency
38 with management goals and conservation goals, and domestic
39 fishery regulations and international agreements. We want to
40 consider regulatory changes to facilitate fishing for swordfish
41 deeper in the water column. Some data we collected in other
42 swordfish fisheries out west have been that they're seeing a lot
43 more high target and low bycatch rates.

44
45 We also want to reduce interference between newer and more
46 established fishing gear configurations and techniques, and,
47 also, if we're looking at this stuff, we may change, you know,
48 more species, for certain gear types, and maybe change the gears

1 and permit combinations, and so just some other options that
2 we're considering.

3
4 The first one is buoy gear, and so buoy gear, as hopefully most
5 of you know, is kind of deployed with floats, and they're
6 limited to two hooks per float, and our fishermen are allowed up
7 to thirty-five floats at one time being deployed. For
8 swordfish, you can kind of only use buoy gear with the swordfish
9 limited hand-gear and limited access permit or the directed
10 limited-access permit, and so those are the only two gears.
11 Right now, you can use buoy gear to retain swordfish. In the
12 Caribbean, in our Caribbean small boat permit, you can use buoy
13 gear to retain swordfish and baits.

14
15 Generally, it's used at night, and it's part of the hand-gear
16 combination permit, and so you have to retrieve -- Release it
17 and retrieve it by hand, and it does have lower dead discard
18 rates than compared to other gear types, but, more recently,
19 there's been a lot more interest for deep-setting for swordfish
20 during the day, and they've been finding that it's been very
21 highly selective for swordfish.

22
23 Here are kind of some options we're considering. The first one
24 is our no action, and so this would maintain the current
25 regulations as they are. The next option here, A2, is kind of
26 authorize the use of power assistance for buoy gear. As I
27 mentioned, there's been a lot more interest in those deep sets,
28 and, you know, since it's part of hand-gear, you have to use it
29 by hand, and so a lot of our fishermen were feeling that maybe
30 we should consider allowing power assistance to bring those
31 swordfish up from the deep.

32
33 Another option we're considering is authorizing the use of buoy
34 gear for the swordfish general commercial permit holders, and so
35 this is something, as I mentioned before, that currently, right
36 now, using buoy gear to target swordfish, you have to buy one of
37 those limited-access permits. With the swordfish general
38 commercial permit open access permit, we could potentially allow
39 fishermen to do that. However, we're not looking to expand the
40 catch number, or change the retention number, for this permit in
41 the Florida swordfish management area.

42
43 The next option here is to -- A4 is to allow the retention of
44 BAYS with buoy gear in all areas except for the Florida
45 swordfish management area. Option A5 is to allow the retention
46 of some shark species with buoy gear, some of those that may be
47 commercially harvested and authorized to, and then the last
48 option here, Option A6, is to require the use of circle hooks

1 with buoy gear.

2
3 Currently, right now, about 95 percent of the buoy gear trips
4 are using j-hooks. If we did consider requiring circle hooks,
5 it would provide a little more consistency with the requirements
6 of other HMS gear types, like bottom longline and pelagic
7 longline, which are required to use circle hooks. However, if
8 we did do that, the fishermen have to buy new gear, would have
9 to switch all the hooks, and, also, there is kind of a lack of
10 data to compare the catch rates of hooking locations for fish
11 with j and circle hooks with buoy gear, and so some things to
12 consider.

13
14 The other one is pelagic longline, and so, in our definitions,
15 you know, pelagic longline is a longline suspended by floats in
16 the water column that is not fixed to or in contact with the
17 ocean bottom. As you can see in the picture on the left-hand
18 side here, it's kind of floating in the water column.
19 Generally, pelagic longline is deployed at sunset, and hauled
20 back at sunrise. However, recently, the technique has been
21 changing, here on the east coast and in the Gulf, where
22 fishermen are using weights, or line shooters, to weigh down a
23 line, to ensure that the hooks are below the thermocline, to
24 kind of target swordfish at all times of the day.

25
26 We've determined that this technique, this deep-set technique,
27 is consistent with our pelagic longline definition. However,
28 they are fished totally different, and they operate totally
29 different too, and so just kind of some options we're
30 considering.

31
32 We could keep the current definition, and the regulations the
33 same, and that's Option B1. The next one is to modify the
34 definition, or clarify, recent deployment of deep-set gear, and
35 so, since they are using weights to weigh it down, and sometimes
36 there is accidentally contact with the seafloor, which they're
37 not trying to, and so we're looking at maybe we should revise
38 the definition, to say that, you know, pelagic longline means
39 that longline is suspended by floats in the water column that is
40 not fixed to and does not sustain contact with the ocean floor,
41 and so just some maybe clarification, or potentially changes in
42 the definition, for deep-sets.

43
44 The other one is kind of B3, and that's to require the enhanced
45 communication when deploying deep-set pelagic longline, and so,
46 as I mentioned, the original deployment of pelagic longline is
47 in the water column, where, you know, it drifts, and it can
48 drift anywhere from eight to twenty miles, depending on the

1 current.

2
3 The deep-sets don't drift as much, and they drift about a mile,
4 because they're so deep down in the water column, and so an
5 example is, if you have two vessels near each other deploying
6 the gear, the pelagic longline could look slightly different,
7 and there might be some gear entanglement, and so some options
8 is to maybe enhance communication when deploying that gear.

9
10 The last one, B4 here, is the intent to -- To require the intent
11 to deep-set during the VMS hail-outs, and this is kind of our
12 way of kind of making the declaration, and also kind of
13 determining who is using deep-sets, for data collection,
14 compared to someone who is doing a regular deployment of pelagic
15 longline.

16
17 The next one here is bait collection, and so we all know that
18 most vessels have, you know, cast nets, or dip nets, onboard,
19 specifically to collect bait, and we know that those gears
20 cannot catch, or are not intended to catch, our HMS species.
21 However, based on current regulations, it's not considered a
22 secondary gear, and so some of the options we're having here is
23 to either maintain current regulations, and not authorize bait
24 collection nets on HMS vessels, or modify the regulations to
25 allow small nets for bait collection for fishing vessels. We're
26 just looking for flexibility, and an understanding of what's
27 going on in the fishery now, and so some options we're
28 considering.

29
30 The last one here is speargun, and so speargun has been
31 authorized. It was authorized in the 2006 Consolidated HMS
32 Fishery Management Plan. Targeting HMS with spearguns is
33 authorized only in retention and charter/headboat BAYS tuna
34 fishing. It's not authorized for targeting other HMS or in
35 commercial HMS fisheries.

36
37 Again, the options are, you know, don't make any changes and
38 keep everything the same. Option D2 is to allow speargun use
39 for HMS angling and HMS charter/headboat permit holders fishing
40 for swordfish. Option D3 is very similar, but allowing them to
41 harvest sharks authorized for retention by recreational
42 fishermen, and, also, the last one here, Option D4, is authorize
43 speargun use for some HMS commercial permit holders for
44 swordfish, BAYS tunas, and sharks authorized for retention by
45 their commercial permit, and so this is just some options there.

46
47 That's everything we had in our presentation, and we're looking
48 forward to your feedback and discussion and ideas, but I also

1 wanted to hit on that we are having our second public webinar
2 this Friday, at 10:00 a.m. Eastern Standard Time, to talk about
3 the gear considerations again, and, also, we have another
4 webinar on July 17, in the afternoon. Thank you very much, and
5 I will gladly take any questions or comments right now.

6
7 **CHAIRMAN BANKS:** -- for gear types in your consideration in this
8 amendment, like crab traps, fish traps, that are not currently
9 listed, has anything moved forward with that recommendation by
10 the AP?

11
12 **MR. DUBECK:** I'm sorry, and I missed the very beginning of your
13 comment.

14
15 **CHAIRMAN BANKS:** The HMS AP, when this presentation was given,
16 discussed, under Slide 10, with the bait collection gear types,
17 adding a few types of gear, including crab traps, fish traps, et
18 cetera, which are now currently prohibited, and has anything
19 happened? Has HMS moved forward with looking at expanding some
20 of those gear types, other than just cast nets, bait nets, dip
21 nets?

22
23 **MR. DUBECK:** Not at this point. We just kind of had those
24 comments, and we are -- We did get a lot of comments to dip nets
25 and state regulations, and -- We can either be more broad with
26 our definition, or what we're including with this, and so we did
27 take that comment, and we are considering it.

28
29 **CHAIRMAN BANKS:** Okay. Thank you. Dr. Sweetman.

30
31 **DR. C.J. SWEETMAN:** Thank you. Just kind of a question out of
32 curiosity, and so what kind of brought up the discussion of
33 allowing spearfishing for swordfish and sharks? I would love to
34 see that someday.

35
36 **MR. DUBECK:** The comment wasn't specifically to those species,
37 but we were just being broad with our scoping document here. If
38 we're going to consider making changes to speargun, then why
39 don't we consider other species, and so the quotas are not being
40 reached for certain shark species, and also with swordfish, and
41 I understand not if someone wants to get in the water with that,
42 and I know there was, ten years ago, an incident in Hawaii, with
43 someone with a speargun, and he, unfortunately, got killed with
44 a swordfish, after he speared it, but it's just kind of us being
45 broad with considering other --

46
47 **CHAIRMAN BANKS:** Thank you. Ed.

48

1 **MR. ED WALKER:** So I do some swordfish, and it's probably not a
2 great idea to get in the water with a swordfish, because it will
3 attack you, but I don't know that that's HMS' purview, to -- You
4 know, what's safe for a diver, really, and my view on this is
5 spear fishermen are recreational fishermen, and they should be
6 held to the same limits, and rules, as any other recreational
7 fisherman.

8
9 You know, if you want to jump in and shoot a tuna, or something
10 like that, you should be able to. I mean, realistically, it's
11 highly-selective, and there is zero bycatch. There is no
12 discards, and it's actually a more efficient way to get a fish
13 than rod-and-reel fishing, and so there's no reason -- You know,
14 I think people just have a negative connotation of a guy with a
15 gun shooting a fish, but, if you look at the actual harvest
16 method, there's no reason that spearfishermen should be removed
17 from any HMS species, in my opinion. If they want to go after
18 an open-season shark, then let them do the same as a guy with a
19 fishing pole does. That's my take on it.

20
21 **CHAIRMAN BANKS:** Mr. Geeslin.

22
23 **MR. GEESLIN:** I agree with Captain Walker. If somebody is so
24 ambitious to go spearfish a shark, and there's a season for it
25 in other gear types, I agree that they should be allowed.

26
27 **CHAIRMAN BANKS:** Dr. Frazer.

28
29 **DR. TOM FRAZER:** I agree as well, except for I would disagree
30 that there is no discard mortality. Every once in a while, one
31 of those big guys jumps off the straight hook.

32
33 **CHAIRMAN BANKS:** Any other questions? Ms. Boggs.

34
35 **MS. SUSAN BOGGS:** That's what I was going to say, Tom, because
36 I've talked to a couple of people. When I saw this, I'm like
37 who in their right mind, and that was the comment that I got, is
38 that people shoot them, and then they can't manage them, and
39 then they just -- They're there, and you've got a speared fish,
40 and it dies, and they can't do anything with the fish.

41
42 I mean, I also kind of agree with Ed. If you're that ignorant,
43 and you want to -- Or brave, and I'm not sure what the word is,
44 then go for it, but I'm kind of mixed with it, and it seems -- I
45 don't know.

46
47 **CHAIRMAN BANKS:** I also agree. If you want to participate in
48 that natural selection, let's go for it. Any other questions?

1 Ed.

2
3 **MR. WALKER:** You know, you could just not call them a -- I guess
4 we're talking about gear, but you could just call them a
5 recreational fishermen and let them fall under the same bag
6 limits as everybody else.

7
8 **CHAIRMAN BANKS:** That's a good point. Dr. Sweetman.

9
10 **DR. SWEETMAN:** Just one last little point here for you, Mr.
11 DuBeck. Relative to some of the other actions that were in
12 here, and, you know, we're harping on the spearfishing thing,
13 but, you know, I'm certainly supportive of the way that HMS is
14 looking at expansion of buoy gear for swordfish. I mean, just
15 in general, relative to pelagic longlines, I think they have a
16 lot less bycatch impact on other stocks, and so I'm very much
17 supportive, from my perspective, about that step that HMS is
18 taking there.

19
20 **CHAIRMAN BANKS:** Mr. Geeslin.

21
22 **MR. GEESLIN:** Similar to that point, when we start talking gear
23 types on the vessel while participating in HMS fishing
24 activities, I would encourage a commonsense approach. Dr. Banks
25 brings up the crab trap, and certainly the crab trap is not
26 being used to prosecute the HMS fishery. You may have folks
27 that, you know, are out for the day, trying their hand at
28 catching a shark, but moving closer inshore and dropping some
29 crab traps, and I would encourage a commonsense approach to
30 that.

31
32 **CHAIRMAN BANKS:** Mr. Walker.

33
34 **MR. WALKER:** I would be the same. It sounds like HMS is on the
35 right course, but to not allow a guy to catch bait with hand
36 net, while there is free, abundant bait next to his boat, is --
37 You know, that should be adjusted, and there is actually a list
38 of things.

39
40 Allow the retention of some shark species with buoy gear, and
41 they're probably catching them anyway. If it's a legal, open-
42 season shark, I don't see why a guy with buoy gear shouldn't be
43 allowed to put it in the boat, assuming he has all the proper
44 permits and all that.

45
46 Circle hooks on buoy gear, they said 95 percent of the guys are
47 not using circle hooks, which, to me, means that it's likely not
48 as good of a hook, and so, you know, I don't know, and there may

1 be some discussion there. If it's going to cause their catch to
2 collapse, then, you know, it might be up for discussion. I know
3 circle hooks are popular, because they don't gut-hook them, but,
4 if they don't catch anything on buoy gear, that might be an
5 issue as well.

6

7 **CHAIRMAN BANKS:** Any other questions? Captain Walker.

8

9 **MR. WALKER:** I have reservations, personally, about developing
10 and expanding deepwater daytime longlining for swordfish. I'm
11 not sure, and it just kind of gives me some concern. I do some
12 daytime recreational swordfishing myself, and I can see there
13 being some real user conflicts between the daytime deep-drop
14 guys and what has historically been the nighttime commercial
15 guys, and the same goes with buoy gear.

16

17 You know, the commercial guys fish at night, and, nowadays, a
18 lot of the recreational guys fish in the daytime, and so I have
19 some pause there. I'm all for letting a guy fish, but to start
20 deep-dropping with longlines for swordfish -- That may lead to
21 some conflicts.

22

23 **CHAIRMAN BANKS:** Ms. Boggs.

24

25 **MS. BOGGS:** I don't know a lot about this, but we do have a lot
26 of our fuel customers that swordfish, and so, Ed, I understand
27 what you're saying, because a lot of them have perfected the
28 daytime sword fishing, but are the sword fishermen, at least in
29 the Gulf -- Aren't they restricted to certain areas, and are the
30 other fishermen restricted to those same areas? I don't know,
31 because, if it's not a conflict, as far as area fishing, and I'm
32 just curious.

33

34 **CHAIRMAN BANKS:** Captain Walker.

35

36 **MR. WALKER:** So I'm not aware of any zones where one or the
37 other are not allowed to fish in the Gulf, but I can tell you,
38 on the whole east coast of Florida, everybody fishes the shelf
39 edge, the longliners, all the commercial guys, and, with limited
40 exception, everybody fishes on the drop, within a mile or two,
41 to my knowledge, at least down the lower half of the eastern
42 seaboard there, and so they're all fishing on the drop-off
43 there, or a lot of them, and so I would think there would be
44 some conflicts, and that's just something to check on, because,
45 in a place like North Carolina, or something like that, you
46 might have different guys, and, you know, trying to deep-drop
47 with some guy's deepwater longline under there, stretched out
48 for miles, could cause some problems.

1
2 **CHAIRMAN BANKS:** Thank you. My understanding is it's mostly
3 federal in the Gulf of Mexico. Mr. Geeslin.

4
5 **MR. GEESLIN:** So Assistant Commander Casterline brings up a
6 valid point, from a state management perspective, and, in state
7 waters, he brings up that our sharks are considered gamefish, in
8 the state waters within Texas, and we wouldn't allow
9 spearfishing, and, I'm jumping back to the spearfishing
10 conversation, and that's correct, Les.

11
12 Just looking around the table, at other states, and if they
13 allow that gear type for their -- Hearing no, or seeing no, from
14 C.J. I just wanted to recognize that potentially discrepancy
15 from federal and state waters, at least in Texas and Florida,
16 and Mississippi also. For the record, in Mississippi, it is
17 allowed to spearfish for sharks in state waters? Okay.

18
19 **CHAIRMAN BANKS:** All right.

20
21 **MR. CHRIS SCHIEBLE:** It would be the same for us.

22
23 **CHAIRMAN BANKS:** Any further questions on the presentation, or
24 discussion? Okay. If not, thank you, Mr. DuBeck, and we will
25 move on to Other Business. Dr. Hollensead.

26
27 **DR. HOLLENSEAD:** Thank you, Madam Chair. Just to clarify, Mr.
28 DuBeck, would you like the comments, that I have taken notes
29 here from the committee today, to be a formal letter, or what
30 you just received now -- Is that considered enough for comment?

31
32 **MR. DUBECK:** We'll been taking comments, and we've accepted
33 those, but, unless there's something else, or if you want to
34 send a formal letter, and that is whatever the council would
35 like to do.

36
37 **DR. HOLLENSEAD:** Okay. Thank you very much.

38
39 **OTHER BUSINESS**

40
41 **CHAIRMAN BANKS:** Okay. Moving on to Other Business, I'm going
42 to put Dr. Hollensead back in the hotseat. Under Data
43 Collection, we had talked about HMS pushing out an amendment, or
44 a scoping document, with electronic reporting, and I think you
45 had some follow-up conversations regarding deadlines.

46
47 **DR. HOLLENSEAD:** Yes, correct. In the Data Collection
48 Committee, it had come up that, for the electronic reporting,

1 that there was a series of public comment periods, and the
2 question was asked, for the Louisiana one, was that date a
3 Saturday, and I just asked some questions of that, and I had
4 missed it as well, and the dates on there were 2023, and so that
5 actually happened, and it was a Thursday of last year, and so
6 they were giving us the list of the history of the public
7 comment that had been given in that case.

8
9 **CHAIRMAN BANKS:** The public comment is closed to that scoping
10 document?

11
12 **DR. HOLLENSSEAD:** Correct.

13
14 **CHAIRMAN BANKS:** Okay. Any other discussion before we turn it
15 back over to Mr. Chair? Dr. Overton.

16
17 **DR. ANTHONY OVERTON:** Just one quick question on the buoy gear
18 options. Authorize the use of power assistance, are they
19 currently pulling them up by hand?

20
21 **CHAIRMAN BANKS:** Yes, they are currently pulling them up by
22 hand.

23
24 **DR. OVERTON:** Okay, and so just the use of hydraulics would make
25 it more efficient for the fishermen, and potentially more safe
26 as well?

27
28 **CHAIRMAN BANKS:** Yes, and there was quite a bit of discussion by
29 the commercial sector, at the HMS AP, about that. Mr. Walker.

30
31 **MR. WALKER:** Do they only do that at night? Are they currently
32 limited to buoy fishing only at night?

33
34 **CHAIRMAN BANKS:** I don't have that answer. Mr. DuBeck, are you
35 still on the line? We'll have to take that question, Ed, and
36 get back to you. Anything else? All right. Then I'm going to
37 hand it back to you, Mr. Chair.

38
39 (Whereupon, the meeting adjourned on June 26, 2024.)

40
41 - - -