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TABLE OF MOTIONS

PAGE 55: Motion to approve the Generic Framework Amendment to the Fishery Management Plans for Puerto Rico, St. Thomas and St. John, and St. Croix: Modification of Spiny Lobster Management Reference Points with the selected preferred alternatives and to submit the framework amendment to the Secretary of Commerce for implementation. The motion carried on page 57.

PAGE 58: Motion that the council moves to allow staff to make editorial, non-substantive changes to the Spiny Lobster Generic Framework Amendment. Any changes will be reviewed by the Council Chair. The motion carried on page 59.

PAGE 60: Motion to deem the codified text presented by the staff as necessary and appropriate for implementing the Spiny Lobster Generic Framework Amendment. The motion carried on page 60.

PAGE 104: Motion that the council instructs the staff to examine alternative times when AMs could be applied to the spiny lobster under Puerto Rico's FMP and report back to the council with the appropriate documentation. The motion carried on page 108.

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1 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**
2 **175TH REGULAR COUNCIL MEETING**
3 **Webinar**

4
5 AUGUST 11, 2021
6

7 The Caribbean Fishery Management Council convened via webinar on
8 Wednesday morning, August 11, 2021, and was called to order at
9 9:00 o'clock a.m. by Chairman Marcos Hanke.

10
11 **CALL TO ORDER AND ROLL CALL**
12 **NEW MEMBERS OATH**
13

14 **MARCOS HANKE:** Good morning, everyone. It's 9:09, and we are ready
15 to start the meeting. This is the 175th CFMC Virtual Meeting, and
16 today is August 11, 2021. The first part will be the oath for the
17 new members, the appointed members, and we are going to pass first
18 to opening the meeting, and who is going to --
19

20 **MIGUEL ROLON:** Marcos, the oath is done by the Regional Office,
21 and Mr. Andy Strelcheck already sent the documents to Carlos
22 Farchette and Vanessa Ramirez, and they have to read it for the
23 record.
24

25 **MARCOS HANKE:** Yes, and let's do that. I was a little confused
26 with how it was going to be. Thank you. Let's start with Vanessa.
27

28 **VANESSA RAMIREZ:** Good morning. I, Vanessa Ramirez-Perez, as a
29 duly appointed member of a regional fishery council established
30 under the Magnuson-Stevens Fishery Conservation and Management
31 Act, hereby promise to conserve and manage the living marine
32 resources of the United States of America by carrying out the
33 business of the council for the greatest overall benefit of the
34 nation.
35

36 I recognize my responsibility to serve as a knowledgeable and
37 experienced trustee of the nation's marine fisheries resources,
38 being careful to balance competing private or regional interests
39 and always aware and protective of the public interests in those
40 resources. I commit myself to uphold the provisions, standards,
41 and requirements of the Magnuson-Stevens Fishery Conservation and
42 Management Act and other applicable laws and shall conduct myself
43 at all times according to the rules of conduct prescribed by the
44 Secretary of Commerce. This oath is freely given and without
45 mental reservation or purpose of evasion. Thanks.
46

47 **MARCOS HANKE:** Thank you, Vanessa. Carlos Farchette.
48

1 **CARLOS FARCHETTE:** I am looking for my file. I guess I just can't
2 say ditto, but let me try and bring it up, and I will read it off,
3 when I get a chance. I'm looking for the email with the letter in
4 it. Give me a minute, and I will let you know when I have it, and
5 I will read it off.

6
7 **MARCOS HANKE:** Okay.

8
9 **MIGUEL ROLON:** Carlos and Marcos, maybe we can go to the roll call
10 while he looks for the document.

11
12 **MARCOS HANKE:** Yes. Let's do the roll call. Christina, are you
13 going to be the one helping me, or Liajay?

14
15 **MIGUEL ROLON:** Liajay is going to read it, for the record.

16
17 **LIAJAY RIVERA:** Okay. We're starting the roll call with myself,
18 Liajay Rivera, Christina Olan, Graciela Garcia-Moliner, Miguel
19 Rolon, Luiz --, Andy Strelcheck, Alida Ortiz, Angie de los
20 Irizarry, Carlos Farchette, Damaris Delgado, Diana Martino, Edward
21 Schuster, Julian Magras, Jack McGovern, Jesus Rivera, Jocelyn
22 D'Ambrosio, Jose Rivera, Katie McCarthy, Lauren Remsberg, Manny
23 Antonaras, Marcos Hanke, Maria Lopez, Matt Walia, Maldonado,
24 Michelle Scharer, Miguel Borges, Nelson Crespo, Nicole Angeli,
25 Nicole Rio, Orian Tzadik, Rich Appeldoorn, Robert Copeland, Sarah
26 Stephenson, Tony Blanchard, Vanessa Ramirez, Virginia Shervette,
27 Wilson Santiago.

28
29 **MARCOS HANKE:** Thank you very much, Liajay. Was anybody missed on
30 that first roll call? Was there anybody else that just arrived?
31 Seeing none, we will keep going. Carlos, do you have your
32 document?

33
34 **CARLOS FARCHETTE:** Yes, I've got it. I, Carlos Farchette, a duly
35 appointed member of a regional fishery council established under
36 the Magnuson-Stevens Fishery Conservation and Management Act,
37 hereby promise to conserve and manage the living marine resources
38 of the United States of America by carrying out the business of
39 the council for the greatest overall benefit of the nation.

40
41 I recognize my responsibility to serve as a knowledgeable and
42 experienced trustee of the nation's marine fisheries resources,
43 being careful to balance competing private or regional interests
44 and always aware and protective of the public interests in those
45 resources. I commit myself to uphold the provisions, standards,
46 and requirements of the Magnuson-Stevens Fishery Conservation and
47 Management Act and other applicable laws and shall conduct myself
48 at all times according to the rules of conduct prescribed by the

1 Secretary of Commerce. This oath is freely given and without
2 mental reservation or purpose of evasion.

3
4 **MARCOS HANKE:** Thank you, Carlos. Andy Strelcheck, good morning.

5
6 **ANDY STRELCHECK:** Good morning, Marcos. I would just briefly make
7 a comment, if I can speak, and then I will turn it back to you,
8 and so I wanted to thank Carlos and Vanessa. They, obviously,
9 read the oath of office for participation on the council and the
10 fishery management process, and I want to thank them for their
11 willingness and interest to continue serving on the council, and
12 I look forward to their continued service and work as we tackle
13 many challenging issues in the Caribbean, and so thank you for
14 your service.

15
16 **MIGUEL ROLON:** Marcos, two things. One, we would like to have a
17 moment of silence before we adopt the agenda and do the election
18 of officers, and, also, we would like to welcome Andy Strelcheck.
19 He has been appointed as the Regional Administrator, starting on
20 the 15th of this month, and Andy has been a friend of the Caribbean
21 for many, many years, in many positions, and so I really -- I
22 believe, personally, that they have elected the best person for
23 the job, and so welcome, as now the Regional Administrator of the
24 National Marine Fisheries Service Southeast Region.

25
26 **ANDY STRELCHECK:** Thank you, Miguel.

27
28 **MIGUEL ROLON:** Then the Election of Officers. Last week, I sent
29 you an email about the record that you set last year, and you said
30 that were going to rotate, now that the island-based FMPs have
31 been approved in September of last year, and they will be
32 implemented this year.

33
34 In addition, a council member asked me to put in the record that
35 he would like to consider the possibility of a three-year term for
36 each officer. Then I sent a note to you, and I included the last
37 say, any final say, in any of this is the council prerogative, and
38 the staff doesn't have anything to do with it. Thank you, Mr.
39 Chairman.

40
41 **MOMENT OF SILENCE IN MEMORY OF CARLOS RAMOS**

42
43 **MARCOS HANKE:** Thank you very much, Miguel. Let's follow one
44 minute of silence in remembering and respecting Carlos Ramos.

45
46 (Whereupon, a moment of silence was held in memory of Carlos
47 Ramos.)
48

1 **MARCOS HANKE:** Thank you, everyone. We are going to pass now to
2 Election of Officers. I will give a word to Miguel to follow-up
3 on the process. Go ahead, Miguel.

4
5 **MIGUEL ROLON:** Okay. The minute of silence of Carlos Ramos was
6 after the Election of Officers, but that's okay. Carlos Ramos,
7 for those of you that don't know him, he was our third fiscal
8 officer, and he served for many years. He passed recently, a
9 couple of days ago, and we are really grateful for his service to
10 the council. He was always minding the budget and making sure
11 that we used the money according to the applicable laws and
12 regulations, the same way that Angie de los Irizarry is doing now,
13 and so we wanted to convey this message, and I will send it to the
14 family.

15
16 He was a good friend, and he had spent a lot of years with the
17 council, serving as the fiscal officer. He came when we were
18 needing somebody to take the position for three months, and there
19 were no guarantees that that person would stay in work, because
20 our fiscal officer resigned, and we had three years to close, and
21 he came and did the work, and, after he was elected as the fiscal
22 officer, he continued the work for all these years.

23
24 He resigned from the council because of diabetes, and he was
25 legally blind, and still he was able to work with us for a while,
26 until the doctor told him not to do it anymore, and, for that, we
27 are really in debt to Carlos Ramos, from 1949 to 2021, and so we
28 are dedicating this meeting in his loving memory. Thank you, Mr.
29 Chairman.

30
31 **MARCOS HANKE:** Thank you, Miguel. Election of Officers, I believe
32 we are going to pass the chairmanship to the Coast Guard, like we
33 usually do, and who is representing the Coast Guard at this time?

34
35 **DIANA MARTINO:** Robert Copeland.

36
37 **LT. ROBERT COPELAND:** Good morning, everyone. I am part of the
38 Coast Guard here, and I don't know if any other Coast Guard members
39 are on, but I'm unaware of assuming any other roles and
40 responsibilities at this time, and would you be able to further
41 discuss that, please?

42 43 **ELECTION OF OFFICERS**

44
45 **MIGUEL ROLON:** Okay. It's just to preside over the election of
46 officers. You open the floor for any nominations, and you don't
47 need a second for the nominations, and then, if you have only one
48 nomination, we proceed to vote. You call for the vote, and then,

1 for the Vice Chair, we do the same, the nomination for the Vice
2 Chair, and no seconds are needed. We follow Roberts Rules, and
3 then you open the floor for voting. Then, once the Chair is
4 elected, you pass the meeting again to the Chair. At this time,
5 you can open the meeting for nominations.
6

7 **LT. ROBERT COPELAND:** Sorry, Marcos, and this has kind of caught
8 me off guard, and I was not still not aware that I was supposed to
9 be doing anything of the such, and are you asking me to be the
10 Chair, or are you asking me to open up for nominations for someone
11 else to assume the Chair?
12

13 **MIGUEL ROLON:** You will be the chair of the meeting for the election
14 of officers. The only thing you have to do is to open the floor
15 for nominations. Once you have a nomination, if there is only
16 one, then the council will vote on the nomination for Chair. The
17 second will be the nomination for Vice Chair. If there is only
18 one, then you open the floor for voting for the Vice Chair. If we
19 have more than one, then the council will have to vote, and they
20 will be tallied up. Usually, when we have more than one, the vote
21 is on paper, but, here, we can't do it by paper.
22

23 **LT. ROBERT COPELAND:** Miguel, it sounds like you have a firm
24 understanding of how this process is supposed to roll, and would
25 I be able to listen in on how this is supposed to go?
26

27 **MIGUEL ROLON:** Technically, I can just say it on your behalf, and
28 so I will just do it.
29

30 **LT. ROBERT COPELAND:** Okay.
31

32 **MIGUEL ROLON:** On behalf of Robert Copeland, we open the floor for
33 nominations for Chair.
34

35 **TONY BLANCHARD:** Marcos Hanke.
36

37 **MIGUEL ROLON:** Any other nominations? All those in favor, say
38 aye. It's unanimous. Do we have any opposition or abstentions?
39 Marcos is the Chair of the council. Now we will open for Vice
40 Chair. Any nominations?
41

42 **CARLOS FARCHETTE:** I am nominating Tony Blanchard.
43

44 **MIGUEL ROLON:** Any further nominations? Hearing none, all in
45 favor, say aye. Welcome back, Mr. Chairman, Marcos Hanke, and Mr.
46 Vice Chair, Tony Blanchard. Now Marcos will continue with the
47 meeting. Thank you, Mr. Copeland.
48

1 **LT. ROBERT COPELAND:** Thank you, Miguel. I appreciate it.

2
3 **ADOPTION OF AGENDA**

4
5 **MARCOS HANKE:** Thank you for the Coast Guard to help us on this
6 part of the meeting. Thank you, everyone, for the support, and
7 we're going to keep conducting to the best of our capacities and
8 protect the resource and to balance all the discussion on this
9 meeting. Thank you very much, again. We're going to adopt the
10 agenda now. Any comments on the agenda from the council members?
11 We need a motion to adopt the agenda, please.

12
13 **ANDY STRELCHECK:** Motion to adopt the agenda.

14
15 **MARCOS HANKE:** I have a motion from Andy Strelcheck to adopt the
16 agenda. Is there a second?

17
18 **VANESSA RAMIREZ:** Second.

19
20 **CONSIDERATION OF 174TH COUNCIL MEETING VERBATIM TRANSCRIPTION**

21
22 **MARCOS HANKE:** Second by Vanessa Ramirez to adopt the agenda. Any
23 opposition? Hearing none, the agenda is adopted. Next is
24 Consideration of the 174th Verbatim Transcription from the council,
25 and is there any comment on it? Hearing none, I need a motion.

26
27 **VANESSA RAMIREZ:** Move for consideration.

28
29 **MARCOS HANKE:** Thank you, Vanessa, and thank you for the motion.
30 Is there a second?

31
32 **NICOLE ANGELI:** Second.

33
34 **DAMARIS DELGADO:** Second.

35
36 **MARCOS HANKE:** We had two persons speaking, and I just heard the
37 name of Nicole Angeli to second the motion. Any opposition?
38 Hearing none, the verbatim transcription for the 174th Council
39 Meeting is approved. The next item on the agenda is the Executive
40 Director's Report. Thank you.

41
42 **EXECUTIVE DIRECTOR'S REPORT**

43
44 **MIGUEL ROLON:** Thank you, Mr. Chairman. The first thing is, as
45 you know, on the 21st, we saw a presentation by Dr. Michelle Duval
46 on the five-year plan, and now we are going to have a plan for
47 people to comment, and we have -- On our webpage, we will have the
48 documentation for people to comment and the draft five-year plan.

1
2 Once this is finished, by September 3 of this year, we will be
3 able to then finalize the document, and Dr. Duval will present the
4 final version at the December meeting, and, there, we will take
5 some action on the recommendations, for example the sub-committees
6 who are going to be dealing with the implantation for the five-
7 year strategic plan, and the sub-committees will be one for science
8 and another one for outreach and education and the other one for
9 management.

10
11 We will have more information at the December meeting, which, by
12 the way, will be a hybrid meeting on the 7th and 8th of December at
13 the Marriott Courtyard in San Juan, Puerto Rico. Already, Diana
14 is polling who is going to be traveling to Puerto Rico and who is
15 going to be working from home and participating virtually at our
16 meeting.

17
18 Now, with the Delta variant of the COVID-19, as you know, there is
19 a question for the participation will be in December, and we were
20 told that we have to wait until probably the fall to hear from
21 NOAA any news about the procedure for allowing participation of
22 employees to meetings outside of their home office.

23
24 I believe, that at this stage, that they are in a Level 0, and a
25 Level 0 is more precautious, and people that are not essential do
26 not go to the office, but you are still teleworking, and so we are
27 hoping that, by December, we will have a better atmosphere for the
28 COVID-19. So far, only eight people have expressed that they will
29 attend the meeting in person.

30
31 Any of you who haven't been able to contact Diana Martino, please
32 do so and indicate whether you are going to participate at the
33 meeting virtually or you are planning to travel to San Juan,
34 because the hotel gave us a cutoff date, and we need to comply
35 with that, in order to avoid penalties.

36
37 The other thing that is happening is, as you know, we are
38 collaborating with the NOAA Fisheries Seafood Inspection and
39 International Fisheries and the Office of Protected Resources, and
40 we are working with the WECAFC, the Western Central Atlantic
41 Fishery Commission, on several projects, working groups, and we
42 will continue to do so, and the active campaign is to promote Pan-
43 Caribbean management of the species, especially Nassau grouper and
44 the mutton snapper. At the December meeting, we will get you more
45 information on the development of these meetings, these working
46 groups.

47
48 As you know, we announced that we are going to have a February 9,

1 2022 meeting to discuss marine reserves, and now it's area-based
2 management, and that's the words that they use now, and the CCC,
3 the group that encompasses the councils, all the councils, and
4 National Marine Fisheries Service are going to meet in October,
5 and part of the discussion will include the response to the
6 Executive Order 14008 that calls for closure of 30 percent of the
7 land and water by 2030 of the areas that we have under management,
8 by different laws and regulations, for the protection of those
9 areas.

10
11 A report will be given at the meeting, and we will provide you the
12 outcome of that report at the December meeting, but it will be
13 discussed thoroughly at the February 9 meeting. At that meeting,
14 we will have all the council members and DAP chairs, the same
15 people that are here now, as participants discussing the U.S.
16 Caribbean status on marine reserves across boundaries, from the
17 shoreline to the edge of the EEZ.

18
19 We also are going to continue the work by Dr. Aldana, and remember
20 that she gave us a presentation not long ago about the
21 microplastics that are incorporating into the food chain and
22 reaching the consumers, and that could affect the future of the
23 fisheries in the Caribbean, and so we are going to continue that
24 work, and, right now, during the time of the pandemic, a lot of
25 plastics have been accumulated, and there is a lot of concern about
26 how this might affect the fisheries of the Caribbean, including,
27 of course, the U.S. Caribbean, the Gulf, and the South Atlantic.
28 That work probably will be conducted this year, and we will provide
29 reports and updates as the project comes along.

30
31 The budget situation that we have is okay, and we received the
32 funding that were allocated to us for this year, and so we don't
33 have any problems with the monies at this time. That is all I
34 have, Mr. Chairman, unless they have any questions.

35
36 **MARCOS HANKE:** Any questions for the Executive Director? Go ahead,
37 Carlos.

38
39 **CARLOS FARCHETTE:** Miguel, I saw in the local news here yesterday,
40 and I want to validate this, that Puerto Rico hotels are now
41 mandating that any guests be vaccinated, or PCR tests are still
42 valid?

43
44 **MIGUEL ROLON:** The Governor is proposing that any commercial
45 institution can request vaccination certificates from people
46 attending meetings or participating or guests of the council, if
47 you are going to stay at the hotel, and so, for the December
48 meeting, anybody coming to Puerto Rico has to show the validation

1 of certificate of being vaccinated or a no-less-than-seventy-two-
2 hour certificate of COVID free, but the vaccination is probably
3 going to be required by the hotel, and so that's a good point.

4
5 I forgot to mention that, but, as the Governor said, and this is
6 the situation now, and he will inform the public -- He will update
7 the public on the new developments. According to the news, the
8 Delta is capable of breaking those people who are vaccinated by
9 using Pfizer or Johnson & Johnson or Moderna. We encourage
10 everybody to do it, and, as the council, we are going to require
11 facemasks for everybody, and I don't care if you're vaccinated or
12 not. Facemasks will be required.

13
14 The other thing that the hotel told us to do is they are going to
15 have space, and so we will have probably one person per table,
16 rather than three, or two, but they will advise the council on
17 these measures, and, as I said before, in the case of the Southeast
18 Fisheries Science Center and the Regional Office, Dr. Paul Doremus
19 told us that they will play it by ear, in order to allow NOAA
20 Fisheries personnel to travel to meetings.

21
22 The next meeting that we are going to have that will require
23 National Marine Fisheries Service people to attend is the CCC
24 meeting in October, and, right now, there are members of other
25 councils that are indicating that they are not going to travel.
26 In my case, probably I won't travel, because I will take that risk,
27 and so Tony and Marcos have to decide whether they are going to
28 travel or not. If they are going to travel, then they have to
29 make their reservations accordingly. Any other questions?

30
31 **MARCOS HANKE:** Thank you, Miguel. We have Andy Strelcheck.

32
33 **ANDY STRELCHECK:** Thanks, Miguel. A comment and then a question.
34 With regard to council meetings, NOAA Fisheries has created a
35 blanket travel approval waiver, and it's considered mission
36 essential activity, and so we can participate in council meetings,
37 and so our intent would be to be at the December council meeting.

38
39 One thing, I guess, or a question, is can you have that email
40 resent with regarding participation at the council meeting? We're
41 finding that a number of the Caribbean Council emails are getting
42 caught up in our spam filters, when they are emailed to us, and so
43 we have not seen that, and we want to make sure that we meet your
44 deadline, obviously, for informing decision about the council
45 meeting.

46
47 **MIGUEL ROLON:** Excellent. We will send it to everybody today.
48 Diana will do that.

1
2 **MARCOS HANKE:** Thank you, Miguel. Any other questions? Hearing
3 none, the next item on the agenda is the first presentation,
4 Island-Based Fishery Management Plans, a status update.
5

6 **MIGUEL ROLON:** Marcos, the first thing on the agenda is the SSC
7 Report and the SEFSC Update. You have Richard Appeldoorn and then
8 followed by the Southeast Fisheries Science Center Update.
9

10 **RICHARD APPELDOORN:** Am I good to go?
11

12 **MARCOS HANKE:** Yes.
13

14 **SSC REPORT**

15
16 **RICHARD APPELDOORN:** Okay. The SSC did not meet between the last
17 council meeting and now, and so there is no update to report.
18

19 **MIGUEL ROLON:** Then we have the Southeast Fisheries Science Center
20 Update.
21

22 **SEFSC UPDATE**

23
24 **KEVIN MCCARTHY:** Good morning. I do have a presentation, and I
25 can just share my screen, if that's all right.
26

27 **MIGUEL ROLON:** Please go ahead.
28

29 **KEVIN MCCARTHY:** I would like to start by congratulating Marcos
30 and Tony for their being elected to office on the council, and
31 also congratulate Andy Strelcheck on his new job at the Regional
32 Office, and so congratulations to all of you.
33

34 I just have a fairly brief, or I hope it's fairly brief,
35 presentation to update you all on some of the work that we're doing
36 at the Science Center. I gave you a fairly lengthy presentation
37 last year, and I think it was the August meeting last year, about
38 a lot of the projects that we were doing in the region, and those
39 mainly concern things like projects to look at landings and size
40 composition, life history data, abundance data, gear selectivity
41 data, ecosystem data, socioeconomic data, but, today, I'm going to
42 talk about database development and automation, and this is an
43 aspect of the work that we do that doesn't get a lot of attention.
44

45 It sort of goes on in the background, but it's really critical. I
46 mean, when you consider that you've got landings data and size
47 composition data and all these other data endeavors and projects
48 to collect those data, where are you going to put them?

1
2 Where are you going to store them, and how are you going to get
3 access to them, and so that's what this database development and
4 automation is all about, and we've got several projects that we're
5 working on in the U.S. Virgin Islands. We've got a project with
6 data entry and data extraction application upgrades, and I will
7 talk about that in a moment.

8
9 In Puerto Rico, there is the electronic reporting that I think
10 most all of you are aware of, and what we want to develop there is
11 a secure system of data flow and storage, and, in Puerto Rico also,
12 there are the commercial landing correction factors.

13
14 We want to develop some efficient methods to calculate those
15 correction factors, reduce the burden on DNER staff, and it's a
16 real endeavor every year to develop those correction factors, and
17 it can be really burdensome of the staff to try and get that done
18 quickly, and so we're going to try and have some assistance from
19 the Science Center, to see if we can improve the efficiency and
20 reduce the burden on the staff.

21
22 In the Virgin Islands, this is a collaboration between the Division
23 of Fish and Wildlife and Artech, and Artech is a developer that
24 we've got contracted through the Science Center, and so they do a
25 lot of database development and application software development,
26 and then the Science Center, and so the three entities are working
27 together on these projects.

28
29 What we're doing is upgrading the data entry system to accommodate
30 changes to the catch forms, the commercial catch forms, that have
31 changed over time, including changes in the species listed on the
32 forms. As you go back in time, the forms have changed, of course,
33 and, as DFW staff have been entering the data, they will notice
34 things about the data entry system that we have in place that could
35 be improved, or that could be made easier or more efficient, and
36 so we're trying to accommodate those changes that are brought to
37 our attention by DFW staff.

38
39 We have also spent some time working with our partners at DFW to
40 develop some standard reports and so these are sort of
41 hypothetical, and I don't know that they've asked for this in
42 particular, but, when I was putting together the presentation, I
43 just came up with a couple of hypothetical examples.

44
45 For example, if Fish and Wildlife was interested in monthly
46 landings by species by island, and they wanted to have this on a
47 regular basis, we would work with the developers to put together
48 a report-out, basically, that is sort of automated to fulfill this

1 data request.

2
3 They would go into the software, and select perhaps from a drop-
4 down menu, or some sort of radio button or something, that I want
5 this report, and it will give me these monthly landings by species
6 and by island. You click the button, and you have it just download
7 automatically for them, rather than going in and extracting the
8 raw data and then spending some time collating the data by month
9 and by species and by island. It just makes life a little easier
10 for the staff if there's a dataset that they want time after time
11 after time, on some regular basis, and we're developing those.

12
13 Another example is perhaps they're interested in the number of
14 vessels and trips by month and island, and that's something else
15 that we could have the developers produce, and so it just becomes
16 a button, or a flip of the switch, basically, to download those
17 data, and so it makes life a little bit easier and saves staff
18 time from these sort of repetitive tasks, if these are datasets
19 that they're interested on a regular basis.

20
21 In Puerto Rico, the collaborators are a little bit different.
22 We've got DNR, and ShellCatch, of course, you know is the
23 contractors who developed the electronic logbook system. ACCSP,
24 which is an acronym that you may not be familiar with, but ACCSP
25 is the Atlantic Coastal Cooperative Statistics Program, and their
26 role in this is to be the data warehouse for this electronic book
27 data, and then the Science Center.

28
29 There is a lot going on here, but, on the left, where you see stage
30 details, these are sort of the steps that we have to go through to
31 enable the data that ShellCatch has, those electronic logbook data
32 that are uploaded to the ShellCatch server, and, in order to move
33 it from ShellCatch to ACCSP, which is where the Science Center can
34 access the data, we've got a bunch of steps we have to go through.

35
36 There are a lot of terms up there that you may not be familiar
37 with, and I don't want to dive too much into the details of all of
38 that, but you see this word "schema", and a schema is really just
39 the organization of the data within the database, and you can kind
40 of think of it as a blueprint, and so what we have to make sure -
41 - It seems straightforward, and, okay, why can't we just shift the
42 data from ShellCatch to ACCSP and no problem, and how hard can
43 this be, until you get into the details, and so you have to make
44 sure that the ACCSP database is set up in a way that it can accept
45 the ShellCatch data.

46
47 For example, dates are always a problem. Is today's date listed
48 in the data as August 11, 2021, or is it 08/11/2021, or is it

1 11/08/2021, and so you have to just make sure that things line up,
2 that the database on the one end is ready to accept the data that's
3 coming from ShellCatch.

4
5 Then this API is application programming interface, and so this is
6 just software that allows two applications to talk to each other,
7 and so, for example, if you use the weather app on your phone,
8 there's an API involved in that process. You don't see it, and
9 it's all going on in the background, but it's critical for you to
10 be able to run those applications.

11
12 The main think that I want to point out here is we've got seven
13 steps mapped out here, and four of them are done, and one is in
14 progress, and this has all happened in June and July. I am not
15 directly involved in this project, and so I haven't gotten the
16 latest update, but I suspect that this "in progress" has proceeded
17 along pretty well, and may have actually moved to being done, and
18 some of these last two steps, the pending, may either be in
19 progress or is done, because I think, fairly soon, we should be
20 able to get the data from ACCSP, and that's the goal.

21
22 Upon completion, the Science Center will have secure access to the
23 Puerto Rico landings data for an analysis in stock assessments and
24 responding to council requests and that sort of thing, and so it
25 has come along really well. It was a really nice collaboration
26 between DNER, ShellCatch, ACCSP, and the Science Center.

27
28 The next, and last, thing that I want to talk about is the Puerto
29 Rico correction factors. Again, it's a collaboration between DNER
30 and the Science Center. Artech, again, is the software developers
31 that are contracted to the Science Center, and just a quick
32 reminder, and I suspect you all are well aware of this, but, for
33 those who aren't, correction factors are used in Puerto Rico to
34 estimate the total landings from the reported landings, and there
35 is -- If there is underreporting, this is a way to expand the
36 landings to have a better estimate of the total landings. This is
37 all in the commercial sector, but, to get to those correction
38 factors is a really burdensome task for DNER staff, and I don't
39 know that that's always fully realized.

40
41 We're always in a hurry to get the data, but we don't often
42 recognize how much work goes into getting those correction factors,
43 and it is necessary for ACL monitoring, and it's necessary for
44 stock assessments. Landings data, and accurate landings data, are
45 just critical for those activities, and so there are a few steps
46 to get those final correction factors.

47
48 The first one is DNER staff go out and do some port sampling, and

1 this is port sampling specific to the correction factors. It's
2 not the port sampling that you see where they're getting lengths
3 of fish and that sort of thing. This is a different port sampling,
4 and it goes on for short periods during the year, specifically to
5 get at the correction factor issue.

6
7 Once they get the data, they have to enter it into a database.
8 Right now, that's in an Excel file. They then enter the CCL
9 reports, and so the logbook forms that the fishers submit, and
10 those are also entered into that same Excel file. There is a
11 process to match the survey data with the CCL reports, and that is
12 how they get at underreporting and how much underreporting there
13 might be, and then they calculate the correction factors.

14
15 It's a long process, and it takes -- It's a big burden, and what
16 we think we could do is either improve the efficiency or completely
17 automate these final four steps. That port sampling is still going
18 to require people going out in the field and looking at catches,
19 but the entering the data -- We think we can improve that. We're
20 starting with calculating the correction factors, and we're doing
21 this by hand. We want to make sure that the numbers that the
22 Science Center gets matches the numbers that Puerto Rico staff
23 get.

24
25 Once we do that, we're going to work with Artech, with our
26 developers, to modify an existing data entry system that will
27 greatly improve, we think, the data entry part for the survey data,
28 make life a little bit easier for the DNER staff.

29
30 Because we already have CCL data in another database, we don't
31 need to -- We want to make sure that we're not double-entering
32 that. That's time that we don't need to spend, and so we think
33 that we might be able to eliminate that step. When we then match
34 the CCL reports, that will be automated, and so we'll have a
35 database with the survey data, a database with the CCL report,
36 that we can merge.

37
38 Now that we have the electronic logbook data, we're basically
39 merging three datasets, because we still have people reporting on
40 the paper forms, and so those are being entered, and those data go
41 to a server in Miami. The survey data will go to the same server
42 in Miami, but in a different database, and then the electronic
43 logbook is all off to ACCSP, and so that will all get merged.

44
45 We'll do that in a way that doesn't require a lot of -- It will
46 all be on the computer, and so we'll automate it, and then we will
47 -- Once we get all that done, we'll automate the calculating the
48 correction factors, and so we think that this automation and

1 improved efficiency and handling the data will reduce the amount
2 of time that it takes to get to these correction factors and that,
3 once we have the correction factors, we can then get to a better
4 estimate of the landings, and that's the goal.

5
6 We want to reduce the burden on the DNER staff, and we want to
7 reduce the time to calculate the correction factors, and we want
8 to reduce that from months that it now takes, because it is
9 burdensome, down to weeks, and we have weeks in here because the
10 port sampling is still going to take time.

11
12 The data entry will still take time, and all of these other steps
13 will be automated, and so we won't be adding to those few weeks of
14 time that it takes to do the survey and to enter the data, and so
15 we think it's going to be a big plus for getting the correction
16 factors a lot more quickly and to allow DNER staff to work on other
17 projects, rather than spending a lot of time on these correction
18 factors every year.

19
20 Just to recap, we've done some upgrades to the Virgin Islands data
21 entry and data reports applications. We're moving pretty quickly
22 on getting the electronic logbook data to ACCSP, and that will
23 allow the Science Center direct access, in a safe and secure way,
24 and then we're automating the process for calculating the
25 commercial landings correction factors. That's all I've got for
26 today. If there are any questions, I'm happy to take those.

27
28 **MARCOS HANKE:** Thank you, Kevin. I have a question, just to start.
29 On the last part, the correction factors, this will address the
30 difference between let's say trap fishermen, in general, the way
31 they report, and the correction factor related to that versus
32 deepwater snapper fishermen or something like that, just as an
33 example?

34
35 **KEVIN MCCARTHY:** Right, and so we're not tackling that just yet.
36 What we want to do -- This is simply the existing process that
37 we're going to automate, but I agree with you that, as we move
38 forward, we need to start looking at the different sectors, because
39 you're right.

40
41 The way different sectors of the fishery report could be very
42 different, and so having a single correction factor, say for the
43 east coast of Puerto Rico, might not be the best way to expand the
44 landings, to get a more accurate understanding of the total
45 landings. It could very well be that we need to do it by gear, or
46 there could be -- We might need to do it by species, and there are
47 a couple of different ways, but that will be a big project, and
48 our first step is to automate what already exists.

1
2 That will free up staff time, quite honestly, that can be used on
3 other projects, and one of those projects could very well be let's
4 design a better survey, so that we have more accurate correction
5 factors and we get the best estimate of the total landings that we
6 could get, but, for now, we just want to automate it, because we're
7 going to want to have it automated anyway.

8
9 No matter what the survey looks like in the future, we want this
10 end of it, this whole correction factor calculation, to be
11 automated, because it's just -- We don't want to spend -- Well,
12 they're not my staff, certainly, but I suspect that DNER staff
13 don't want to spend time doing something that could be automated,
14 and so that's what we're getting at here, and so I hope that
15 answers the question, Marcos.

16
17 **MARCOS HANKE:** Yes, it answered the question, and I just want to
18 put out there, and it's something that probably we're going to
19 hear from you guys in the future, but I think it's very important.
20 Council members, any more questions?

21
22 **MIGUEL ROLON:** Marcos, you have Richard Appeldoorn waiting for two
23 questions.

24
25 **MARCOS HANKE:** Okay. Richard.

26
27 **RICHARD APPELDOORN:** Thank you. Kevin, that's really great news
28 about the work you guys are doing, and so this is maybe an extension
29 on that. We have, for example, in Puerto Rico, the work that Todd
30 Gedamke's group has been doing on really trying to get down to a
31 statistical basis of port sampling done, and that seems, to me,
32 that it would feed in much -- A lot of information that would be
33 critical toward looking at these questions of what's the best way
34 to do conversion factors.

35
36 The first question is are you looking ahead toward that work in
37 guiding your approach to not so much automating, but the design of
38 the port sampling, or can that approach that's being used now just
39 be substituted, if it was to be put in place on a permanent basis?
40 That's question one.

41
42 **KEVIN MCCARTHY:** Great question. I mean, we specifically contract
43 -- The Science Center specifically contracted with MER
44 Consultants, Todd's company, to start to develop the -- To get the
45 data and start developing those survey designs. That would be --
46 I mean, it could -- The way I see it is it might eventually replace
47 the current system. If we get a good survey design, we would, of
48 course, have to consult with DNER, and how do they want to move

1 forward.

2
3 I think, for a time, we would want to run both. Even if the
4 decision was eventually to replace the current system with the
5 correction factors, I think we would want to overlap for several
6 years, say three years or five years or something like that, where
7 we run both, so that we have a better understanding of how they
8 differ.

9
10 It's going to take a few years. Even if we came up with a design
11 tomorrow for a full port sampling, it would take a few years to
12 really get that optimized. There is always going to be things
13 that we can improve, but, in the meantime, we would want to run
14 both. I think that would be a big change, and so that would
15 probably be a negotiation above my paygrade between the Science
16 Center and DNER, but we're certainly looking towards that as a
17 possible way to go in the future, that port sampling.

18
19 That would not eliminate the reporting, the CCL reports. There is
20 still -- Those are still useful for a lot of different kinds of
21 analyses, but, for just getting at the landings, it's possible
22 that we head in that direction, but, again, that's a negotiation
23 between the DNER and the Science Center.

24
25 **RICHARD APPELDOORN:** All right. Thanks, Kevin. The second
26 question is a little bit further afield. We have the SEAMAP
27 program that operates in Puerto Rico, and in the Gulf and South
28 Atlantic, for that matter, and I know you're dealing, right now,
29 with the issues of the landings data, as the first priority, but
30 is there going to be, looking down the road, an effort to make
31 these kind of datasets compatible, so the Center has, eventually,
32 immediate access to all these sorts of data?

33
34 **KEVIN MCCARTHY:** I would love that. I would love to have access,
35 ready access, to all the work that's gone on over the years with
36 SEAMAP-C. I think we're going to hear a presentation, later today,
37 about SEAMAP-C, and so I'm just starting to learn about that. I
38 mean, I was aware of it, but I don't know a lot of the details,
39 and so I'm going to start sitting in on some of those SEAMAP-C
40 meetings, just as an observer, and try and take in what all is
41 being done, but, yes, I think SEAMAP-C is really important as a
42 fishery-independent source of data, and that is another piece in
43 the assessment puzzle.

44
45 The landings are one, those kind of fishery-independent surveys,
46 especially if they're getting at things like abundance and size
47 composition, and those are also very critical, and so having easy
48 access to those data, and having a place for those data to live

1 that everybody who needs access, or would like access, to those
2 data is going to an important project.

3
4 I am not quite sure where that stands, and maybe I will learn more
5 today, in the presentation, but I think there's a huge role for
6 SEAMAP-C to play, but we do have to solve the data warehousing
7 question.

8
9 **RICHARD APPELDOORN:** Thank you very much, Kevin.

10
11 **MARCOS HANKE:** Any other questions?

12
13 **ANDY STRELCHECK:** Marcos, I have a question.

14
15 **MARCOS HANKE:** Go ahead.

16
17 **ANDY STRELCHECK:** Kevin, great presentation, and I'm really excited
18 to hear about all the improvements that are being made. You may
19 have mentioned this, but, for my clarity -- My understanding is we
20 are waiting, I guess, on annual landings for 2020 right now for
21 Puerto Rico, and a large part of that is either because of reports
22 still coming in or the correction factors.

23
24 In your presentation, you mentioned speeding up the correction
25 factors from months to weeks. In your view, do we get to a point
26 where we could have landings data from the prior year ready and
27 available sometime by the middle of the following year, going
28 forward?

29
30 **KEVIN MCCARTHY:** That is certainly a goal, absolutely. These
31 correction factors, as soon as the sampling surveys are complete,
32 and I think they're done a couple of times during the year. As
33 soon as those are done, those data can be entered, and this whole
34 process can begin, and, because it will be much more automated, it
35 should go quickly, and so it's really these first two steps.

36
37 The port sampling survey, of course, you have to have people out
38 in the field, and that's going to take some time, and then the
39 data entry is also going to take some time, but those two are
40 really the hands-on part. Now, data are entered -- Where I've got
41 this crossed out, data are entered into another database with the
42 CCL anyway, and that's happening throughout the year, and so there
43 is a -- The delays will be -- Well, not really delays, but the
44 time that it takes to get this done is really dependent upon these
45 first three steps.

46
47 This third step here that is crossed out is also dependent upon
48 any delays in reporting, and so, if you've got -- If you're running

1 your survey in April, but you still have reports coming in two
2 months later, which is common with logbooks, and, I mean, it's
3 common everywhere. It happens in the Gulf, and it happens in the
4 South Atlantic, and it happens in the Caribbean.
5
6 If you've got those delayed reportings, that -- You want to make
7 sure that you've got -- Everybody is going to report has reported,
8 because that directly affects the correction factor, and you don't
9 want to have a constantly shifting correction factor, and so you
10 have to make some decision on when do we decide that everybody is
11 going to report has reported, and that's when you can calculate
12 your correction factor.
13
14 The trick is, if say the survey runs in April, and again in August
15 or October, or something like that, you would -- I would imagine
16 that, by the beginning of the year, January or February, every
17 logbook report that's going to come in has come in, and, as long
18 as those are entered quickly, and they are in the U.S. Caribbean,
19 and I think the data come in and are entered more quickly in the
20 Caribbean than they are say in the Gulf, oftentimes.
21
22 Once that happens, yes, we can run this, run the programs that
23 will calculate the correction factors, and I think mid-year of the
24 following year is an entirely reasonable thing to shoot for. Maybe
25 a little bit earlier, but certainly by June, I would think that we
26 could have this.
27
28 **MARCOS HANKE:** Thank you very much. Andy, do you have any other
29 follow-up questions?
30
31 **ANDY STRELCHECK:** No, I don't. Thanks, Kevin.
32
33 **MARCOS HANKE:** Thank you.
34
35 **MIGUEL ROLON:** Graciela has her hand up, Marcos.
36
37 **MARCOS HANKE:** Thank you, Miguel. Graciela.
38
39 **GRACIELA GARCIA-MOLINER:** Kevin, thank you for the presentation.
40 I have two questions. One is regarding the accessibility of the
41 archived data for everyday use, and two is if, in both the archived
42 and the new setup for data reporting, if it will have both the
43 reported and the corrected landings, because sometimes we like to
44 look at the reported landings before we do any thinking about those
45 correction factors. When would we have -- Not we, or, well, we
46 the general public, when will we have access to the archived data
47 that's already available at the Science Center from the commercial
48 landings?

1
2 **KEVIN MCCARTHY:** I remember this conversation we had, what, a week
3 or so ago, and so there had been public access to the non-
4 confidential data, and that is no longer the case, and is that
5 correct?

6
7 **GRACIELA GARCIA-MOLINER:** Yes.

8
9 **KEVIN MCCARTHY:** Okay, and so I have to investigate why that
10 feature disappeared. I am just making a note here.

11
12 **MARCOS HANKE:** Graciela, do you have any other questions?

13
14 **GRACIELA GARCIA-MOLINER:** My question would be to have both. If
15 we can get access to that feature of the archived datasets, to
16 have both the reported and the corrected landings.

17
18 **KEVIN MCCARTHY:** Right, and so we can -- What we can do is -- I
19 will have to talk to the developers and to my old group in the
20 statistics division, because they are really the folks that deal
21 with this, and they will be the ones to address this issue, but I
22 would think that we would make a variety of reports that are non-
23 confidential that could be more open to general access.

24
25 For example, if you were interested in the number of trips, or the
26 number of vessels, and not the vessels themselves, but just a count
27 of them, as long as it's non-confidential, the data can be
28 accessed, but definitely the landings, as reported, and as
29 expanded, are going to be of interest to people.

30
31 **GRACIELA GARCIA-MOLINER:** Exactly, so that we can have access to,
32 for example, the amount of fish landed for a number of species
33 over the many months of whatever year, so that this goes along
34 with all the life history work that's being conducted, and so
35 everything is kind of moving on a chain, and that information would
36 also give us an idea of the changes in the landings over time, so
37 that we can concentrate on those species that will have enough
38 landing information available for us to do something about it.
39 Thank you very much, and I will keep this conversation updated.

40
41 **KEVIN MCCARTHY:** Yes, and I think I saw that Virginia is on this
42 meeting, and I know that I owe her some non-confidential data as
43 well, and so I haven't forgotten about you, Virginia.

44
45 **MARCOS HANKE:** Thank you, Kevin.

46
47 **KEVIN MCCARTHY:** If that's it, thank you very much.

1 **MARCOS HANKE:** Thank you, Kevin. We have the next presentation,
2 and the next presentation will be the presentation on -- It will
3 be a status upon on the island-based fishery management plans.

4
5 **CARLOS FARCHETTE:** Marcos, this is a question for Kevin.

6
7 **MARCOS HANKE:** Okay. Thank you, Carlos. Go ahead.

8
9 **CARLOS FARCHETTE:** Kevin, I'm wondering, and is this a correction
10 factor thing for everything, because I remember -- It's been about
11 ten years, and I thought that improving CCRs and all that was
12 supposed to take care of that, and then the buffer for uncertainty
13 and all that, and I'm not really sure why they're still working on
14 correction factors, to have correction factors.

15
16 **KEVIN MCCARTHY:** Right, and so good question, Carlos. The
17 correction factors are necessary until we get near-universal
18 reporting, and so, if 97 percent of the fishing trips were reported
19 on CCL, then the correction factors would likely not be necessary,
20 and I just made up that number, and that may not be sufficient,
21 but certainly, if you had near-universal reporting, but, if you've
22 got 75 percent reporting, then you want to have those correction
23 factors still, and I think that is the situation we're in, and it
24 varies across the island.

25
26 We've got a correction factor for each of the four coasts, and
27 they are not always the same number. In fact, they are almost
28 never the same number, and so different regions of the island have
29 greater or lesser reporting, based upon the survey, and so, if the
30 DNER staff were to go out on one of their surveys, say this year,
31 and they got a near-perfect match between the number of trips that
32 they interviewed at a particular spot on a particular day, and
33 then the logbook reports coming in match those for that spot on
34 that day, then you don't really need a correction factor, because
35 it's one. Everybody reported.

36
37 Until you see that, and until you can demonstrate that with the
38 surveys, we're going to keep having a need for those correction
39 factors, and so it's really a reporting question and how complete
40 the reporting is.

41
42 **CARLOS FARCHETTE:** Thanks.

43
44 **MARCOS HANKE:** Thank you, Kevin. Kevin, I have a -- It's more an
45 observation than a question, based on the life history, and I don't
46 want to forget that. I know that there is a good connection with
47 personnel of the Fishery Lab, especially Noemi Pena, that have
48 been creating capacity building and connections with the fishing

1 community to collect data over the years.

2
3 My understanding is that they have experts that support her and
4 data and information in there that needs support to be processed,
5 and I please invite you to contact her and to coordinate those
6 efforts, because I would hate to see starting any other project
7 that is not needed and knowing that there is already some samples
8 that could help to speed up the process on getting life history
9 and other important data that they might already have, but not
10 processed and put in the right form. That's just an observation.

11
12 **KEVIN MCCARTHY:** Marcos, that's a great observation, and, in fact,
13 we have been working with Noemi and her lab now for about -- Well,
14 we started right before COVID, and then we couldn't go and meet
15 with her, and she couldn't come up and meet with us, but we've
16 been working with her lab. There's a statistician out of the
17 Science Center who has been working with her and looking at sample
18 sizes and where the collection efforts should be to maximize the
19 sampling effort.

20
21 We have started sort of a working group, for lack of a better term,
22 that several of the Science Center folks are involved with, and
23 Noemi is involved with, and Virginia is involved with, and so
24 everybody is starting to talk together now, and so we're doing
25 exactly what you're suggesting, and I think it's a great idea, and
26 I think it's going to be really helpful.

27
28 **MARCOS HANKE:** Thank you.

29
30 **MIGUEL ROLON:** Marcos, are you monitoring the hands of the people?

31
32 **MARCOS HANKE:** No, and I'm just going to the chat. Is there
33 anybody else that I'm missing?

34
35 **MIGUEL ROLON:** Not right now, but, anyway, the correction factor
36 is the key for the statistics that we have, and, when we started
37 the correction factor in Puerto Rico, the whole thing was because
38 the University of Miami, who was the father of our statistical
39 program, found out that the port agents were collecting about 20
40 percent of what a person that was assigned for fifteen days at the
41 docks in Puerto Rico was collecting from the fishers. However,
42 the tables that were sent with the information to the Southeast
43 Fisheries Science Center did not have that correction factor.

44
45 There are two things. Now, after Kevin's presentation, an
46 excellent one, by the way, we are working statistically at the
47 correction factor, and we need to do that also across the U.S.
48 Caribbean and not only for Puerto Rico, and so probably we need to

1 talk to -- Well, continue the talk with the Southeast Fisheries
2 Science Center, the U.S. Virgin Islands authorities, and the people
3 collecting the information of Puerto Rico.

4
5 We need to close that gap between what the fishers report and the
6 realities out there, and it's more important now, especially with
7 the ACLs, and you will see, during the discussion today, what is
8 happening to the spiny lobster and other species that are under
9 management, and so hopefully this correction factor issue will not
10 be an issue in the future, and it will be supported with the best
11 data available and the best scientific methodology. Thank you,
12 Mr. Chairman.

13
14 **MARCOS HANKE:** Thank you, Miguel. I don't see anybody else, and
15 I think it's now time to pass to the next agenda on the agenda,
16 the island-based fishery management plans. Thank you.

17
18 **ISLAND-BASED FISHERY MANAGEMENT PLANS (IBFMPs) STATUS UPDATE**

19
20 **MARIA LOPEZ:** Thank you, Mr. Chairman. This is Maria Lopez with
21 the Southeast Regional Office, Caribbean Branch, and I just wanted
22 to give you a quick update of where we are with respect to the
23 proposed rule for the island-based fishery management plans that
24 were approved by the Secretary of Commerce back in September.

25
26 Right now, the proposed rule for the plans is under legal review.
27 Our expectation is that we would be able to have that ready soon
28 for publication in the -- We are aiming for the end of the month,
29 or next month, but hopefully soon you will have that published,
30 and we'll be able to have that comment period available for you to
31 comment, and so that's the information that we have right now with
32 respect to the island-based FMPs. Any questions?

33
34 **MARCOS HANKE:** Are there questions? Thank you, Maria. There are
35 no questions for you.

36
37 **GRACIELA GARCIA-MOLINER:** Mr. Chair, if I may, Maria, we had many
38 questions the other day regarding the publication of the
39 regulations for the island-based FMPs, and so the public has a
40 period of time where they can comment. Usually, there is a
41 significant comment that you receive, and what's the process to
42 deal with that? Does it have to come back to the council, or the
43 Regional Office deals with the comments?

44
45 **MARIA LOPEZ:** Graciela, thank you for the question. All of the
46 comments that we receive on the proposed rule are going to be
47 addressed by the agency, and you are going to be looking at the
48 answers to those comments in the final rule.

1
2 In terms of what can be done, if there can be changes to anything
3 based on that, I am going to defer that question to Jocelyn, if
4 she's available, and, Jocelyn, are you available?
5

6 **MIGUEL ROLON:** She is raising her hand.
7

8 **MARIA LOPEZ:** Thank you. Okay. Go ahead.
9

10 **JOCELYN D'AMBROSIO:** Thank you. We have sort of split the decision
11 here, and so, as you know, the Secretary of Commerce approved the
12 island-based FMPs, and that's the authority that's given to the
13 Secretary of Commerce under the Magnuson-Stevens Act. You send
14 over the FMPs, or any amendments, for approval, and the Secretary
15 is limited in what they can do. They can approve or disapprove or
16 partially approve, and so that decision has been made, and so the
17 FMPs have been approved, but we are now at the stage of just trying
18 to put in the regulations that would implement them.
19

20 That means that we're just trying to develop regulations that
21 effectuate what the plan is. If there is any comments about any
22 mechanisms undertaken in the FMPs, those have really already been
23 approved, and we're just trying to have regulations that would go
24 to it, and so there's not a chance here that any adverse comments
25 would affect the Secretary's decision to approve or not, because
26 that has already occurred.
27

28 In other instances, if there were negative comments, there couldn't
29 necessarily be changes that NMFS would be able to implement, but
30 it would just affect whether NMFS approved or disapproved the plan,
31 and then they could say, well, we're disapproving because this
32 negative comment raised questions about the council's authority to
33 implement something, and, therefore, we're disapproving, if that
34 were the case, and then they could send it back to the council to
35 make changes, but, here, we already have that approval decision
36 for the FMPs, and so the negative comments have a little bit of a
37 different impact here.
38

39 We're just trying to look for comments on whether or not the
40 regulations are clear, things of that nature, but, even in general,
41 there's very limited NMFS authority to do something different,
42 because the Magnuson Act really just asks the agency to approve or
43 disapprove what's been done and then, were any changes needed to
44 be made, it would go back to the council, but, again, we're sort
45 of in a position where we've got the thumbs-up for the overall
46 process, and we're trying to just develop regulations that
47 implement it, and so there shouldn't be anything that really
48 affects the ability to move forward with the FMPs, but it's just

1 the way in which the regulations describe what's put in place in
2 the FMPs.

3
4 I would expect comments that would be helpful to be about is it
5 clear what we're saying, is there a better way to phrase things,
6 and, if there's any questions about the management measures, NMFS
7 would respond to those comments, and we could bring things back to
8 the council to see if any changes would need to be made, but that
9 would be a separate council process.

10
11 **GRACIELA GARCIA-MOLINER:** Mr. Chair, if I may, a follow-up
12 question?

13
14 **MARCOS HANKE:** Go ahead, Graciela.

15
16 **GRACIELA GARCIA-MOLINER:** Jocelyn, the issue was raised regarding
17 the sargassum, floating sargassum and the one that ends up on the
18 beaches, and so we've been talking about these things, and, because
19 it's EFH for six of the species that are new to management, that's
20 where some of the comments might come in, because there was a
21 workshop on sargassum the other day, and people were wondering
22 what impact that would have, in terms of removing sargassum from
23 the beach or removing floating sargassum before it gets to the
24 beach, et cetera, and so that's where the question is coming from
25 and where most likely we would have some input into the regulations
26 that will be forthcoming. Thank you.

27
28 **JOCELYN D'AMBROSIO:** I can speak to that for a second, and so, in
29 the island-based FMPs, I believe sargassum might be listed, as you
30 said, as essential fish habitat for some of the species, and that
31 identification of EFH has been in the FMP, and so that's been
32 approved, and so that is the EFH.

33
34 EFH isn't specified in the regulations, and so there wouldn't be
35 anything in this document that would specifically put into place
36 regulations specifying sargassum as EFH, but, if the council is
37 interested in understanding how to manage around this idea of
38 sargassum as EFH, then it would be appropriate to have a discussion
39 and figure out if there's any other management tools that you would
40 want to use with respect to sargassum, to protect the EFH or if
41 there's any other concerns with it, but, at this time, the
42 regulations to implement the FMPs are sort of just effectuating
43 those measures that need to be codified, that affect the public,
44 and so it would be reorganizing the regulations to have the bag
45 limits and the size limits and the catch limits and all of the
46 different suite of management measures, and so that's what this
47 rule is going to be doing.

1 Earlier, last year, NOAA Fisheries published the notice of
2 availability of the FMPs and received comments on whether or not
3 they should approve those FMPs, and comments raised there will
4 also be addressed in this rulemaking, but, in terms of next steps
5 on sargassum, that would be best pursued through another council
6 action.

7
8 **MARCOS HANKE:** Graciela, any more questions?

9
10 **GRACIELA GARCIA-MOLINER:** No, and thank you very much. That was
11 very clear.

12
13 **MARCOS HANKE:** Thank you, Jocelyn. I think I have Carlos.

14
15 **CARLOS FARCHETTE:** Thank you, Mr. Chair. I had a question for
16 Maria, but, before that, Jocelyn, did you just say that sargassum
17 is listed as an EFH?

18
19 **JOCELYN D'AMBROSIO:** Yes, I believe it's listed as EFH for some
20 species, but I would have to check with Graciela and Maria and
21 Sarah, just to confirm the scope of that.

22
23 **CARLOS FARCHETTE:** Okay. Thanks. That's quite interesting.
24 Maria, I've got a note here, and what about amendments to the
25 IBFMPs? Is that after implementation that we would be looking at
26 that, or is it after approval, because then they're already
27 approved?

28
29 **MARIA LOPEZ:** First, let me answer your question about the EFH.
30 Sargassum has been identified as EFH for certain life stages for
31 some of the pelagic species that are included as new for management
32 under the island-based FMP, for example the wahoo, the dolphin,
33 and for some life stages in triptetail, which is only managed in
34 Puerto Rico.

35
36 Regarding your questions, for the amendments, we are currently
37 working on two amendments, and these amendments are going to be to
38 the island-based FMPs, and those amendments -- We are working on
39 those, and we're doing everything, and, as you know, today, we're
40 going to be discussing the spiny lobster amendment for the
41 management reference points, with the expectation that the council
42 can vote to take final action for submission to the Secretary of
43 Commerce.

44
45 For the proposed rules for those amendments, they will have to
46 happen after the island-based FMP regulations are in place, and so
47 we're expecting to have that early in 2022. Does that answer your
48 question? But we can continue working in those amendments, as we

1 have been doing all this time.
2
3 **CARLOS FARCHETTE:** Okay. Yes, that answers my question, and I
4 guess, in the future, any amendments that may come up, we'll bring
5 it up to the council, right?
6
7 **MARIA LOPEZ:** Yes, and so any changes that you -- Any additions
8 that the council would like to evaluate or make to the island-
9 based FMPs, they could be done -- Any suggested changes can be
10 done in an amendment to those FMPs, if the council wants.
11
12 **CARLOS FARCHETTE:** Okay. Great. Thanks, because we're kind of
13 working hard with our local fisheries committee, and some ideas
14 may come up, and so I just wanted to know what step I could take
15 after that, but, also, let me ask you about the sargassum, and so
16 it's considered EFH while it's drifting, but, once it reaches land,
17 it's no longer viable EFH, and is that being considered?
18
19 **MARIA LOPEZ:** I am not exactly sure right now, because I don't
20 have it in front of me, what are the life stages that this applies
21 to, but we're talking about -- Like, for example, like I do know
22 that, for wahoo, the sargassum is listed as an EFH for its larvae,
23 and so this will be oceanic sargassum, and so it will be for some
24 of the life stages.
25
26 Maybe, with respect to the sargassum, maybe this is something that,
27 now that you guys brought it up, if you have any other particular
28 questions, we can definitely look it up and get to you some more
29 concrete answers.
30
31 **CARLOS FARCHETTE:** Sure. Thanks, because there are a lot of
32 species that are in the larval stage under there, and not just
33 wahoo, but that's fine. That's good, and we'll keep in touch.
34
35 **MARIA LOPEZ:** Absolutely.
36
37 **MARCOS HANKE:** Thank you. For sure we will have to follow-up on
38 that, and it is my interest of doing so too, and, Carlos, thank
39 you for the participation. We have Tony Blanchard and then
40 Graciela.
41
42 **TONY BLANCHARD:** Good morning. I have a question as to the
43 sargassum and when it becomes non-fish habitat, because you
44 remember, when it comes into the shallow waters, it becomes very
45 destructive on the bottom and the ecosystem that is on the
46 shoreline, and so where is the -- Let's say where is the line from
47 when it moves from essential fish habitat to non-essential fish
48 habitat? That's a question.

1
2 **MARIA LOPEZ:** Thank you, Tony. Let me look in the document, to
3 see exactly what -- I am going to look at the island-based FMPs.
4

5 **GRACIELA GARCIA-MOLINER:** Let me just answer a couple of question,
6 Mr. Chair, if I may.
7

8 **MARCOS HANKE:** Go ahead, Graciela.
9

10 **GRACIELA GARCIA-MOLINER:** The sargassum as EFH is different for
11 the species that you have, because St. Croix has only dolphinfish
12 and wahoo under new federal management, and St. Thomas is
13 different, and Puerto Rico has more species that define EFH, and
14 there are six species being part of the sargassum.
15

16 As Maria said, it depends on the life history stage, and the EFH
17 is defined for sargassum in general, and so one of the issues that
18 we might have to look at, and this is one of the problems that we
19 are trying to gather more information from the local gobs of
20 sargassum, because it is different, what we would have here,
21 because it also brings invasive species, et cetera, to the region.
22

23 This is an issue that is ongoing right now, because of the amount
24 of sargassum that is being beached. One of the things that we are
25 trying to do is find out exactly what species are impacted by the
26 amount of sargassum and the changes in the water quality that it
27 creates when it comes into shallow water and onto the beach and
28 the species that are being affected by the beaching of the
29 sargassum.
30

31 Tony, in terms of EFH, sargassum being essential fish habitat, in
32 most case it's while it's floating. Once it comes to the beach,
33 most of the organisms that are associated with those sargassum
34 mats are in fact dead, and so, you know, it's an evolving issue
35 right now, and one that we are looking into, because of the
36 interest specifically of the DNER and the problem with the amount
37 of sargassum on the beaches, and it's not only Puerto Rico and
38 Virgin Islands, but it's all around the wider Caribbean.
39

40 Sea Grant has been instrumental in looking into this matter, and
41 that is happening as we speak, and so maybe we should put it in
42 the agenda for the next council meeting, to bring the information
43 that we have up-to-date on sargassum.
44

45 **MARCOS HANKE:** Go ahead, Jocelyn, and then we have Miguel and then
46 Andy.
47

48 **JOCELYN D'AMBROSIO:** Just to Graciela's point, I just wanted to

1 let you all know that, just taking a step back as to what essential
2 fish habitat is, and I think Graciela did a good job describing
3 it, but just to read you the definition from the Magnuson Act,
4 it's the waters and substrate necessary to fish for spawning,
5 breeding, feeding, or growth to maturity, and so they're really
6 looking at it's the habitat for the fish for these specific
7 purposes, and so it's really when the sargassum is in the water
8 and providing that habitat for the species that really is what is
9 being protected as the EFH, and I think Maria might have more
10 specific information about how sargassum was listed for various
11 life stages, but we're interested in the sargassum and so when
12 it's functioning as that habitat, and so in the water and providing
13 for those necessary functions.

14
15 **MARCOS HANKE:** Thank you. Just a note, and, based on experience
16 and some reading, triggerfish, blue runner, almaco, and other jack
17 species that are present here, and some reef fishes, we see them
18 related to the sargassum, which that's exactly what Jocelyn just
19 mentioned, and, for sure, we need to discuss this a little better
20 and to have a better understanding of what we can do on the council.
21 The next one in the queue is Miguel.

22
23 **MIGUEL ROLON:** Sargassum is not as easy as you may think. There
24 is a whole management plan by the South Atlantic that was done in
25 2002 for the pelagic sargassum, the oceanic sargassum. The problem
26 is when can you declare sargassum garbage, versus continuing
27 calling it EFH, as they approach the shoreline, and that's the
28 issue that the fishers and the public is wondering about, because,
29 when you have EFH, you have laws and regulations to protect that
30 EFH, and even the sargassum at the shoreline is a habitat for
31 certain larvae and species of fish, and it complies with the laws
32 and regulations, but I will stop here, and I would like to yield
33 to what Andy has to say.

34
35 **ANDY STRELCHECK:** Thanks, Miguel. A lot of great points have been
36 made. One, to first speak to Graciela's comment, I think it would
37 be helpful to have a conversation at our December meeting, and we
38 can bring our habitat program to have that conversation specific
39 about EFH requirements, and I think Protected Resources would also
40 want to be involved, as sargassum, obviously, provides important
41 habitat for many sea turtle species.

42
43 There was comments made earlier with regard to kind of where is
44 the delineation between essential fish habitat and not becoming
45 essential fish habitat, and I am trying to get confirmation of
46 this, but, for EFH of the species, and Marcos mentioned, and
47 potentially others, that would be state and federal waters out to
48 the boundary of the EEZ.

1
2 Once it comes ashore and is above the mean high-water line, I
3 believe it's no longer at least considered EFH, from our
4 standpoint, and, obviously, the species wouldn't be able to survive
5 on land. I don't know if there's other state laws or regulations
6 that apply, in terms of removal of that sargassum, but I think the
7 easiest delineation is kind of the sargassum in the water versus
8 onshore, with regard to defining it as EFH.
9

10 **MARCOS HANKE:** I have still a hand up from Jocelyn. Did you want
11 to add something, Jocelyn?
12

13 **JOCELYN D'AMBROSIO:** I apologize. I will take my hand down.
14

15 **MARCOS HANKE:** Okay. Thank you. Anybody else? Hearing none, I
16 just want to make another note and observation from the field, and
17 that is that there is a great amount of different species of
18 parrotfish and different species of snapper that live in the
19 sargassum, are associated with the sargassum close to the
20 shoreline, in some areas that the water is not affected by the
21 composition of the sargassum, and I assure you that it's a very
22 important issue for us to discuss and to get ahold of. Thank you
23 very much for the discussion. Let's go to -- If there is no other
24 questions, we have the Generic Amendment for the Fishery Management
25 Plans for Puerto Rico, St. Thomas/St. John, and St. Croix,
26 Modification of the Buoy Gear. Maria.
27

28 **GENERIC AMENDMENT TO THE FISHERY MANAGEMENT PLANS FOR PUERTO**
29 **RICO, ST. THOMAS AND ST. JOHN, AND ST. CROIX: MODIFICATION TO**
30 **THE BUOY GEAR DEFINITION: POTENTIAL FINAL ACTION TO SUBMIT TO**
31 **THE SECRETARY OF COMMERCE**
32

33 **MARIA LOPEZ:** Yes, that's me. In this presentation today, I am
34 going to give you an update of where we are with the development
35 of the draft generic amendment to each of the fishery management
36 plans for Puerto Rico, St. Thomas/St. John, and St. Croix to
37 address the modification of the buoy gear definition that we have
38 discussed during past meetings.
39

40 Just a quick recap, and the issue is that small-scale commercial
41 fishermen harvesting deepwater snappers and groupers in Puerto
42 Rico and in the U.S. Virgin Islands would like to use more than
43 ten hooks in the buoy gear. Buoy gear, as defined in 50 CFR 622.2,
44 which are the federal regulations, cannot contain more than ten
45 hooks connected between the buoy and the terminal end.
46

47 There are no specification of the number of hooks that can be used
48 in state -- In Puerto Rico waters, and so, to be able to address

1 this issue -- As you all know, and as we have talked in the past,
2 the use of any gear that is not listed as authorized for the
3 fishery is prohibited, and a configuration of this buoy gear that
4 has more than ten hooks between the buoy gear and the terminal
5 end, which is what we have discussed that some fishers prefer to
6 use, does not meet the legal definition and is not considered an
7 authorized buoy gear.

8
9 Basically, what this means is that this gear cannot be used by
10 those that are fishing commercially for reef fish that is managed
11 under the island-based FMPs, unless that gear type is added as an
12 allowable gear type under the plans or that definition of the buoy
13 gear is amended to include that gear type.

14
15 In this amendment, the council is proposing to modify the
16 definition of buoy gear that is included in federal regulations at
17 50 CFR 622.2 to address the use of additional hooks that are
18 preferred by some commercial fishermen in Puerto Rico and St.
19 Thomas/St. John that are harvesting deepwater snappers and
20 groupers.

21
22 This is the draft purpose and need that is included in the
23 document, in the draft document, that is included in the briefing
24 book. The version that is included in the briefing book is Version
25 2. Last time, during the April meeting, we presented to you
26 Version 1, and I'm just making that clarification. We made some
27 changes to the document, and we added the information that was
28 provided by the DAP chairs during the past council meeting, and
29 that provides a better description of the fisheries.

30
31 Anyway, this is the draft purpose and need. I would just mention
32 that the purpose is to modify the definition of that gear included
33 in federal regulations to allow for a larger number of hooks when
34 fishing commercially for deepwater snappers and groupers in the
35 Puerto Rico, St. Thomas/St. John, and St. Croix FMPs.

36
37 The need, which is the problem, is to ensure that commercial
38 fishermen fishing for deepwater snappers and groupers in federal
39 waters of Puerto Rico and St. Thomas/St. John and St. Croix can
40 use the buoy gear with more ten hooks, that is preferred by some
41 fishermen, while eliminating some user conflicts.

42
43 These are the alternatives that are included, proposed
44 alternatives that are included, in the document, and I will provide
45 more detail with each one of these alternatives in further slides,
46 but, in the document that you previously saw, there were two
47 alternatives.

1 The first alternative is the no action, and that is an alternative
2 that is always included in these documents, and this is the
3 baseline, which is basically that the definition of buoy gear that
4 is specified in 50 CFR 622.2 would be retained, that there would
5 be no changes to what we currently have in there.

6
7 Then we have Alternative 2, which, at the last April meeting, you
8 also chose as a preferred, and it's modifying that definition as
9 it applied to the commercial sector harvesting managed reef fish
10 in the EEZ of Puerto Rico, St. Thomas/St. John, and St. Croix, to
11 allow up to twenty-five hooks connected between the buoy and the
12 terminal end.

13
14 Now, given that the Puerto Rico, St. Thomas/St. John, and St. Croix
15 fisheries are multispecies, we understand that fishermen may
16 harvest other species while targeting deepwater reef fish with
17 buoy gear, and usually have incidental catch, and this could
18 include council-managed pelagic species as well as non-managed
19 species.

20
21 This Alternative 2 then can be a little problematic for commercial
22 fishermen who, on that same trip, are harvesting deepwater reef
23 fish, but they are also harvesting, with that gear, council-managed
24 pelagics or non-managed species, because this means that they would
25 not be able to retain any species other than those council-managed
26 reef fish that were harvested with buoy gear if the buoy gear
27 contains more than ten hooks per line.

28
29 This Alternative 2 would make enforcement of this regulation
30 somewhat difficult if there are interventions with buoy gear that
31 have more than ten hooks if there are managed reef fish and other
32 species, and, obviously, this is something that we haven't -- We
33 haven't considered before, but, to avoid those unfortunate
34 complications and those unintended consequences or restrictions to
35 those fishermen that are harvesting multiple species on that trip,
36 the IPT, which is the interdisciplinary planning team, is proposing
37 a new alternative for council consideration, and that's
38 Alternative 3, and that will be new.

39
40 What this Alternative 3 does is to modify that definition of buoy
41 gear in 50 CFR 622.2 as it applies to the U.S. Caribbean EEZ to
42 allow the use of up to twenty-five hooks connected between the
43 buoy and the terminal end, and I will explain a little bit more
44 about this in the next slides, what the U.S. Caribbean EEZ means.

45
46 Just very briefly, Alternative 1, no action, one of the specific
47 requirements under this definition is that buoy gear that is being
48 used in federal waters cannot contain more than ten hooks, and so,

1 in those components of each one of the island-based fishery
2 management plan fisheries, where buoy gear is an authorized gear,
3 for example, the commercial sector harvesting managing reef fish,
4 which is the deepwater snapper and grouper fisheries. The fishers
5 must limit the gear to ten hooks. This is the current situation,
6 and this is what we have in our regulations.

7
8 Then Alternative 2 modified the definition just for the commercial
9 sector, and it will be increased, the number of hooks, up to
10 twenty-five, and those fishing commercially in federal waters for
11 managed reef fish can legally use the gear configuration employed
12 by some, the preferred by some, in Puerto Rico waters. Mostly in
13 Puerto Rico water, and, to a lesser extent, in the U.S. Virgin
14 Islands. This alternative will just apply to those fishing
15 commercially for managed reef fish species.

16
17 As I mentioned earlier, this Alternative 2 can be a little
18 problematic for those that are harvesting other species
19 incidentally. We all know that, and as you all have told us, the
20 deepwater snapper fishery is very specialized, and you guys are
21 targeting mostly snapper, deepwater snapper, and occasionally some
22 groupers. However, you also notified us that there is incidental
23 catch of different species, although it's in very small numbers.

24
25 This alternative would allow for -- Because it would apply not
26 just to the commercial sector harvesting reef fish, but it would
27 allow to -- The U.S. Caribbean EEZ would increase -- Basically,
28 the buoy gear would be authorized, under this alternative, to those
29 fisheries where, in our 50 CFR 622.2 regulation it's authorized
30 for, and those are commercial harvest of reef fish and pelagic
31 species in the island-based FMPs and the commercial and
32 recreational harvest of non-FMP species and non-managed pelagic
33 species in federal waters of Puerto Rico, St. Thomas/St. John, and
34 St. Croix.

35
36 Let me explain a little bit more about this. This is not different
37 to what we have currently in the regulations. The buoy gear, as
38 is currently defined in the regulation, is an authorized gear for
39 not only managed species, but also for non-FMP species, and why we
40 are talking about non-FMP species, which are not managed by the
41 council, is because the Magnuson-Stevens Act gives the councils
42 and NMFS the authority to regulate fishing activity to support the
43 conservation and management of the fisheries, and this could
44 include regulations that pertain to fishing for non-managed
45 species.

46
47 For example, the regulations in the Caribbean do this in a number
48 of places. For example, when we state that all fishing is

1 prohibited in a particular area that are important to managed
2 species, for example in a spawning area, and we have seen this in,
3 I believe, in Abrir la Sierra and Tourmaline, where, when there
4 are closures, all fishing is prohibited, but that includes -- All
5 fishing includes species that are managed by the council and
6 species that are not.

7
8 For example, in other places, when the regulation says that an
9 explosive may not be used to fish in the Caribbean, in the Gulf,
10 or in the South Atlantic EEZ, that is a prohibition that applies
11 to all fishing and not just fishing for managed species, and so,
12 with that, I am just trying to clarify why this particular
13 regulation talks about non-FMPs.

14
15 Specifying allowable gears for non-managed fisheries is another
16 way to limit bycatch of managed species and generally protect
17 habitat for managed species, and so, in this case, there will be
18 managed and non-managed fisheries, and that means listed as FMP or
19 as non-FMP fisheries, and buoy gear is an authorized gear in both
20 of those fisheries, and so, if we're going to change the definition
21 of buoy gear, like we are proposing to do in this alternative, it
22 would apply to all of those that are included in there.

23
24 I do want to make a clarification, and this not just for this
25 alternative, but this is also the current situation, is that the
26 buoy gear definition that is included in 50 CFR 622.2 doesn't apply
27 to fishing or possession of HMS species. HMS species are bound by
28 a different set of regulations that are specified in 635.

29
30 The MSA, the Magnuson-Stevens Act, says that the Secretary has
31 authority over any HMS fishery that is within the geographic area
32 of more than one council, including the Caribbean, and the HMS
33 species are defined as tunas, marlin, oceanic sharks, sailfish,
34 and swordfish, and I am bringing this up because it's very
35 important for fishers that are -- For deepwater fishers to follow
36 the HMS regulations and to have the permits that they need to have
37 for them to be able to harvest species that are HMS, for example
38 the sharks.

39
40 Just to summarize what I just presented, there were three
41 alternatives, and one of the alternatives has just been proposed
42 by the IPT for council consideration, but, in summary, Alternative
43 2, which is the one that modifies the buoy gear definition just
44 for reef fish harvest, commercial, and Alternative 3, which is the
45 one that would apply to everywhere where the buoy gear is an
46 authorized gear under our federal regulations, would both increase
47 the maximum number of hooks that can be used with buoy gear to
48 twenty-five per line.

1
2 This will depend, obviously, on the target and the location, and
3 the location can be Puerto Rico or the USVI islands of St.
4 Thomas/St. John and St. Croix, and also which species are going to
5 be targeted, if the targeted species are deepwater snapper or not,
6 or other incidental species that are going to be retained, in
7 contrast with Alternative 1, which is the current situation that
8 maintains the limit at ten hooks.

9
10 Alternative 2 only affects fishermen fishing commercially for
11 managed reef fish with authorized buoy gear, while both
12 Alternatives 1 and 3 affect all fishers using authorized buoy gear
13 in the U.S. Caribbean waters.

14
15 This is basically the summary that we include, the kind of analysis
16 that we include in the draft document, and you are all invited to
17 look at that draft document, and, if you have any comments, please
18 let me know.

19
20 I kept this presentation short, because we have had -- During the
21 past council meeting in April, we described the fisheries, and we
22 also got a lot of comments about how these fisheries are conducted
23 in each one of the islands, et cetera, and so, in this case, we
24 have a couple of next steps that we want to take, that we would
25 like the council to consider.

26
27 For example, consider this new Alternative 3, and if they want to
28 pursue it, and for the council to decide if there are any changes
29 to the preferred alternative. For any changes, the council can
30 provide a motion for that change. Just to remember that, during
31 the past council meeting, it was only two alternatives, and you
32 selected Alternative 2 as the preferred. If you would like to
33 make any changes, this will be the time.

34
35 Then, after that is done, the interdisciplinary planning team will
36 finalize the draft amendment, and the final amendment will be
37 presented to the council at the December meeting for final action.

38
39 The agenda said that there could be a potential final action taken
40 at this meeting. However, the document is still -- The council
41 still needs to consider this new alternative that was just proposed
42 by the IPT, and the document needs to undergo a further review
43 before we are ready to bring it to the council for final action.

44
45 The public can also, and the council can also, have an opportunity
46 for comment at the December meeting, when we are scheduled to take
47 final action for this amendment, and this is all that I have. If
48 you have any questions, please let me know.

1
2 **MARCOS HANKE:** Thank you, Maria. Great presentation. For sure,
3 I would like to hear from Nelson Crespo and from all the people
4 that fish with this gear that are present. I will ask for a five-
5 minute break, and also to read and process the important
6 information that was just presented. Let's take a five-minute
7 break and come back.

8
9 **MIGUEL ROLON:** Marcos, when we come back after the break, whatever
10 you need in the presentation will be shown on the screen.

11
12 **MARCOS HANKE:** Okay. Thank you, Miguel. Thank you, Carlos.

13
14 (Whereupon, a brief recess was presented.)
15

16 **MARCOS HANKE:** Hello, everyone. Good morning again. We are going
17 to start with Vanessa Ramirez, who requested the time for a
18 question, and, after Vanessa, we have Nelson in the queue.
19 Vanessa. Vanessa, can you hear us? Let's go to Nelson Crespo,
20 and then we will come back to Vanessa.

21
22 **NELSON CRESPO:** Thank you, Mr. Chair. With the Alternative 3, I
23 think we should stay with the Preferred Alternative 2, because to
24 open all sectors to fish for deepwater snappers is not going to be
25 easy, and you're going to impact the fisheries more hard.

26
27 **MARCOS HANKE:** Maria, do you want to comment on what Nelson just
28 said?

29
30 **MARIA LOPEZ:** I couldn't understand what he said. Can you repeat
31 Nelson, please?

32
33 **NELSON CRESPO:** On Alternative 3, allowing the recreational sectors
34 to fish for deepwater snapper with up to twenty-five hooks, and
35 that's correct?

36
37 **MARIA LOPEZ:** No, and so let me clarify Alternative 3 and what
38 this would apply to. Alternative 3, and, as I mentioned earlier,
39 this is not different than what is currently in the regulations
40 and everything that the current definition of buoy gear up to ten
41 hooks applies to -- These are the fisheries that it applies to.

42
43 When we did the island-based FMPs, we reorganized the regulations,
44 because we are dividing them by island, and so I wanted to tell
45 you exactly what this applies to. Hook-and-line is -- The buoy
46 gear is included under the category of hook-and-line, right, and
47 so it's allowed for under the Puerto Rico management plan, and
48 it's allowed under the commercial fishery and, for the pelagic

1 commercial fishery, buoy gear is another one that is a gear that
2 is allowed.

3
4 Also, for non-FMP pelagic fisheries, which is something that the
5 council does not manage, buoy gear is an allowed gear. For the
6 Puerto Rico commercial fishery non-FMP, which are species that are
7 not included in our FMPs that are harvested commercial, buoy gear
8 is an allowed gear, and, for the Puerto Rico recreational non-FMP
9 species, buoy gear is an allowable gear, and so those are the
10 species that we do not manage, the council does not manage.
11 However, buoy gear is an allowed gear for that.

12
13 In this alternative, the rationale for this alternative is that
14 you have expressed, the fishers have expressed, that, when they
15 harvest deepwater snapper and grouper, sometimes they incidentally
16 catch other species, and they would like to retain them.

17
18 Under Alternative 2, the modification of the buoy gear for up to
19 twenty-five hooks, if the fisher is going to use more than ten
20 hooks, it has to be only for harvest of reef fish, and, when I say
21 managed reef fish, I am talking about the deepwater snappers and
22 groupers that you guys harvest with this particular gear.

23
24 If you catch any other species incidentally, and you want to retain
25 those species, and you are using that hook that has more than ten
26 hooks, you are not going to be able to retain them. You can retain
27 them if you are using less than ten hooks, because that's what we
28 have in the current regulations, and so this Alternative 3 would
29 allow you to retain those incidental species, of course the ones
30 that are not prohibited, with using this up to twenty-five hooks.
31 Does that clarify it, Nelson?

32
33 **MARCOS HANKE:** Go ahead, Nelson.

34
35 **NELSON CRESPO:** Now I understand. So we should select Alternative
36 3 as the preferred.

37
38 **MARCOS HANKE:** Thank you, Nelson, for the participation. The next
39 one is Vanessa.

40
41 **VANESSA RAMIREZ:** Thank you, Marcos. Vanessa Ramirez, for the
42 record. I think that, already, with the explanation that Maria
43 gave, I have clarified what I wanted to ask, and so thanks. I
44 also vote for Alternative 3.

45
46 **MARCOS HANKE:** Thank you, Vanessa. We have Carlos and then Tony.

47
48 **CARLOS FARCHETTE:** Thank you, Mr. Chair. Let me get my notes here.

1 Maria, I want to talk, maybe specifically, about the recreational
2 sector. I am a recreational fisherman, an ardent recreational
3 fisherman, and I believe that I should be managed, and so are
4 recreational fishers allowed to use the ten hooks with gear
5 attached to the vessels, but not buoy gears? That is my first
6 question.

7
8 **MARIA LOPEZ:** It's not buoy gear -- The buoy gear is not attached
9 to the boat, and so, if that -- I mean, in federal waters,
10 recreational fishers can use hand line, rod-and-reel, spears, et
11 cetera, and so buoy gear is not an allowed gear. That depends on
12 what you call it. If you have a rod-and-reel, if you're fishing
13 with a rod-and-reel, you're legal.

14
15 **CARLOS FARCHETTE:** Right.

16
17 **MARIA LOPEZ:** So I don't know what is the configuration of the
18 recreational that you have.

19
20 **CARLOS FARCHETTE:** They use gear attached to the vessel or
21 something like a pulley kind of rig with a big spool on it that
22 goes to the bottom, but it's still attached to the boat, and it's
23 not a buoy gear, but I am kind of concerned about allowing a
24 recreational fisher to harvest just as much fish as a commercial
25 guy, and I don't know if maybe we can consider attaching the bag
26 limit to the recreational fisher. I am not really sure what other
27 species that are not managed -- At that depth of water that they're
28 catching as incidental, and I'm not sure.

29
30 **MARIA LOPEZ:** If I may, Mr. Chair, this action is not -- None of
31 the alternatives are going to be increasing the number of hooks
32 that a recreational fisher can use, and this is for the commercial
33 harvest of managed reef fish of all the other species. When
34 Alternative 3 talks about commercial and recreational harvest of
35 non-FMP species, these are species that we the council are not
36 managing, and these are species, for example -- They're species
37 that are basically not included in our fishery management plans.

38
39 For example, when we had the Reef Fish FMP, each one of the FMPs
40 have a lot of species, and the number of species that are managed
41 under each one of the plans is very reduced, and so, if there are
42 any species that are not included, and a recreational fisher
43 harvests those species with buoy gear, they are allowed to do that.
44 Now, let me clarify. Buoy gear, in the U.S. Virgin Islands, my
45 understanding is that it's not used by many persons.

46
47 **CARLOS FARCHETTE:** No.

1 **MARIA LOPEZ:** But this alternative -- You are correct that, if the
2 council goes with this alternative, this alternative will allow
3 those recreational fishers that are fishing for non-FMP species to
4 fish with up to twenty-five hooks, instead of ten. Not for the
5 commercial harvest of managed reef fish, but just for species that
6 are not managed.

7
8 **CARLOS FARCHETTE:** Which is kind of difficult to do. If you're
9 fishing at 1,200 feet, and you catch queen snapper, and are they
10 supposed to release those?

11
12 **MARIA LOPEZ:** Yes. You are not supposed to -- You cannot retain
13 -- I mean, you have twenty-five hooks, deepwater snapper -- I am
14 sorry. You know what? There is a recreational -- I forgot about
15 this. There is a recreational bag limit for harvest of reef fish,
16 and so they would have to abide by that. Let's not forget that.

17
18 **CARLOS FARCHETTE:** Right, but queen snapper --

19
20 **MIGUEL ROLON:** Carlos, if I may, let Jocelyn clarify. Maybe she
21 has more to clarify this question. She has her hand up.

22
23 **CARLOS FARCHETTE:** All right.

24
25 **JOCELYN D'AMBROSIO:** Sure. I think what Maria was saying is
26 accurate, that we need to just know which -- Where buoy gear is an
27 authorized gear, and then, under Alternative 3, where we change
28 the definition of buoy gear when you're in the EEZ, that means
29 that buoy gear is -- What buoy gear is changes, and so it would go
30 from ten to twenty-five hooks, and that would be the case for every
31 place that buoy gear is authorized.

32
33 Right now, buoy gear is not listed when fishing recreationally for
34 managed reef fish, and so they wouldn't be able to use any buoy
35 gear, ten hooks under our current definition. If it were to change
36 to twenty-five, they still wouldn't be able to use it, because
37 buoy gear is not authorized when fishing recreationally for managed
38 reef fish under the island-based FMPs, but, as Maria had said,
39 there is a category called non-FMP fisheries, and the recreational
40 participants in those non-FMP fisheries can use buoy gear.

41
42 Under Alternative 3, if we change the definition of buoy gear,
43 just in general, then that would mean that that authorized buoy
44 gear for the non-FMP recreational fishers -- It would allow them
45 to use up to twenty-five hooks. Now, I don't know what those
46 species are that we don't manage, but, as Maria mentioned, there
47 were a number that we took out of management.

1 Really, the reason, as Maria had explained, for Alternative 3 is
2 this bycatch issue, and so, if we change the definition of buoy
3 gear only when fishing commercially for managed reef fish, and you
4 have bycatch of a non-managed species, you go check the gear table,
5 and you say, okay, what fishery is this, and, all right, this would
6 be the non-FMP commercial fishery, and it says buoy gear, and this
7 gear actually isn't buoy gear, because buoy gear for that fishery
8 is ten hooks, whereas buoy gear for the managed fishery is twenty-
9 five, and so that means the non-managed species would be caught
10 with an unauthorized gear, and, as Maria said, that would mean
11 they would need to be thrown back, for being harvested with an
12 unauthorized gear.

13
14 One way to solve for that is to say, well, we can change what buoy
15 gear is for all fisheries where buoy gear is allowed, and so, if
16 you are fishing commercially, and there is bycatch of a non-managed
17 species, can you fish that with buoy gear, and, if the answer is
18 yes, then what does buoy gear mean? Oh, it's same thing,
19 irrespective of the fishery you're operating in, and it's those
20 twenty-five hooks, and then you can retain that species.

21
22 It's trying to just make it so that there's a consistent definition
23 of what is buoy gear, but things that you should consider are how
24 much is bycatch an issue, how much problem could we create if we're
25 allowing more hooks across different fisheries, and one thing that
26 Maria did mention, which is important too, is that there is a bag
27 limit for recreational fishers of the managed snappers, groupers,
28 and parrotfish, and so that would sort of -- Even if you're allowed
29 to use more hooks, you wouldn't be able to retain more species,
30 but, again, for the managed species, buoy gear is not allowed when
31 fishing recreationally for the managed reef fish.

32
33 It is a little tricky, figuring out where we're changing things,
34 but the idea behind Alternative 3 is that it's a consistent
35 definition of buoy gear across all fisheries, which should allow
36 more retention of bycatch where that fishery, the bycatch fishery,
37 has buoy gear as an authorized gear.

38
39 **CARLOS FARCHETTE:** Yes, and I want to correct myself, because I do
40 remember that there is a five-snapper bag limit, and so I'm good.

41
42 **MARCOS HANKE:** Thank you, Carlos. I have a follow-up question on
43 this, just for me to totally understand. If the words "commercial
44 and recreational harvest of non-FMP", what is on the screen now -
45 - If recreational is eliminated from that, is there any legal
46 complication, any problems by doing that, because the council, in
47 the past, expressed the interest for this gear to be a commercial
48 fishing gear. Maybe I am going around, but I just want to make

1 sure, Jocelyn.

2
3 **JOCELYN D'AMBROSIO:** Sure, and so, as Maria mentioned, with the
4 way that we manage, there are a number of rules that are in place
5 to protect the managed fisheries that apply outside of the managed
6 fishery, and so you can limit the gear used to fish for non-managed
7 species, because that could benefit the managed species.

8
9 Maria went through a couple of examples where we have closed
10 seasons for all fishing, because it benefits essential fish
11 habitat, or spawning of managed species, and so we can think about
12 what gears it would be appropriate to allow in the non-managed
13 fisheries, and potentially that could be to protect EFH, or
14 potentially that could be as a way to ensure that we're not going
15 to have overfishing, and so there are opportunities to adjust the
16 gears that are allowed.

17
18 Right now, in the table that has the allowable gears, it does say,
19 for the commercial and recreational non-FMP fisheries, buoy gear
20 is authorized, and, for those non-managed fisheries, there is no
21 bag limits, for example, and so persons could go fish with buoy
22 gear. Right now, it's ten hooks for non-managed species
23 recreationally, and I am not sure if that's a problem for the
24 managed species, and I'm not sure if that's a problem for the
25 habitat, but that's the state of the law, and then we need to
26 figure out if we need to change that and whether we should allow
27 even more hooks, potentially, which could have the potential for
28 more bycatch, and I'm not sure, but it seems like it's possible,
29 if you're increasing the number of hooks.

30
31 **MARCOS HANKE:** Thank you, Jocelyn. Tony, you were next in line,
32 but I would like to hear from Andy, and maybe we're going to have
33 the benefit of having his input before your participation. Andy.

34
35 **ANDY STRELCHECK:** Thanks, Marcos. Following up on, I guess,
36 Carlo's comment and Jocelyn's comments, I had similar concerns
37 with regard to the potential for recreational harvest, and I
38 recognize that, obviously, this is authorized under current
39 regulations, and so we would just be kind of repeating the current
40 regulations.

41
42 I'm wondering if the council is interested and would want to have
43 a discussion about prohibiting buoy gear for recreational harvest
44 in the EEZ, regardless of if it's a managed fishery or not.
45 Certainly that, to me, seems like something that would be of
46 interest. Even though there are constraints on the bag limit,
47 buoy gear is, obviously, not typically used as a recreational
48 fishing gear.

1
2 The other, I guess, question, and it may be directed best at Maria
3 and the IPT, would be the issue was brought forward specific to
4 kind of deepwater snapper and increasing the number of hooks. If
5 we apply this to all of the fisheries, and not just reef fish, or
6 at least reef fish and pelagics, is there any concerns or potential
7 for increased effort directed at those species, because of the use
8 of buoy gear and more hooks being used?
9

10 **MARIA LOPEZ:** Andy, to answer your question, we don't expect a
11 change, because the fishery has been conducted in this way for
12 some time. We don't really have a good separation between what is
13 harvested in state waters versus federal waters, and there is not
14 a limit to the hooks that can be used in state waters, and so our
15 landings are going to be reflecting the current use.
16

17 We are -- Obviously, if there are some fishers that are currently
18 using up to ten hooks, and they want to increase to twenty-five,
19 there could be an increase in effort, but, based on the information
20 that we have received at different council meetings, this is not
21 expected.
22

23 At least for deepwater reef fish, the fishers -- This is a very
24 specialized fishery, and the number of hooks that are used depends
25 on current weather conditions and the experience of the fishermen,
26 and the gear is expensive, and so there is a lot of considerations
27 that are done for the decision to increase the number of hooks.
28

29 With respect to other fishers -- I'm sorry. For other species,
30 based on the landings and what we have seen, from what we can get
31 from the landings, at least for Puerto Rico, the -- I am going to
32 say 85 percent of the landings that are with bottom line, which is
33 not necessarily just buoy gear, but it's bottom line, but buoy
34 gear is included in that category, and it consists of queen snapper
35 and silk snapper, and so it's a very, very low percentage of the
36 current landings that is other species.
37

38 We don't necessarily know how many people are currently using more
39 than ten hooks in federal waters, but it's uncertain how much the
40 effort will change by doing this increase, but certainly, if the
41 council wants to consider that we evaluate other alternatives, we
42 can certainly do that in the IPT.
43

44 **MARCOS HANKE:** Thank you, Maria. Jocelyn.
45

46 **JOCELYN D'AMBROSIO:** Thank you, Marcos. I was going to say that
47 the document that the Regional Office and council staff and the
48 IPT prepared for this meeting does note that it's possible that

1 some folks are using more than ten hooks, but, because we don't
2 know that with certainty, and that would be non-compliance with
3 the law, what are the effects of allowing up to twenty-five hooks,
4 and so we assume that there is compliance with the law, but
5 evaluate what happens if we increase the number of hooks two-and-
6 a-half times, and how does that affect effort, because there is a
7 lot of different, as you all know better than I do, factors that
8 go into how you fish this gear.

9
10 If there was only ten hooks that were in use at a given time,
11 perhaps more sets would be deployed, and so maybe you're using --
12 If you're allowed to have twenty-five hooks per set, perhaps then
13 you would set fewer sets, and I also understand there is issues
14 with current and various conditions, as to how many hooks one would
15 put on a set, and so it's not necessarily the case that persons
16 would always want to use up to twenty-five hooks, and so it seems
17 like there is a lot of uncertainty about how the gear is fished
18 and how it might change over time.

19
20 The document that was prepared tries to address that, by saying,
21 well, if we're assuming that folks are using ten hooks, and now
22 we're allowing them up to twenty-five, this is what we assume could
23 be the case, but, if any of these assumptions aren't accurate,
24 then the effects could potentially be less, but sort of a worst-
25 case scenario is that this could mean that there is two-and-a-half
26 times the amount of hooks, and, if the soak times are the same,
27 and the amount of sets are the same, then that could potentially
28 be two-and-a-half times the amount of fishing pressure, which could
29 increase the amount of bycatch, but I don't know that there's a
30 linear relationship between the hooks in the water and the bycatch.

31
32 It's just something that is in the document, and we're just trying
33 to figure out what really are the consequences to other species,
34 and then, also, we want to understand if there is any consequences
35 to the physical environment, to the bottom, and, when we've
36 discussed this gear in the past, we've looked at whether or not it
37 impacts the bottom, and we have decided that, based on the floats
38 and everything, and the requirements for the length of the line,
39 that there is not a ton of impacts to the bottom, but that's also
40 something that we would need to think about, and that's addressed
41 in the document that was prepared for this meeting.

42
43 **MIGUEL ROLON:** Marcos, one point to this.

44
45 **MARCOS HANKE:** Yes.

46
47 **MIGUEL ROLON:** The issue with this is that the fishers, commercial
48 fishers, are already using twenty-five hooks per line and not ten,

1 and, in essence, all of them are in violation of the Act as it is,
2 and that's why correspondence from several fishers have indicated
3 so, and the chairs of the DAPs also reported that that's the case,
4 in the case of the U.S. Virgin Islands and Puerto Rico.

5
6 Whether this is something doubling the hooks, academically, it's
7 okay, but the issue is not that. The issue is that they are
8 already using it, and they are in violation of the Act, as written,
9 and so what is the council going to do? Can we or not allow the
10 use of twenty-five hooks, and what Jocelyn is saying is that we
11 need to check whether the environment is affected or not.

12
13 The way the environment would be affected is if we are using ten
14 and then we are doubling in the future, but that's not the case.
15 We are already affecting the environment with twenty-five hooks
16 already, and so that's what we need to decide, and the question
17 will be whether we need to reduce that or keep it at ten or not.
18 Anyway, just for the record, those are some of the issues that
19 have been discussed with the fishers.

20
21 **MARCOS HANKE:** Thank you. We have Tony and then Graciela and then
22 Carlos has a question.

23
24 **TONY BLANCHARD:** What I could see -- I agree with Miguel that if
25 they add more impact to -- Allowing them legally to do. The other
26 part of it is that I could see on the side of the bycatch what's
27 -- That your bycatch may increase, but I can't answer that, because
28 I don't think we have the data on the books to show what kind of
29 bycatch comes out of this type of fishery.

30
31 To be honest with you, I really don't know which way to go, because,
32 if you don't have the data stating what kind of impacts we have to
33 the fishery, as looking at bycatch, and we already have twenty-
34 five hooks in the water, according to what Miguel stated that the
35 fishery uses, and I think, before moving forward in any direction,
36 we need to have some type of survey done, or we need to get some
37 type of data stating what kind of bycatch comes out of this type
38 of fishery, before we decide anything. That's just my opinion.

39
40 **MARCOS HANKE:** Thank you, Tony. To your point, there is
41 information on the landings, and we addressed it a little bit.
42 Thank you very much for your concern about the bycatch on this
43 fishery. What is also true is that it's a fishery that is very
44 specific and related, in terms of percentage of the landings, on
45 queen snapper and yelloweye and the other species of deepwater
46 snapper. From my personal point of view, I am not really too
47 concerned about extra bycatch or anything besides what is already
48 happening, and I think the IPT that worked on it did a great job

1 on this analysis.
2
3 I just want to add a comment to what Andy just mentioned about the
4 prohibition of the buoy gear to the recreational, either here or
5 any other method or venue, and we should consider, depending on
6 what they suggest us to recommend us, to pursue that, because the
7 council has been expressing the interest of making the buoy gear
8 a commercial gear, more than anything. Graciela.
9
10 **GRACIELA GARCIA-MOLINER:** Mr. Chair, you already discussed what I
11 had to ask.
12
13 **MARCOS HANKE:** Thank you. Carlos, do you have a question to Andy?
14
15 **CARLOS FARCHETTE:** Yes, and, Marcos, you just mentioned it also,
16 but I agree with Andy that we need to have a discussion on maybe
17 prohibiting buoy gear for the recreational fishery. Like I said
18 before, I'm a recreational fisher. If you open the door, I'm going
19 to walk right through, and it's easier for a recreational fisher
20 to use buoy gear with ten hooks, and he can deploy ten buoys faster
21 than a commercial guy with twenty-five hooks, and it will take him
22 longer, and they don't use that many buoys. They only put out
23 about maybe four or five. I think we need to have a discussion,
24 like what Andy said, and look at the recreational fishers' ability
25 to fish like a commercial guy.
26
27 **MARCOS HANKE:** Andy, a question for you. Which way do you recommend
28 for us to address this other part of the story, which is making
29 the buoy gear just for commercial?
30
31 **ANDY STRELCHECK:** Thanks, Marcos, and I will look to Jocelyn as
32 well to weigh-in here. Because we are modifying the definition of
33 buoy gear and increasing the hooks, I think we have the door open,
34 at this point, to also modify other aspects of that definition,
35 and so what you see on the screen is currently reflected in the
36 definition for buoy gear, and I think we could strike "and
37 recreational", and that would address the concern about
38 recreational harvest of non-FMP species with buoy gear, and it
39 would be focused solely on commercial harvest for both our managed
40 species and non-managed species.
41
42 **MARCOS HANKE:** Jocelyn, do you want to weigh-in?
43
44 **MARCOS HANKE:** Yes, thank you. I think we might want to have
45 another action in the document to address the allowable gears, so
46 that we could change to remove buoy gear as an allowable gear in
47 the recreational non-FMP fishery, and that would be one way to do
48 it.

1
2 Otherwise, we kind of get into changing the definition of buoy
3 gear, and so we would say buoy gear, when fishing for X species,
4 Y species, Z species, means this, and that can be a little bit
5 more confusing, and so, if we don't actually want buoy gear to be
6 allowed, with any number of hooks, or, in particular, with twenty-
7 five hooks, maybe we remove it from the authorized gears in the
8 table for the recreational non-FMP.

9
10 I will note that buoy gear, right now, is an allowed gear for the
11 commercial non-FMP fishers, and, again, I don't know an example of
12 one of those species that is not managed that might be caught with
13 buoy gear, but, yes, we can also rethink where buoy gear is allowed
14 and then how we want to define that, and I think that would be
15 appropriate. If we're addressing the fisheries where buoy gear is
16 allowed, I would recommend doing that in a different action.

17
18 **MARCOS HANKE:** Thank you, Jocelyn. Miguel, you're asking for a
19 turn to speak?

20
21 **MIGUEL ROLON:** No, but, if you want me to speak, I can say
22 something.

23
24 **MARCOS HANKE:** No, I'm sorry.

25
26 **MIGUEL ROLON:** Andy's hand is still up, and so Andy can go, if
27 you're finished, but the council should instruct the staff to
28 pursue this alternative language that Jocelyn is talking about, so
29 we pinpoint the issue of recreational fishers not being allowed to
30 use the buoy gear.

31
32 **MARCOS HANKE:** Yes. Before we -- I agree with you, and let's
33 instruct the staff to do so, and, also, from my expertise and
34 knowledge about this issue, about the buoy gear in this fishery,
35 and after talking to many fishermen, I think the new alternatives
36 that were presented is on the right track of addressing the issue,
37 the ones that were presented today, the two new alternatives.

38
39 **MIGUEL ROLON:** Marcos, Nelson Crespo is coming in and out, and
40 apparently he has some audio problem, but he wanted a turn to speak
41 before. If he's in, maybe we could allow him to talk?

42
43 **MARCOS HANKE:** Okay. We have Nelson and then Maria.

44
45 **NELSON CRESPO:** Thank you, Mr. Chair. I just agree with what
46 Carlos said regarding the commercial, or the recreational, I mean.

47
48 **MIGUEL ROLON:** Okay. Now we have Edward Schuster.

1
2 **MARCOS HANKE:** Go ahead, Eddie.

3
4 **EDWARD SCHUSTER:** Okay. Edward Schuster, DAP Chair, St. Croix,
5 and I'm in agreement with what Carlos said and what Nelson said.
6 This fishery, or this method of fishing, was developed by
7 commercial fishers and adopted, or copied, by recreational
8 fishers, and so it would be unfair, highly unfair, to not allow
9 the buoy gear as a method of fishing.

10
11 It was a trade secret that was given up by fishers, and, just in
12 conversation, to allow the council to know how they fish this type
13 of fish and the method and the way that they fish it, and now it's
14 adopted by the recreational fishers, and so I would be in agreement
15 to not allow recreational fishers to utilize this gear to impact
16 the fishery.

17
18 Like we said, as DAP chairs, it's a very expensive fishery. You
19 could go two weeks, and your effort is there, and the fish are
20 there, but the conditions don't allow the fish to bite, and, when
21 the perfect conditions are there, the fishers use only one buoy at
22 a time, if the bite is on, and so, allowing the recreational
23 fishers not to use it, I would be in agreement to that, and only
24 commercial fishers to utilize this gear. Thanks.

25
26 **MARCOS HANKE:** Thank you. Maria.

27
28 **MARIA LOPEZ:** I want to thank everybody for your comments, and
29 this is very, very useful for the development of this action. As
30 I mentioned earlier, obviously, we are still in the development,
31 and, if the council desires for the IPT to include a new action or
32 a new alternative, a new sub-action, we can definitely look into
33 that.

34
35 What we are going to do is, if you give us the go, is we are going
36 to have a meeting with the IPT and present the points that were
37 brought up at this meeting, and then we are going to come up with
38 a way to address the recreational use of buoy gear for non-managed
39 species.

40
41 How we end up doing it, if it's as a separate action or a sub-
42 option or another alternative or modifying the alternative, is
43 something that we can decide later, but the important thing is
44 that we can incorporate all the suggestions that you have, and the
45 recommendations, and making sure that it's included in the
46 document. I just want to clarify that, as I said earlier, the
47 current definition of buoy gear that we have in the regulations
48 does not -- It's for the commercial harvest of reef fish, and it

1 doesn't include recreational harvest, and this is managed reef
2 fish.

3
4 The issue that is being brought up today is regarding the
5 recreational harvest of non-FMP species, and, when I say non-FMP
6 species, let me give you an example. There are some jacks that
7 are not managed in our FMPs that could be caught as a bycatch, or
8 an incidental catch, while pursuing this fishery, for example, and
9 so that will be something like that. We will be addressing that
10 in the document, if you guys desire to do that.

11
12 **MARCOS HANKE:** Okay. Thank you, Maria. Do you need a motion, or
13 do you need anything else from us now?

14
15 **MARIA LOPEZ:** I don't think we need a motion for this. I think
16 it's pretty clear what the instructions are. I mean, they're on
17 the record. Jocelyn, did you -- I am going to get some legal
18 counsel on this. Do you think a motion is necessary at this point?

19
20 **JOCELYN D'AMBROSIO:** We don't necessarily need a motion, but I
21 just wanted to confirm that the council intent is to have the IPT
22 look at ways to potentially address where buoy gear is allowed as
23 a gear, as well as how that gear is defined, and so with ten hooks
24 versus twenty-five hooks.

25
26 If we're sort of asking folks to go back to the drawing board and
27 come up with additional options for discussion at the next meeting,
28 and that's clear, then I think we can move on without a motion,
29 but, if you wanted, you could have a motion just to direct staff
30 to look into options for considering where buoy gear is authorized
31 and the appropriate definition.

32
33 **MIGUEL ROLON:** Marcos, you don't need a motion, as per the comments
34 from Jocelyn and Maria, but just say the council instructs the
35 staff to pursue this, and, also, you need to ask whether there is
36 any other comments before closing the comment period, and then
37 we'll move to the next item.

38
39 **MARCOS HANKE:** Any more comments addressing the comment period
40 time that we have reserved for this? Hearing none, I think the
41 record is clear, and we can pass to the next item on the agenda.

42
43 **MIGUEL ROLON:** The record is clear that the council wishes the IPT
44 to continue the work to incorporate the discussion as of today
45 regarding recreational fishers.

46
47 **MARCOS HANKE:** Correct.

1 **MIGUEL ROLON:** Okay. So next.

2
3 **MARCOS HANKE:** The next item on the agenda is Final Action to
4 Submit the Generic Framework Amendment to the Puerto Rico, St.
5 Thomas/John, and St. Croix Management Plans for Spiny Lobster.

6
7 **FINAL ACTION TO SUBMIT THE GENERIC FRAMEWORK AMENDMENT TO THE**
8 **PUERTO RICO, ST. THOMAS AND ST. JOHN, AND ST. CROIX FISHERY**
9 **MANAGEMENT PLANS: SPINY LOBSTER REFERENCE POINTS TO THE**
10 **SECRETARY OF COMMERCE**
11

12 **SARAH STEPHENSON:** This presentation will provide a look at the
13 final draft version of the framework amendment to the island-based
14 fishery management plans. Version 3 of the framework amendment
15 and the corresponding changes that would be made to the regulations
16 are available on the council's website for your review.

17
18 At the April 2021 regular meeting, the council reviewed the draft
19 framework amendment to each island-based FMP, which would update
20 the spiny lobster management reference points following the
21 accepted SEDAR 57 stock assessments and the stock's change from
22 Tier 4 to Tier 3 under the ABC Control Rule included in each FMP.

23
24 Under Action 1, the council reviewed alternatives for setting
25 overfishing limits, or OFLs, acceptable biological catches, or
26 ABCs, and annual catch limits, or ACLs, for the years 2021 to 2023.
27 Alternatives included a variable catch approach, in which the OFLs,
28 ABCs, and ACLs would change each year, and a constant catch
29 approach, in which the values would be the same each year for 2021
30 to 2023.

31
32 Under Action 2, the council reviewed alternatives for revising the
33 years of landings data used to trigger an accountability measure,
34 an AM, for spiny lobster from the process described in the island-
35 based FMPs. Alternatives included using a three-year average of
36 landings and a single year of landings as the AM trigger.

37
38 Although it was not included as an action, the framework amendment
39 would also update the maximum sustainable yield, the overfished
40 status determination criteria, and the overfishing status
41 determination criteria for spiny lobster in each island area, based
42 on outcomes from the SEDAR 57 stock assessments.

43
44 For Action 1, the council selected Alternative 3 as the preferred
45 approach for setting OFLs, ABCs, and ACLs for spiny lobster for
46 each FMP. This approach sets constant catch values for the years
47 2021 to 2023. The action included sub-alternatives for the council
48 to set the ACL from the ABC, and the council selected Sub-

1 Alternative 3b, which set the spiny lobster ACL at 95 percent of
2 the ABC for each island.

3
4 The council intent is to ask the Science Center to conduct an
5 interim assessment for spiny lobster, to update reference points
6 such as the OFLs, ABCs, and ACLs for each island, which would
7 require a subsequent amendment be developed. The hope would be to
8 have those updated reference points in place in time for the 2024
9 fishing season. However, in the event that rulemaking for that
10 subsequent amendment is not in place for 2024, the SSC recommended
11 ABCs for the years 2024 and later, from which the ACLs for those
12 years were derived using that same 95 percent buffer.

13
14 The table lists the ACLs for 2021 to 2023, and then for 2024 and
15 later, again in that event that the updated values are not in place
16 by the year 2024.

17
18 For Action 2, the council selected Alternative 2 as the preferred
19 alternative for the AM trigger, which would use the average of the
20 most recent three years of spiny lobster landings to trigger an AM
21 under each FMP, and so an AM would be triggered if average landings
22 exceeded the average ACLs in place during those years. The years
23 of landings used to trigger an AM could be adjusted to account for
24 the best scientific information available.

25
26 The table below illustrates the years of spiny lobster landings
27 that could be used to trigger an AM under this preferred
28 alternative for each fishing year, and the second column, the years
29 of recent landings used, are based on the assumption that the final
30 landings are not available until two years after the year in which
31 the fishing occurred, and so you can see, for fishing year 2022,
32 the most recent landings available would be from 2020, and so the
33 three-year average used to evaluate whether an AM needs to be
34 triggered would be the three-year average from the years 2018 to
35 2020, and then you can see how each year progresses after that.

36
37 Then, for next steps in the amendment process, following any
38 questions from this presentation, the council could vote to submit
39 the amendment to the Secretary of Commerce for implementation.
40 The council could give staff permission to make non-substantive
41 changes, editorial changes, in the amendment and give the Council
42 Chair permission to review those changes and submit the amendment.

43
44 SERO staff would then start the rulemaking process. The proposed
45 rule would include a thirty-day comment period for the public to
46 provide comments. As mentioned before, since this an amendment to
47 the island-based FMPs, the final rule for the amendment would
48 likely occur in early 2022, once those FMPs are in place and

1 implemented. With that, I will take any questions.

2
3 **MARCOS HANKE:** Thank you, Sarah. Before I pass it, I want to ask
4 this, about the AM part. This is a good time to discuss the --
5 Because, once we decide which month is going to be used to start
6 the AM, the closed days of the AM, we were not thinking about each
7 island specific, and it was the whole U.S. EEZ.

8
9 **MIGUEL ROLON:** Marcos, if I may, this is the time for final action
10 on the presentation that you received from Sarah. At this time,
11 you need to open the comment period. Then, during the comment
12 period, ask the other people present whether they have any comments
13 regarding this presentation. Then you need to have a motion to
14 take final action. That motion, because it's going to the
15 Secretary, with the caveat of the last slide, then will have to be
16 a roll call vote for this motion, just so you know what you're
17 supposed to do.

18
19 **MARCOS HANKE:** I am going to do that, but I was just asking,
20 because I need to know where, or when, we can address the dates
21 for Puerto Rico, if the council intends to do that in the future,
22 to revisit the dates for the implementation of AMs.

23
24 **SARAH STEPHENSON:** Were you asking specifically about, if an AM is
25 triggered and applied, those closure dates starting from September
26 30 forward to the year, and is that what you were referring to,
27 like when the AM would occur?

28
29 **MARCOS HANKE:** This is what I am referring to, yes.

30
31 **SARAH STEPHENSON:** Okay, and so the council can, obviously, discuss
32 that. That would need to be through another amendment. This
33 amendment that we're doing retains the regulations as written for
34 AMs, how they're applied, including that September 30 forward
35 through the year. Then, if that's not enough time, starting with
36 October 1 and moving towards the end of the year. That will remain
37 as specified in the island-based FMPs, until such time it's
38 amended, but that was not included in this particular amendment,
39 and so that would require another amendment.

40
41 **MARCOS HANKE:** Okay. Thank you. Maria.

42
43 **MIGUEL ROLON:** You have Andy with his hand up.

44
45 **MARIA LOPEZ:** Sorry, Marcos. Are you asking me?

46
47 **MARCOS HANKE:** I thought you were asking for a turn to speak, or
48 Andy?

1
2 **MARIA LOPEZ:** No, and that was old.

3
4 **MIGUEL ROLON:** It's Andy.

5
6 **ANDY STRELCHECK:** Sarah has covered most of what I was going to
7 say, and so that, to me, needs to be taken up in a separate action,
8 if the council wants to reconsider when the accountability measures
9 are triggered. We're more than happy to discuss, obviously, the
10 accountability measure and what transpired this year, and then the
11 council can consider whether or not they want to pursue an
12 additional action to the one we're taking final action on today.

13
14 **MARCOS HANKE:** Okay. Let's focus on what was presented then.
15 Thank you for the clarification. We can discuss about this later
16 on. Council members, any comments or any questions about the
17 presentation?

18
19 **MIGUEL ROLON:** If not, we had Andy again, and I don't know whether
20 he still had his hand up.

21
22 **ANDY STRELCHECK:** I just wanted to comment, Marcos, that I am
23 supportive of the current preferred alternatives and recommend
24 that we proceed to final action with no changes to the preferred
25 alternatives.

26
27 **MARCOS HANKE:** That's a motion from you?

28
29 **ANDY STRELCHECK:** That's my recommendation. Obviously, I wanted
30 to hear if there is other council discussion.

31
32 **MARCOS HANKE:** Any other comments or discussion? Anybody else?

33
34 **MIGUEL ROLON:** You have Tony Blanchard.

35
36 **MARCOS HANKE:** Tony.

37
38 **TONY BLANCHARD:** So moved.

39
40 **MIGUEL ROLON:** Okay. We need the language that was proposed.
41 Christina, can you put on the screen the language that is proposed?
42 I believe that the intention of the council is very clear,
43 following the discussion by -- Okay. Mr. Chairman, what we have
44 on the screen is the proposed language for the motion.

45
46 **The council moves to approve the Generic Framework Amendment to**
47 **the Fishery Management Plans for Puerto Rico, St. Thomas and St.**
48 **John, and St. Croix: Modification of Spiny Lobster Management**

1 **Reference Points with the selected preferred alternatives and to**
2 **submit the framework amendment to the Secretary of Commerce for**
3 **implementation.**

4
5 The question is, to Andy and Tony, if this language reflects the
6 intent of that they want to do, and then we would have to have a
7 roll call vote for this particular motion.

8
9 **MARCOS HANKE:** Yes, and, just for the record, Andy, this is your
10 motion? Do you accept the language there?

11
12 **ANDY STRELCHECK:** Yes, I accept the language.

13
14 **MARCOS HANKE:** Thank you. Tony, do you accept the language, and
15 do you second?

16
17 **MIGUEL ROLON:** Tony might have some audio problems.

18
19 **MARCOS HANKE:** He seconded before, and I just wanted to make sure.

20
21 **MIGUEL ROLON:** Okay. Now, Liajay, for this motion in particular,
22 you have to have a roll call vote, and so that means that, if there
23 is no discussion, then each council member has to vote, after
24 indicating his name, or her name.

25
26 **MARCOS HANKE:** Is there any further discussion? We didn't hear
27 any before. Is there anybody against? Any abstentions?

28
29 **MIGUEL ROLON:** Marcos, you have to have a roll call vote.

30
31 **TONY BLANCHARD:** I am still waiting to see the language show up,
32 and it hasn't shown up yet.

33
34 **MIGUEL ROLON:** Okay. Tony, let me read the language carefully
35 again. The council moves to approve the Generic Framework
36 Amendment to the Fishery Management Plans for Puerto Rico, St.
37 Thomas and St. John, and St. Croix: Modification of Spiny Lobster
38 Management Reference Points with the selected preferred
39 alternatives and to submit the framework amendment to the Secretary
40 of Commerce for implementation. The language makes official what
41 Andy proposed before and the one that you seconded. If you agree
42 with the language, now we have to have a roll call vote.

43
44 **MARCOS HANKE:** Tony, do you agree?

45
46 **TONY BLANCHARD:** Yes, and I -- (Part of Mr. Blanchard's comment is
47 not audible on the recording.)
48

1 **MARCOS HANKE:** Okay. Thank you, Tony. We are going to make a
2 vote. Tony, your vote, please?
3
4 **TONY BLANCHARD:** Yes.
5
6 **MARCOS HANKE:** Carlos.
7
8 **CARLOS FARCHETTE:** Yes.
9
10 **MARCOS HANKE:** Vanessa.
11
12 **VANESSA RAMIREZ:** Yes.
13
14 **MARCOS HANKE:** Nicole. Damaris.
15
16 **DAMARIS DELGADO:** Yes.
17
18 **MARCOS HANKE:** Andy.
19
20 **ANDY STRELCHECK:** Yes.
21
22 **MARCOS HANKE:** Marcos, yes. We are just missing Nicole with an
23 audio problem. Can you hear us now, Nicole?
24
25 **MIGUEL ROLON:** Nicole is not in.
26
27 **MARCOS HANKE:** She's not in, and so we have in favor, we have
28 Damaris, Marcos, Andy, Tony, Carlos, and Vanessa. We have one
29 abstention, one absent, I'm sorry,
30
31 **MIGUEL ROLON:** One absent, yes.
32
33 **MARCOS HANKE:** Absent. **The motion carries.**
34
35 **MIGUEL ROLON:** Liajay, for the record, we can add the language
36 that incorporates the names of the voting members. We're ready
37 for the next item, Mr. Chairman.
38
39 **CARLOS FARCHETTE:** Nicole just sent me a text that her internet
40 went off in her office.
41
42 **MIGUEL ROLON:** Is she in favor?
43
44 **CARLOS FARCHETTE:** She is in favor, yes.
45
46 **MIGUEL ROLON:** Let the record show then that Nicole Angelia also
47 voted in favor, and so it's unanimous.
48

1 **MARCOS HANKE:** Yes. Thank you, Carlos, for the help with the
2 technical support there and keeping the communication clear.
3
4 **MIGUEL ROLON:** Mr. Chairman, you can either have lunch now or take
5 the SEAMAP Caribbean, and it's up to you. The lunch was for 12:30
6 to 1:30, and so please let us know.
7
8 **MARCOS HANKE:** Let's start the lunch now, unless --
9
10 **NICOLE ANGELI:** Sorry, Mr. Chair, and I apologize. The internet
11 went out in our office just as the roll call started, and so my
12 apologies. Thank you for moving forward, but I would vote in favor
13 of the motion.
14
15 **MARCOS HANKE:** We have that registered already. Thank you for
16 weighing-in and being able to say so. Thank you. The presentation
17 of SEAMAP, is J.J. Cruz around?
18
19 **SARAH STEPHENSON:** Actually, sorry for interrupting, Marcos. There
20 were a couple of additional considerations for the council specific
21 to the spiny lobster amendment that I had on my last slide. For
22 instance, does the council want to give permission to staff to
23 make non-substantive editorial changes and then, also, give
24 permission to the Council Chair to review those changes and then
25 submit, and so just a couple more things for the council to
26 consider.
27
28 **MARCOS HANKE:** Yes, and do we need -- Do we have a motion for that?
29
30 **SARAH STEPHENSON:** It's in the document, Liajay.
31
32 **MARCOS HANKE:** Motion 2 is the council moves -- This motion is
33 presented by whom, Sarah?
34
35 **MIGUEL ROLON:** Nobody at this time, but you need to have a council
36 member to have the motion.
37
38 **NICOLE ANGELI:** I move that the council moves to allow staff to
39 make editorial, non-substantive changes to the Spiny Lobster
40 Generic Framework Amendment. Any changes will be reviewed by the
41 Council Chair.
42
43 **MARCOS HANKE:** Thank you, Nicole. Any second?
44
45 **CARLOS FARCHETTE:** Second.
46
47 **MIGUEL ROLON:** At this time, you don't need a roll call. You can
48 say, if there is no opposition, that motion carries.

1
2 **MARCOS HANKE:** Is there any further discussion?
3
4 **MIGUEL ROLON:** Tony is raising his hand.
5
6 **MARCOS HANKE:** Go ahead, Tony.
7
8 **TONY BLANCHARD:** The only problem I have with that is I really
9 believe that it has to be looked over after the changes. It should
10 be looked over by the Full Council, because this is a council
11 decision.
12
13 **MIGUEL ROLON:** Tony, in this case, the council decision is already
14 made. These comments are non-substantive changes, and that means
15 a comma here or a period over there, but the essence of what the
16 council approves is already in the motion, and so just trust the
17 staff of the Regional Office and Graciela. They will not deviate
18 from the council intent, in this case.
19
20 **TONY BLANCHARD:** Okay.
21
22 **MIGUEL ROLON:** Don't worry, Tony. Rest assured that, if we find
23 something that you may not like, we will present it to you
24 immediately.
25
26 **MARCOS HANKE:** Thank you, Miguel and Tony. Any further discussion?
27 **Any council member against? Hearing none, the motion carries.**
28 The next important item, Sarah, do you want a motion?
29
30 **SARAH STEPHENSON:** It's on the screen here for Motion 3, and this
31 would just give the Council Chair the -- Sorry. The council needs
32 to deem the codified text, that regulatory text for the ACLs that
33 would be changing for the regulations, and you just need to agree
34 to those changes and for implementing the amendment. They are in
35 the briefing book, and so I don't know if someone wants to pull
36 that up, so you can look at it.
37
38 **MARCOS HANKE:** Yes, and we all had a chance to look at the briefing
39 book. Is there any council member that wants to see that again,
40 or should we move along with the motion?
41
42 **MIGUEL ROLON:** Sarah, can you explain what a codified text is,
43 just for the record?
44
45 **SARAH STEPHENSON:** Right, and so these are the regulations that
46 actually get put into the website that tells you what the
47 regulations are, and so the only thing that's really changing for
48 spiny lobster from what the regulations are under the island-based

1 FMPs, are going to be updating the values for the ACLs, because
2 those are the only management measures that get codified, and so
3 they get put in the ECFR. Does that answer your question?
4

5 **MIGUEL ROLON:** Yes, and my point is, Mr. Chairman, is that this is
6 a technical thing that can be trusted, again, with the staff. They
7 are not going to change anything that the council didn't approve
8 or discuss before, and so, in this case, that codified text will
9 reflect, officially, what the council just agreed a few minutes
10 ago.
11

12 **MARCOS HANKE:** Thank you, Miguel. Would any council member that
13 would like to move the suggested language on the screen?
14

15 **VANESSA RAMIREZ:** So moved.
16

17 **TONY BLANCHARD:** Second.
18

19 **MARCOS HANKE:** We have a second by Tony Blanchard. **The Motion 3,**
20 **presented by Vanessa Ramirez and seconded by Tony Blanchard, reads:**
21 **The council moves to deem the codified text presented by the staff**
22 **as necessary and appropriate for implementing the Spiny Lobster**
23 **Generic Framework Amendment.** Any further discussion or any
24 comments? **Anybody against it? Hearing none, the motion carries.**
25 Sarah, is that it?
26

27 **MIGUEL ROLON:** Mr. Chairman.
28

29 **MARCOS HANKE:** Go ahead.
30

31 **MIGUEL ROLON:** I was going to suggest that you may want to break
32 for lunch, because I don't know whether Dr. Cruz-Motta has already
33 committed for something else before 1:30, and so you can start the
34 meeting promptly at 1:30 with that presentation.
35

36 **MARCOS HANKE:** Let's go for lunch now, and that sounds like a good
37 idea, and people can enjoy a little extra lunch time, and thank
38 you very much for a productive morning meeting. We are on
39 schedule. We're going to start lunch now and come back at 1:30.
40

41 **ANDY STRELCHECK:** Marcos and Miguel, real quick, we talked about,
42 obviously, the accountability measure for this year that was
43 implemented, as well as the potential to revisit the accountability
44 measure timing, and at what point can we revisit that during
45 today's council meeting?
46

47 **MIGUEL ROLON:** We were thinking that, at the enforcement section,
48 the Puerto Rico enforcement section, we wanted to discuss it.

1 There are a couple of fishers who wanted to join in on the
2 discussion, and they asked me for some time. They are not here,
3 but they asked me for time to speak during enforcement this
4 afternoon, and that will be at 2:30.

5
6 **ANDY STRELCHECK:** Okay. Sounds good to me.

7
8 **MARCOS HANKE:** I want to mention, for the benefit of everybody,
9 talking to fishermen, mainly divers, that fish for conch and
10 lobster, the problem of having the data we have related to the AM
11 of September 30 is that it goes over the state water closed season
12 of conch, which is the two main species that they fish for, and
13 there is a big socioeconomic adverse effect on this group of
14 fishermen, especially on the southwest coast of Puerto Rico, and
15 that's the reason that I made the question in the beginning. Thank
16 you. We are going to break for lunch, and we'll be back at 1:30.
17 Thank you to all.

18
19 (Whereupon, the meeting recessed for lunch on August 11, 2021.)

20
21 - - -

22
23 AUGUST 11, 2021

24
25 WEDNESDAY AFTERNOON SESSION

26
27 - - -

28
29 The Caribbean Fishery Management Council reconvened via webinar on
30 Wednesday afternoon, August 11, 2021, and was called to order at
31 1:30 o'clock p.m. by Chairman Marcos Hanke.

32
33 **MARCOS HANKE:** Good afternoon, everyone. It's 1:30 p.m. We're
34 going to restart the afternoon session for the CFMC virtual
35 meeting, and the next presentation we have online is the SEAMAP
36 Caribbean Gold Copy by J.J. Cruz-Motta. J.J., are you available
37 to present?

38
39 **SEAMAP CARIBBEAN GOLD COPY**

40
41 **J.J. CRUZ-MOTTA:** Good afternoon, Marcos. Good afternoon,
42 everybody. I am here. Let me share the screen with you. Again,
43 good afternoon, everybody. My name is Juan Jose Cruz-Motta, and
44 I work at the Department of Marine Sciences at the University of
45 Puerto Rico, and, for about the last two years, year-and-a-half,
46 we have been working on compiling and collecting all the SEAMAP-C
47 data that we can get our hands on and putting all that data together
48 and trying to make it accessible to everybody.

1
2 Before I start, I would like to give you a little bit of background
3 on what is SEAMAP and the use that we can use of that data on an
4 EBFM approach. Very likely, you all are aware of SEAMAP, and it's
5 a cooperative program with the main task of collecting, managing,
6 and disseminating fishery-independent data.

7
8 Please note that, in these background slides, I have bolded a few
9 phrases, or words, and those words will be important, as we will
10 focus on those as we go towards the end of the presentation.

11
12 The data that we collect in SEAMAP is supposed to be used to follow
13 trends over time, trends of commercially-important species, and
14 not in SEAMAP-C, but in general in SEAMAP, also environmental
15 parameters are collected, and some focus has been done on analyzing
16 the community structure of fish assemblages in the region.

17
18 The goals of SEAMAP are those that you can see on the screen. Out
19 of those four, I would like to focus on Number 1 and Number 4.
20 Number 1 is to collect and analyze data on economically and
21 ecologically-important species and their essential habitats to
22 support stock assessment and management needs, and this is very
23 important, with emphasis on ecosystem-based management.

24
25 On the other hand, the Goal Number 4 is about maximize the
26 accessibility and coordination of fishery-independent survey data.
27 Please note that these four goals were taken out of the 2021-2025
28 SEAMAP-C management plan.

29
30 On the other hand, just to refresh you on the work that we have
31 been doing in terms of EBFM, EBFM is a holistic approach that
32 recognizes all the interactions within an ecosystem, rather than
33 considering a single species or issue in isolation. This approach
34 requires new analytical tools that look, at the same, at multiple
35 human impacts and multiple species.

36
37 Finally, the last thing that I want to say about EBFM, and we can
38 say a lot of things, but the last thing that I want to pinpoint is
39 that it's a strategic tool for exploring patterns of spatial
40 differences and temporal changes of natural communities and their
41 drivers. This tool can also be used to conduct a risk assessment
42 and ranking policy alternatives.

43
44 I am saying this because the EBFM approach is complementary to the
45 traditional single-species approach, for example stock assessment,
46 which is used for tactical management, like, for example, setting
47 annual quotas, and so now we're working, in the council, with this
48 EBFM, which is not an alternative tool, but it's a complement to

1 what we have already been doing.

2
3 The problem that triggered this project, or the issues, were two.
4 The first one was that SEAMAP-C data has been collected since 1991,
5 but it was not easily available to stakeholders, and it was not
6 used a lot for, for example, stock assessments. The second issue
7 is that, for some analysis -- It was used for some analysis, but
8 it was criticized, or the users of the data said that most of the
9 data, most of the species, had low numbers, and, for example, a
10 lot of stock assessments could not be done with the SEAMAP-C data.

11
12 Actually, I am going to give you an example of this, and we are
13 about to do a SEDAR on queen triggerfish, and we have collected
14 only -- In the database, there are ninety-three individuals from
15 1991 to 2019 for Puerto Rico. Out of those, half of those were
16 collected in the last three years, and I don't think that will be
17 numbers enough to conduct a stock assessment, and so this is just
18 an example of that, quickly.

19
20 Here, I just want to say that -- I just want to make a short
21 comment on the low number issue, and that is that, in tropical
22 assemblages, or tropical natural communities, they are generally
23 dominated by few species, and most of the species that you find in
24 tropical assemblages, and the fish assemblages associated to our
25 reefs is not exception, and most of the species that you find in
26 the community are rare. They have naturally low numbers.

27
28 What you see on the screen is a dominance graph in which you have,
29 on the X-axis, species rank in terms of their relative abundance,
30 and, on the Y-axis, you have an indication of that relative
31 abundance. Please note that only four species make up more of 5
32 percent of that relative abundance. The blue line is the east
33 coast of Puerto Rico, and the red line is the west coast of Puerto
34 Rico.

35
36 Most of the one-hundred-and-something species that were found in
37 Puerto Rico are naturally rare, and so, in a community that has
38 these characteristics, it would be really, really hard to get
39 enough numbers to do stock assessments, not because we're not
40 sampling hard enough, but it's because, naturally, most species in
41 tropical assemblages are not that common. This is the comment
42 that I wanted to make about the small numbers. It's just a
43 combination of the tools that we're using to sample these
44 assemblages plus the reality, a fact.

45
46 If somebody is wondering what were the most abundant, I am just
47 putting here the species. It's two groupers and one snapper and
48 one porgy.

1
2 The objective of these projects then were to address those two
3 issues, and it was, one, to compile, curate, and make available
4 all SEAMAP-C data, and two was to analyze temporal trends of that
5 data using a multi-specific approach.

6
7 Objective 1 was related to Goal 1 of SEAMAP, which is maximize the
8 accessibility of the data, and Objective 2 was directly related,
9 or it is directly related, to Goal Number 4 of SEAMAP, which is to
10 support management needs, with emphasis on ecosystem-based
11 management, and what comes next is an example of Objective 1 and
12 an example of Objective 2.

13
14 Objective 1, the database, first of all, I want to tell you a few
15 general characteristics of this database. It's a database that
16 has information at individual level of size, weight, sex, and stage
17 of the individual, and those asterisks mean that, for sex and
18 stage, not all entries have that data.

19
20 That information was collected, was sampled, using many types of
21 gears, like traps, handline, and longline. The characteristics,
22 or the protocol, the specific method for each one of those, have
23 changed considerably through time, in terms of immersion time,
24 number of hooks, length of the longline, et cetera, et cetera.

25
26 Out of that information, then we can estimate or make estimations
27 of abundances and biomasses for species, and that information is
28 discriminated by year, month, depth, habitat, sampling stage,
29 region, and others. Others has an asterisk, because, in addition
30 to the original factors considered in this database, we added
31 others, other factors, such as, for example, proximity to nursery
32 area, whether the data point is within an MPA or not, or, for
33 example, distance to the closest fishing village. Those, we create
34 those to be able to use these SEAMAP-C data in an EBFM context.

35
36 Here, in this table, we have a few characteristics, some very
37 general characteristics. The first line is total number of
38 individuals per region, and like, here, we have east Puerto Rico,
39 west Puerto Rico, and the USVI. This is St. Croix and St. John
40 all combined.

41
42 Number of species sampled through the years in each one of the
43 regions, what year we started collecting data in each one of those,
44 how many sampling stations all through the years, number of
45 singletons, and I just wanted to single out this one, because
46 singletons is the number of species where we sampled only once,
47 and so we have only one individual through the entire database,
48 and please note that those percentages are relatively -- It's a

1 quarter of the species that we have reported, that they have only
2 one individual, and then, obviously -- I just wanted to mention
3 this, because, obviously, for assessment of absolute biomass of
4 abundance, that's totally -- We cannot use that data. However, it
5 can be used from an assemblage or description of the community
6 point of view, since we know, at least, that that species is
7 present in that community.

8
9 That has a lot of ecological implication, and just remember that
10 the function of a community is directly related with the diversity,
11 regardless of the relative abundance, and so this gives us
12 important data on diversity, even though we cannot use that data
13 for abundance estimates.

14
15 This is the status of compilation, and it's 100 percent for Puerto
16 Rico. We are almost done for the USVI and trying to chase down
17 three years, and we know those years were sampled, but we haven't
18 been able to find the data yet, but I'm pretty sure -- Hopefully
19 we will find those three years that are missing.

20
21 In terms of compilation of data, that data will be provided to any
22 -- It will be publicly available through this interface, and this
23 is the web version. The link will be available through the council
24 webpage, and you can see there, in orange, the sampling stations
25 for Puerto Rico, and in yellow are the sampling stations there for
26 the Virgin Islands.

27
28 Here, you will have the classical selectors for site, for the
29 Puerto Rico sites and for the USVI, and you could select based on
30 dates or based on species, if you are looking for sampling in
31 particular.

32
33 Let's suppose that I want to -- For example, here, I want to see
34 all the stations that were sampled in Quadrant Number 54, which is
35 this one here, and then note that, now, I don't have all the orange
36 dots, and I only have the dots inside Number 54, and, if I go into
37 that selection of sites, then I have here -- What I have here on
38 the left and the right is a summary of the data that you have in
39 that group of sites, and it's basically the relative proportion of
40 all the species that were found in those sites, in terms of biomass
41 and in terms of abundance.

42
43 Also, here, down here, we have detail on the dates that those sites
44 were sampled, and here is some of those graph bars, and here are
45 total abundances and biomass, and these are not discriminated by
46 species, but to give you an idea of the dates when those stations
47 were sampled, and it was between 1991 and 2019. If you go and
48 then click on each one of the sites, the dots within the square,

1 you will have details on what is in each one of those dots.

2
3 Like, for example, in this one, we have eight different elements,
4 and then the first element is the species, and we have red hind,
5 and we have four individuals, which, in total, weighed 0.8 kilo.
6 Not show here, if you actually -- Sorry. Let me show the next
7 one.

8
9 The next one is another example, and this is a snapper, and we
10 found only one of these, and this is the weight. What I wanted to
11 say is, if you click on that, on that specific sampling site, you
12 will be able to download the data, the actual data, the data where
13 you will have the weight and size per individual in that site for
14 all the species that were sampled there.

15
16 Of course, you can do a broader selection, like all the sites of
17 Quadrant Number 54, and then you will get all the data. Also, you
18 will be able to get the entire data matrix from the council
19 webpage. Once all of this is totally compiled and double-checked,
20 it will be uploaded here, and so you will have the option also to
21 get the entire data, and you will be able to do whatever you want
22 with that data. You can organize it in the way that you prefer.

23
24 This is in terms of Objective Number 1. For Objective Number 2,
25 I am going to briefly present in the last five minutes, and I am
26 going to present just an example of how these analyses, alternative
27 analyses, on SEAMAP-C data can be used for an EBFM approach.

28
29 Just remembering from the background slides, EBFM focuses on the
30 community structure, the entire fish assemblage, rather than one
31 species. Then it follows trends over time and then tries to
32 identify what are the drivers of those trends.

33
34 To develop this example further, I am going to start with something
35 that is very familiar to most of the people sitting in this meeting
36 today, which is the conceptual model that has been developed, or
37 are being developed, by different groups associated with the
38 council. Here, we have -- I am not specifying which stakeholder
39 did this, but one of the stakeholders created this conceptual model
40 for this specific group of people, and the commercial fisheries is
41 the main node, or is the most important component here, and we
42 know it's the most important only because it received the highest
43 number of connections in this conceptual model.

44
45 If you take this one and contrast it with another group of
46 stakeholders, the second group of people then highlighted the
47 biomass, and biomass refers to the biomass of fish assemblages,
48 everything, right, and, also, for them, it was the most important,

1 because it received -- We identified that component as the most
2 important, because it received the most connections.
3
4 One important thing about all these conceptual models that we are
5 developing is that, eventually, we would like to compile all of
6 those, and then, when you have contrasting views of what will be
7 the most -- For example, like the one that I just mentioned to you
8 is what is the most important, and then a quantitative approach is
9 necessary to start to compile, to amalgamate, all these different
10 models.
11
12 In this example, we have three models, but, actually, last time I
13 counted, we already have eighteen or nineteen different conceptual
14 models, and a very brief comment on this. Why we need so many is
15 because we want to incorporate as many opinions as possible in the
16 development of these conceptual models, but then I will close that
17 brief comment.
18
19 Coming back to this example, we need quantitative data to start to
20 see that, okay, what is more important here and what the data is
21 saying, and how -- Perhaps the two components are important, but
22 how we connect them. Then, coming back here, I am going to -- Out
23 of this spaghetti salad we've got here, I'm going to just extract
24 all the components on your left that affect fish biomass and all
25 the elements that fish biomass takes, which is commercial
26 fisheries, and it's sport fishing, and subsistence fishing.
27
28 Please note that this is not that different from the other group
29 of stakeholders, because, actually, the other group of
30 stakeholders, instead of calling this a fish biomass, they call it
31 pelagics, conch, and reef fish, something similar here, and, for
32 them, the important connection was in this sense. Again, we need
33 to build a consensus model out of these two contrasting views, and
34 then here is where we go and get our data.
35
36 In this case, the SEAMAP-C data can be useful to build this, to
37 select the specific drivers on the size of this trend affecting
38 fish biomass.
39
40 To do that, we're going to -- Don't panic, and we're going to go
41 through this very slowly, but, here at the top, the first thing
42 we're going to do is try to describe patterns of temporal
43 variation, or temporal changes, on the fish biomass of the entire
44 assemblage.
45
46 Here, again, we're not focusing on one species, but all 165 species
47 we found in the west region of Puerto Rico, and what you have here,
48 in this square, is not much different from a traditional map. In

1 a traditional map, you have cities, and let's say it's cities in
2 the United States, and then you can see which cities are closer
3 together and which cities are further apart, and it's the same
4 thing here.

5
6 These dots, if they are very close together, it means that the
7 structure and composition of the fish assemblage is very similar,
8 but, if they are further apart, it means that structure and
9 composition is very different.

10
11 To give you an example, I am now putting here, in this map, the
12 years, the year 1991, 1992, and 1993. The conclusion from this,
13 or the interpretation of this, is that changes between 1991 and
14 1992 were bigger than those changes between 1992 and 1993. Why is
15 that? Because the 1991-1992 line is longer than the line 1992-
16 1993.

17
18 The other important thing about these maps is that the direction
19 of those lines can also be interpreted. Note that 1991 to 1992
20 seems to go horizontally, where the line of 1992 and 1993 goes
21 vertically. That means that the type of changes that happened
22 between 1991 and 1992 were different to those between 1992 and
23 1993. In other words, the species that came or left were different
24 in 1991 to 1992 than 1992 to 1993, or, instead of came or left,
25 the species that we sampled.

26
27 Anyhow, here, in this first part, I just put all the dates between
28 1991 and 2005, and please note that it seems that all these years
29 -- The structure and composition of the assemblages seems to be
30 pretty homogeneous, but then, I would say 2001, 2004, and 2005,
31 the assemblages start to change, and please note now where it's
32 2006 and 2009. Then look what happened in 2010 and 2011. There
33 are bigger changes than those that we observed between 1991 and
34 2005 here. We can keep doing this and complete the whole data
35 series.

36
37 Now, what I just did is a graphical representation, and there are
38 no statistics behind this, and then we can apply these tests here
39 called SIMPROF, which allow us to identify groups of years that
40 are statistically different, which are those that are circled in
41 green, and so the first conclusion of the analysis of the west
42 region of the SEAMAP-C data is that the assemblages that we sampled
43 through the years had five very distinctive compositions. We were
44 sampling different structures of those communities, right?

45
46 The first question, and it's a question that we're going to answer
47 later, and not in this project, but down the road, within the EBFM
48 approach, is are these type of changes also seen in the catch data?

1 Are these changes also observed in other monitoring programs, such
2 as the Puerto Rico Coral Reef Monitoring Program?

3
4 The second question then is what are driving those changes? Also,
5 I wanted to mention, and please note how the data in 2018 and 2019
6 here, these two, belong -- Or is not different from the data in
7 2006 and 2009. From 2006 to 2019, it seems that there is a cycle,
8 a loop, and like there are changes that come back to a stage in
9 2006 and 2009, and so it will be interesting to see, in 2020 and
10 2021, if this keeps coming here, or if it will stay here or do
11 something different.

12
13 Describing these types of changes will help understand what is
14 happening with the system, and, to understand what is happening to
15 the system, we need to relate that to the specific species that
16 are going, and what you see here is a graphical representation of
17 a statistical analysis called SIMPAIR, which is designed to
18 identify specific species, or a group of species, responsible for
19 the changes that I just described.

20
21 Please note that, in that little group between 1999 and 2005, the
22 two small groupers here were pretty abundant. However, those were
23 decreasing and were replaced mostly by snappers. Any change that
24 happened in this first axis, in the horizontal axis, can be related
25 them to changes between groupers and snappers and these other
26 species on the left.

27
28 With this, we can identify species that are important in these
29 changes. More importantly is what are the drivers, and, like, for
30 example, the environmental drivers or anthropogenic drivers or
31 management issues that are responsible for those changes, and,
32 before I give you an example of how we do that, I just wanted to
33 put it in perspective that each region in the blue line here is
34 the same map that I showed you before, but now I have what happened,
35 the temporal changes that happened, in the east.

36
37 The line, the blue line, is shorter than the red line only because
38 we started sampling the east in 2009, several years after we
39 started in the west, but what is interesting is between 2009, that
40 you have here, and 2017, the last year we've got for the east,
41 it's also a loop. You can see that you have 2009, 2011, 2012,
42 2013, 2014, 2016, and 2017.

43
44 Also, the type of changes are happening in the same direction, and
45 so this is also very interesting, because then, whatever is
46 happening to these assemblages, it seems that it's a large-scale
47 change. Note that, as I mentioned before, we can also test whether
48 these patterns of change are being observed in other data matrices,

1 like, for example, the catch data, for example the data from the
2 Puerto Rico Coral Reef Monitoring Program, which definitely are
3 targeting different parts of that same community. Anyhow, let's
4 go back to the aspect of identifying the drivers.

5
6 **MARCOS HANKE:** J.J., I'm sorry to interrupt you, but it's 2:05.
7 Can you try to synthesize and get the most important points on the
8 rest of the slides, because you are running out of time.

9
10 **JUAN CRUZ-MOTTA:** Okay. Sure. The only thing that I want to say
11 here is that, the same as we did with the species, you can identify
12 drivers associated with those changes. Note, for the change
13 between 1991 and 2019, in the west region, it seems to be coral
14 cover decreasing and productivity in the water is increasing.

15
16 How do I use all that to refine this model that I showed you
17 before? Out of all those potential drivers that the stakeholders
18 said were important, all this, we can say that, yes, environmental
19 variables are important, yes, and productivity and temperature.
20 Habitat is important, yes, and coral cover.

21
22 There are elements that were not evaluated in this example, but we
23 do have the data, and we will eventually evaluate that, right, and
24 so we will be able to say, okay, gear type, yes, is important or,
25 no, it's not. Nurseries, yes, it is, or it is not. The final
26 message of this slide is that, using SEAMAP-C data, we will be
27 able to refine and amalgamate the different conceptual models.

28
29 This exercise also helps us to identify these things here, things
30 that the stakeholders said were important, but we have no data,
31 and so, next time some agency opens a call for proposals, perhaps
32 it will be ideal to concentrate on this stuff that says no data,
33 that will help to synthesize this model. This is just future work,
34 but that slide you can read, and I will just leave it here, and
35 thank you very much for your time, and I am sorry for the extra
36 seven minutes.

37
38 **MARCOS HANKE:** Thank you for an excellent presentation, J.J. I
39 think, at some point in time, we should put some more time for you
40 to present and for all of us to know the great job that you guys
41 are doing a little more, but thank you for the presentation. Any
42 questions? I have time for two questions.

43
44 **MIGUEL ROLON:** Marcos, not a question, but J.J., can you go back
45 to the previous slide, where you have -- That one. This is the
46 key to the future action of the council that we discussed in the
47 five-year strategic plan, because these models are okay when you
48 have this spaghetti salad, as J.J. called it, but the actual action

1 for the council will be, okay, now that we have that, what are we
2 going to do with it, and so this slide here --

3
4 You have the variables on the left, and you look at the biomass,
5 and you identify all the species, and then you need to see what
6 the council should do with the management plan that we have in
7 place, where do we have the information, and can we move forward
8 with any of these items in the model, so that we can do something
9 about it, and so just to let you know the importance of having
10 this discussion, and we will have J.J. come back when we have more
11 time, but we can revisit this at the meeting in December, if Dr.
12 Motta is available and has any updates to bring to the table at
13 that meeting. Excellent presentation, and thank you very much.

14
15 **JUAN CRUZ-MOTTA:** Thank you, Miguel, and I would be happy to share
16 further details with you in December. Definitely, yes. Thank
17 you.

18
19 **MARCOS HANKE:** Thank you, J.J. I don't see anybody else asking a
20 question.

21
22 **GRACIELA GARCIA-MOLINER:** Mr. Chair, if I may?

23
24 **MARCOS HANKE:** Go ahead, Graciela.

25
26 **GRACIELA GARCIA-MOLINER:** This relates back to the efforts that
27 are being made by the Science Center and the actual data storage
28 that we were talking about, to actually have it available for the
29 general public, and so sportfishing for MRIP, for the number of
30 years that we had for Puerto Rico, should be available, and it has
31 landings and size composition for a number of species, and maybe
32 subsistence fishing, from the work that Daniel and Juan Agar have
33 been doing, and so, as Miguel said, this is really the key, and
34 this is something that we should all look at.

35
36 If we were able to gather most of the information from the Virgin
37 Islands -- The request is open again for anyone who has any kind
38 of datasets that can be shared, and we would really love to
39 collaborate, and so thank you, J.J., and I think that having the
40 clean dataset from SEAMAP, for twenty-seven to thirty years of
41 information, it just makes a big difference. Thank you.

42
43 **JUAN CRUZ-MOTTA:** Thank you, Graciela.

44
45 **CARLOS FARCHETTE:** I have a quick question.

46
47 **MARCOS HANKE:** Go ahead, Carlos.

1 **CARLOS FARCHETTE:** Okay. On that same slide, I noticed that, on
2 the right-hand -- Or, actually, on both sides, it says commercial
3 fishing, sportfishing, and subsistence. Are you saying -- Are you
4 considering our recreational fisher a sportfishing?
5

6 **JUAN CRUZ-MOTTA:** This is the view of a particular stakeholder,
7 and I will have to go to that particular group to see if they put
8 them together or not. That is -- Carlos, now that you mention
9 that, that has been -- Different groups of people put it together,
10 and some other people don't, and that's one of the analyses that
11 we will have to do. We will have to say, okay, are we going to do
12 it together or not, but, because they are different views of
13 different people, and this one I used only as an example, but I
14 will have to check for you if that particular group put it together
15 or not. Sorry that I cannot answer your question.
16

17 **CARLOS FARCHETTE:** No problem. Thanks a lot.
18

19 **MARCOS HANKE:** Graciela.
20

21 **GRACIELA GARCIA-MOLINER:** We have also knocked on the doors of the
22 HMS groups, and, Carlos, I think that this might address some of
23 your sportfishing questions, but you do have quite a number of
24 sport fishermen that go out for the larger pelagics, and that might
25 not be under management, but that might be significant, in terms
26 of the changes to the fish biomass and the region, and so we will
27 be knocking on those doors. Actually, St. Croix has quite a bit
28 of data from the sportfishing, back in the 1990s and 2000s, and so
29 thank you.
30

31 **CARLOS FARCHETTE:** Thank you.
32

33 **MARCOS HANKE:** Thank you, everyone, for a great discussion. J.J.,
34 you are creating the tool for the future for the council, and I
35 really appreciate that. Thank you very much for your presentation.
36 The next presentation online is the Outreach and Education Report
37 from Alida Ortiz.
38

39 **OUTREACH AND EDUCATION REPORT**

40

41 **ALIDA ORTIZ:** Good afternoon, everyone. I will try to make my
42 report very concise and short. We will be talking about the
43 discussion that we had in the Outreach and Education Advisory Panel
44 on July 28 and 29 and the recommendations that came out of that
45 meeting and what we are presenting to the council for approval for
46 discussion.
47

48 First, I am going to just make a very short summary of the projects

1 that we have completed, and one of the probably most important
2 ones that we had been developing for quite a few months is the St.
3 Thomas/St. John MPA outreach strategies.

4
5 These were requested by Ruth Gomez and Julian and Tony, so that
6 people who come to the St. Thomas/St. John area know about the
7 MPAs, and so we had a project with Sea Grant, and we have a poster
8 that is going to be placed in the marinas or in any place that
9 Ruth and the people there decide to use it, and the same
10 information is in a fact sheet that will be also distributed along
11 the marinas, and everyone that goes to the island should know about
12 these areas, because many of them are going to be fishing or
13 sailing or just going on a tour, and so they have to know that.

14
15 Also, we were requested to have placemats for the local restaurants
16 and for the tourist restaurants, with the common species that we
17 have called them sometimes underutilized, but these are the ones
18 that are available most of the time, and so we are trying to have
19 those species known to the consumers, so that they can request
20 them, so that they learn about them, and then that will give a
21 little bit of time and space for those other species that are
22 overutilized and have to be under strict management measures.

23
24 This first one is the local, and some of the species might be
25 similar, or the same ones to the tourism, but then the tourism has
26 other species, and so I want to thank all the support of especially
27 Ruth Gomez and Nicole Greaux, the liaison, that they gave us for
28 this project, and this will be repeated for St. Croix, and we will
29 talk about that later.

30
31 The other project that we have finished is the life cycle posters
32 of the Nassau grouper and the mutton snapper. There was one issue
33 in Spanish and English, and the other one is in French, and this
34 is a collaboration, I would say, with the WECAFC in the Caribbean
35 for the spawning aggregation education project that they have, and
36 we have talked with them, and we have made several meetings for
37 these projects, but this is already finished, and I don't know if
38 it is already under printing, but these are the two projects.

39
40 Then a little bit about the recipe book, or what is going to be
41 our product for the Sustainable Seafood Consumption Campaign, and,
42 here, I am putting, in one slide only, the composition of the book,
43 and it will have a preface and an introduction and a Chapter 1,
44 Chapter 2, 3, 4, and 5, and then a glossary, and this is a workgroup
45 that includes the chefs, and I includes Diana, and it includes
46 Miguel, and it includes the liaisons, because they have also to
47 work with the recipes, and I think it's going to be a very, very
48 important and different product, because, here, we are putting the

1 underutilized species, but probably in a different way of cooking,
2 but also learning about the nutritional importance of these
3 species, and it will go to all the different areas in the council
4 jurisdiction, but it will also be placed in the chef schools in
5 the UPR, in Carolina, and the Ana Hernandez Cooking School and
6 restaurant school in Carolina also, and so you will see this in
7 different places.

8
9 Here, I have just an illustration of the recipes, and this is for
10 queen snapper, and it was prepared by one Wanda Pantojas, and so
11 we have the recipe itself, and, here, I still don't have the
12 nutritional value, but it will be part of the recipe, and then
13 also photos of the plate, so that people know that it can look
14 very good and that they are edible, all of them, and they taste
15 very good, and they are available, and they are not very expensive,
16 and usually they are more common in our fish markets than all the
17 other species that we request all the time.

18
19 Also, we have been working, and we are still in very intensive
20 meetings, with MREP, the Marine Resource Education Program, and we
21 are working on the curricula review of the workshop that will be
22 done in 2023 and see what information the fishers are requesting
23 that could be taken to the workshop, and then, as soon as it can
24 be done, in will be done in Puerto Rico and the Virgin Islands.

25
26 With NOAA in the Caribbean, the last issues that we were discussing
27 is the soft coral tissue disease that is being very aggressive in
28 the region, but it's been studied all over the place, and I think
29 we should recommend that consistent updates on the situation are
30 presented to the council and to the fishers, because it's something
31 that is all over, and it's going to take a long, long time to work
32 with it, and so those are the issues that we have been discussing.

33
34 Now, the way that I am going to present to you the projects and
35 the ideas and the discussion of the Outreach and Education Advisory
36 Panel comes from a document that we prepared in late 2019, the
37 communication and outreach strategies for 2020 to 2025, and our
38 objective there is communication of sound science and data, and it
39 has to do with fish and fisheries and productivity and ecosystems
40 and health governance and socioeconomic and decision-making, all
41 of that.

42
43 The improvement of public understanding of the processes and
44 interconnection in the marine ecosystem, and we have to take a
45 look at the food web of the marine ecosystem, with humans inside
46 that food web, because we take out many of the species, and then
47 we are able to change the populations, depending on how much we
48 fish and what species are taken out.

1
2 Then we will also be working with the legislative, regulatory, and
3 institutional frameworks that, many times, if you put an executive
4 order with all the vocabulary that takes an executive order, and
5 if you put the plan from DNER or DPNR and put the vocabulary and
6 the way that it is organized, the fishers and the general consumers
7 don't really get much out of it, and we have to take that
8 information and put it in a language that they can use.

9
10 Then design and production of educational materials that will
11 translate all the stock assessment information and all that
12 ecosystem-based fishery management has to the general public, and
13 we can do that not just from the fishing village, but we have to
14 go to the classroom, and to the classroom from the very elementary
15 levels up to the superior grades, and even the university, and it
16 cannot be only in the biology class or in the ecology class, and
17 it has to be in the geography and social studies and history, so
18 that we learn about the history that we have of the fishers in our
19 daily lives.

20
21 Then we will support that partnership and build new ones,
22 especially with NGOs and with local communities and with schools.
23 Right now, we are doing a lot of connections with what is called
24 eco-schools that are schools that the entire curriculum is framed
25 along ecological issues, and we have been giving workshops to these
26 teachers, and they are using the materials that we have produced
27 for the council.

28
29 Then, when we say to increase the political awareness and
30 understanding, it's that the governance, and also the decisions
31 that the agencies make that have to do with the ecosystem, that
32 have to do with the fishes that we take out of the sea, that they
33 understand the relationship between the regulation that is
34 recommended, or imposed, and the impact on the ecosystem, and so
35 that is what we discussed as communication strategies.

36
37 Then we have to be very aware who are our stakeholders. When we
38 say outreach and education for the council, most of the time, we
39 think that it is only to the fishers, or to the people involved in
40 fishing, and, yes, they are very, very important, and they are our
41 primary targets, but then the consumers, in general, and it doesn't
42 matter whether they live on the coast or whether they live in the
43 mountains. People from the mountain go down to the coast to buy
44 fish or to eat fish there.

45
46 Tourism is an activity, and it's like Cabo Rojo and Fajardo and
47 St. Thomas and St. Croix, and tourism, and the people who go there
48 from different places in the world, have to know about the fishers

1 and the fisheries and the importance of this activity. Then, the
2 decision-makers and the government agencies, those also are the
3 ones responsible for enforcement, or compliance, with those
4 regulations that protect and that make the sustainability of the
5 resource.

6
7 Then education, and you know me, and I am a teacher, and I don't
8 care where I teach or when or at what time, and education has to
9 be from all levels, even from the kids in the first grade that do
10 a diagram or that do an art on fishing and ecosystem issues to
11 those that study fisheries in the university and then become the
12 scientists that we need. We will make that very clear in the
13 discussion of the council.

14
15 Then we discussed specific areas of action for outreach and
16 education in 2020 to 2025. Here, we took the information that was
17 given to the council by Michelle Duval, and we took out of there
18 the basic concept of ecosystem-based management and the island-
19 based fishery management plans and the sustainable fish and seafood
20 consumption and the marine protected areas in the council's
21 jurisdiction, and we discussed each one of these specific areas,
22 and then we put out all the ideas that we had for outreach products.

23
24 One very, very important, and I think this is the one that we are
25 putting a lot of emphasis now, is this thing of the marine
26 protected areas, because it is very easy to say this area is
27 protected, but, when the people ask why, when, what is the use,
28 and what are you going to do with it, and how does that benefit
29 the ecosystem, and how does that benefit the social community,
30 then that thing has to be put in different ways and different
31 spaces, so that everyone, again, from the mountain to the sea,
32 understands this, and we are following that Executive Order of May
33 26, 2000, and using that definition.

34
35 In terms of the strategic plan, we also have that data that they
36 put out of the fishers and the people who answered the
37 questionnaire were very concerned with the frequency of
38 communication and the variety of tools, and it is not just a
39 poster, and it is not just a fact sheet. The educational resources
40 and how are they moving to improve public awareness of fisheries
41 issues.

42
43 Regular in-person outreach workshops and clarity and simplicity of
44 presentations, and so the products that we recommend, or that the
45 Outreach and Education Advisory Panel recommended, are based on
46 the 2025 plan that we had already and then what is coming out of
47 the strategic plan, and we want to make very sure that outreach
48 and education is important for putting out to the public the

1 strategic plan. The plan is not only for the council, or for the
2 DAPs, or for the fisheries, but it's for everyone.

3
4 These are the initiatives that were proposed, and this is what we
5 are presenting to the council right now. First of all, we have
6 the calendar that, for this year, is going to be marine protected
7 areas in Puerto Rico and St. Thomas/St. John and St. Croix.
8 Obviously, the MPAs that are in the Exclusive Economic Zone in
9 each one of these islands, but also some of those that are
10 territorial waters but are important.

11
12 Sometimes, when we think of marine protected areas, we think only
13 of the water around, but then the fishes, many times, don't read
14 and don't know where to go, and so the mangroves and the estuaries
15 and the beaches and the rocky shore, and they are all connected to
16 the water, and so we have to take into account where are the marine
17 reserves in Puerto Rico that are governed by the territorial
18 government in St. Thomas/St. John, in St. Croix, and so the
19 calendar will have MPAs from all these islands, and also the
20 location they are and why and when they were established.

21
22 Then we will have flyers and fact sheets on different issues of
23 ecosystem-based fishery management. I think that this is a concept
24 that, even if we leave it as fisheries management, this way of
25 thinking about management of a natural resource is the way that
26 should be done for all natural resources. When we exploit a
27 forest, or when we use the trees in the mangrove, or even if it is
28 just to make charcoal, we are impacting the ecosystem, and, if the
29 management of that mangrove is not based on ecosystem-based
30 management, we'll have the same mess that we have been having up
31 until now, and so we are going to put a lot of importance on this.

32
33 One issue, or one idea, that came out very, very sensitive to the
34 entire group is the bulletin boards, and this was suggested and
35 requested by Ruth Gomez in our meeting, and it is to have bulletin
36 boards in the marinas in the areas where our fisheries regulations
37 should be learned and distribute them. Consequently, every time
38 there is a new regulation, or every time there is a new fact sheet,
39 it should go to a bulletin board, and the council probably will
40 have to provide some funding for this and work with the marinas
41 and work with the local governments.

42
43 Then they also asked, and this was in Puerto Rico, to put signs
44 with pertinent information in MPAs that are identified by the
45 government from the shore, so that people that go -- For example,
46 the one that I can think of is Tres Palmas, and that is one of our
47 newest reserves, and that they know that that is part of a
48 protected area, and these are the reasons, in terms of fisheries,

1 or in terms of ecosystem-based fishery management, behind that
2 designation.

3
4 These signs, we'll also have to talk to each one of the
5 governments, to see where and how -- Where they do have already a
6 design, and the only thing they need is probably support for
7 producing the signs.

8
9 The illustrated materials, they were -- The O&E AP asked for
10 materials that have the technical, the scientific, information and
11 not just on scientific graphics or in boards or photos, but that
12 are more attractive to the community, and so we are calling it
13 illustrated materials, and probably you could call it a comic book,
14 but it's not going to be for the children. It's going to be for
15 everyone, and so we are working with that, for the language, easy-
16 to-understand language, and ecosystem-based management and the
17 fishery ecosystem plan and climate change connection with
18 fisheries.

19
20 This last one, climate change, we can have a lot of information
21 even in the newspaper, but then what does that mean? In one way,
22 it's the fishery ecosystem and the other way to the social
23 ecosystem of those fisheries.

24
25 There was a suggestion for -- It came first for St. Thomas, I
26 think, and then we thought that it could be to all the islands,
27 wherever it can be done, and it is the murals.

28
29 **MIGUEL ROLON:** Alida, it's not St. Thomas. It's St. Croix that
30 had the idea for murals.

31
32 **ALIDA ORTIZ:** Okay, and so it was St. Croix, but these murals that
33 illustrate some of the issues or some of the facts that we want
34 people to know, and, if they are attractive, if they have good
35 information, it's just in a graph, and you learn the same thing
36 that you would learn in a fact sheet, and so murals is one.

37
38 Then, also, there was a recommendation to make the contact again
39 to the newspapers and to the radio and to all the media that the
40 community, the consumers, the fishers, find information, and so we
41 are going to start working with the local newspapers, and they
42 will work with radio stations, and then, the information that is
43 given in a technical document, then we can put it in an easy-to-
44 read, and it's open for everyone, and so these are our initiatives.
45 Now, I would like to Christina to talk to us a little bit about
46 the social media that we have.

47
48 **MIGUEL ROLON:** Christina, before you start, you have five minutes.

1 You went over the time.

2
3 **ALIDA ORTIZ:** That will be with Christina and then the liaisons
4 have a very short report for each one of the islands.
5

6 **CHRISTINA OLAN:** Thank you, Alida. I will be sharing my screen.
7 Thanks to all. Good afternoon, and my name is Christina Olan, and
8 I am the Social Media Manager for the Caribbean Fishery Management
9 Council. I will give you a brief update on what we have been
10 publishing through our social media pages, in Twitter, Instagram,
11 Facebook, and YouTube.
12

13 We continue publishing information regarding seasonal closures,
14 meetings, activities, pictures, educational materials, new
15 publications, content produced by other agencies or NOAA, for
16 example, that we are part of. Then collaborations, workshops, our
17 bulletin, lives, and videos.
18

19 We have been recently collaborating with AmandOceano, which is an
20 organization composed by students of marine sciences, and they are
21 organizing lives, and so we, along with Sea Grant, we share the
22 Facebook lives, and, for example, we have one regarding mangroves,
23 which are essential fish habitats, and, also, this kind of
24 collaboration is a way to give an opportunity to new scientists,
25 young ones, to express themselves and to share their research with
26 other persons in a very clear and simple way.
27

28 Thanks to Andy Maldonado, and he has been collaborating with us on
29 a lot of topics, but especially regarding the hurricane season,
30 and he prepared recommendations for fishers to be prepared for the
31 hurricane season, and so we put those recommendations both on
32 Twitter and Facebook and Instagram, in English and Spanish. All
33 the content that we have been publishing, except the ones that are
34 just for Puerto Rico, we have been publishing it in English and in
35 Spanish.
36

37 As we did with Puerto Rico, and we already published a table with
38 fish markets and fishers that are on our islands, and we also did
39 that with St. Thomas, with the help of Nicole Greaux, the fisheries
40 liaison, and, as I mentioned in other meetings, this is a living
41 document, and so, if you find there that we are missing somebody,
42 or a fish market, just feel free to tell me, and we will add that
43 person or fish market, and we will update the document and publish
44 it again.
45

46 There are a few things that we have in August, and those workshops
47 will be resumed, and we will start with a recreational fisher
48 education program, and we have been announcing that through our

1 social media pages. Also, we will have a workshop on the Caribbean
2 small boat permit changes.

3
4 We have been publishing the Repaso de PEPCO, and it was a request
5 from the fishers that have been participating in PEPCO, and they
6 requested us to publish the same information that they have been
7 learning through PEPCO.

8
9 This is an example of a bulletin, a monthly bulletin, and, with
10 Sea Grant, we updated the seasonal closures table in way that we
11 can also present it as a sign in the marinas. It was an idea from
12 Marcos Hanke, and Marcos already did that in his marina, and also,
13 now, we are going to print that sign and distribute that sign
14 around Puerto Rico. We posted the announcement already, and so
15 the people from the marinas and fishers and administrators can
16 call us, or write to us, and let us know that if they are interested
17 in the sign.

18
19 We have new videos also on YouTube, and we have Cooking with Ita
20 and Ta, and the third video -- We will have the premier on Friday,
21 this Friday, and they are Ita and Ta, and thank you. As always,
22 I mention that I am very thankful to all the fishers and agencies
23 and followers and scientists and staff of the council and council
24 members and liaisons and O&E AP members and consumers and teachers
25 and students and NGOs and sea lovers. Thank you, because all of
26 them help us to improve and increase the content that we publish
27 to our social media pages. Any questions or ideas, please let me
28 know. Thank you.

29
30 **ALIDA ORTIZ:** Thank you so much, Christina.

31
32 **MARCOS HANKE:** We have liaisons now, right, Alida?

33
34 **ALIDA ORTIZ:** Well, this is my presentation for outreach and
35 education. If there is any questions right now from the council,
36 I would answer it, because the reports from the liaisons are
37 individual.

38
39 **MIGUEL ROLON:** The report from the liaisons was supposed to be
40 included in the half-hour that we have here, and so let's go to
41 the report of the liaisons, and I believe that, what has been
42 presented by Alida Ortiz, if there is no opposition, we will
43 continue working with her, and with all the collaborators and
44 partners, in fulfilling that list in the next five years.

45
46 **ALIDA ORTIZ:** We have Wilson and Nicole Greaux. Nicole, would you
47 start?

1 **NICOLE GREAU:** Good afternoon. For the St. Thomas/St. John
2 network, we have been going around to the different fish markets,
3 just to talk to the different fishermen, to see if they have any
4 concerns or queries or need more information on the island-based
5 fishery management plans or anything that they might have heard
6 through council review, if they need help with understanding the
7 scientific terminology.

8
9 The St. John fishers have been speaking to me a lot about certain
10 concerns they have dealing with fishing vending sites, and also
11 lack of communication with certain things that happen when it comes
12 time for the fishery registration.

13
14 We have a potential plan in place to help them out, and so, with
15 the next fishery registration that's coming up next year, we have
16 found a way to resolve their concerns and issues, and I'm really
17 happy about that, and with the communication between both myself
18 and Dr. Havertes, who is our new Chief of Fisheries, helping the
19 fishers with their pre-registration and registration forms, and
20 that was very exciting, giving them information on how to go about
21 filling out different forms that were new to them for this year
22 with the pre-registration.

23
24 Then, also, being able to work with Christina and having the
25 different fish vending sites and the fishermen that have agreed so
26 far to be included on that particular project listed for other
27 people that visit the website to get a chance to see where they
28 can find fish for sale on different days of the week.

29
30 **ALIDA ORTIZ:** Thank you, Nicole. Do I have Mavel?

31
32 **MAVEL MALDONADO:** Good afternoon, everyone. I hope that everybody
33 is okay. In the last few months, I've been in contact with the
34 fishermen, and everybody here is very happy with everything that's
35 going on. They have some concerns, as I was saying at the last
36 meeting, with the fish market, but, otherwise, they are good. They
37 are happy with the sale of the fish.

38
39 Here in St. Croix, we've got more fish selling spots than in St.
40 Thomas, and so trying to figure out each one of them and like
41 different times -- It has been kind of hard, but I was able to
42 share my contact with some of them, and, if I am not able to talk
43 to them personally, we're either texting or on the phone, and
44 that's about it.

45
46 The concerns that we had for the registration this year, everything
47 went smooth. Whatever hiccups they had, it had nothing to do with
48 the Fish and Wildlife Department, and it had to do like with the

1 agricultural department division or with the consumers, but
2 everything went smooth, and I was able to be there present, at
3 least three days out of the five, and I was able to help them, and
4 everything was smooth, and, like I said, I have contact with them.

5
6 The past few weeks, I wasn't here, but, any concern that they had,
7 the ones that have my contact, they were able to call me, and I
8 was able to direct them to the department that they had to go, and
9 I am seeing what the future holds with my relationship with the
10 fishermen and with the DFW.

11
12 **ALIDA ORTIZ:** Thank you so much, Mavel. Wilson, are you there?

13
14 **WILSON SANTIAGO:** Yes, I'm here. Good afternoon, everyone. I am
15 Wilson Santiago, the Puerto Rico liaison officer, for those of you
16 that don't know me. This year, as the Puerto Rico liaison, we
17 have continued with the educational program for commercial
18 fishers. This year, we made it virtual, and we are planning to
19 start again with face-to-face workshops, probably in November or
20 December of this year. We have to see how the pandemic goes.

21
22 We have been distributing educational videos and information for
23 the commercial fishers regarding the federal and state regulations
24 and the social media, the CFMC social media, and a broadcast group
25 for fishers that is in WhatsApp, the WhatsApp app.

26
27 We have distributed all the educational materials of the CFMC and
28 Sea Grant, and Sea Grant has given us a lot of educational
29 materials for the fishers, and DNER too, everything for the fishers
30 and the fishing villages.

31
32 Like I said, the educational program for Puerto Rico commercial
33 fishers, we named it PEPCO. In Spanish, we call it PEPCO, and the
34 virtual program, the workshop, we sent certificates to all the
35 participants via mail, with a lot of educational materials, and
36 so, for the program, we are -- Next week, we are having, like
37 Christina said in her report, we are having a continuing education
38 workshop for the commercial fishers about the new regulations of
39 the HMS for Caribbean small boat permits. That workshop is going
40 to be August 18, and we are going to have the presenter from NOAA
41 Fisheries, a contractor from NOAA Fisheries, with the help of
42 Christina Olan, too.

43
44 We are coordinating with Sea Grant personnel on another continuing
45 education workshop for the commercial fisher divers regarding
46 compression sickness, and that workshop doesn't have any dates,
47 but it's probably soon that it's going to have a date.

1 We are coordinating with fishing villages presidents to start PEPCO
2 face-to-face, like I said earlier, starting in November or December
3 of this year, and so, next week, we are starting with Helena
4 Antoun, and we are starting a workshop for the recreational
5 fishers, and that is going to be August 19 and August 26, of this
6 month of this year, and so that is what we have.

7
8 The issues and concerns from the fishers, everything that I heard,
9 about the queen and cardinal snapper permit for the state, for the
10 DNER, and fish identification with the common names, and they have
11 issues with the HMS permit for the Caribbean small boat, and that
12 is why we are doing this workshop next week, and another issue
13 that the fishers have in Puerto Rico is for the license and permits
14 and the time waiting for the DNER to respond, and those issues
15 have been sent to DNER personnel, to Damaris Delgado, and they all
16 know about this issue, and we are working on it, and so that is my
17 report. If anyone has a question, I am going to be putting my
18 phone and my email in the chat, for any of you if you want to
19 contact me. Any questions?

20
21 **ALIDA ORTIZ:** Thank you so much.

22
23 **MARCOS HANKE:** Thank you, Wilson. Thank you, Alida, and we have
24 to speed up the process, and I just want to say, very briefly, to
25 thank you, Alida, for being so effective at putting together all
26 the ideas that were approved and mentioned from the council before,
27 in the previous meetings, and to see actually the work that has
28 been done, and keep doing a great job. Thank you very much.

29
30 **ALIDA ORTIZ:** Thank you.

31
32 **JOSE RIVERA:** Marcos, this is Jose Rivera from National Marine
33 Fisheries Service.

34
35 **MARCOS HANKE:** Yes, Jose.

36
37 **JOSE RIVERA:** I just wanted to comment to Alida that, in one of
38 her posters, she had the mutton snapper listed as *Lutjanus vivanus*,
39 and I believe it should be *Lutjanus analis*.

40
41 **ALIDA ORTIZ:** Can you repeat that, Jose?

42
43 **JOSE RIVERA:** In one of your posters that was talking about the
44 different fish, it was described as *Lutjanus vivanus*, which is not
45 mutton snapper.

46
47 **MIGUEL ROLON:** That's the chillo.

1 **JOSE RIVERA:** Yes, vivanus is chillo, but she was talking about
2 mutton snapper.

3
4 **MIGUEL ROLON:** Mutton is analis. We will take care of that, and
5 thank you very much for that.

6
7 **JOSE RIVERA:** Okay.

8
9 **MIGUEL ROLON:** Alida and I will look at it. That's a mistake.

10
11 **MARCOS HANKE:** Thank you very much. That is one of the purposes
12 of those kinds of presentations, that the team and everybody can
13 support and help us out. Thank you. Enforcement issues is the
14 next item on the agenda, and we're going to start with the Puerto
15 Rico DNER.

16 17 **NASSAU GROUPE DISCUSSION**

18
19 **MIGUEL ROLON:** Mr. Chairman, before we go into that, there are two
20 things that we want to discuss, and one came up this morning, and
21 the first one is that, in the case of the Nassau grouper, you sent
22 a letter to the Virgin Islands administrator, and that letter has
23 been answered regarding the Nassau grouper. We also, this
24 morning, decided to look at the spiny lobster and the closure when
25 we go over the ACLs.

26
27 The letter was included in the briefing book, the Nassau grouper
28 letter, and there are some issues here that we need to look at and
29 see if you want to take any action. Personally, I thought that
30 the Nassau grouper -- Actually, I was talking to Jose Rivera, and
31 we all thought that the Nassau grouper was protected everywhere,
32 but it's not. According to this letter, even the ESA does not
33 protect the Nassau grouper, as we thought.

34
35 There are two issues here, and one is compatible regulations,
36 because, as well said by Miguel Borges before, in the case of the
37 Nassau grouper, they cannot intervene in the area of jurisdiction
38 of Puerto Rico and the Virgin Islands, nine nautical miles around
39 Puerto Rico and three nautical miles around the U.S. Virgin
40 Islands.

41
42 If we want to protect the species, we need to take some action,
43 and so the paragraph -- The first part of the letter, the last
44 paragraph, you have a statement here that, as a threatened species,
45 the prohibition of take of a species under Section 9 of the ESA
46 does not automatically apply to Nassau grouper. Fisheries have
47 not taken regulatory action to extend those protections to this
48 species, and so we need to ask, here, if that can be done or not.

1
2 The other statement, in the same paragraph, is that NOAA Fisheries
3 concluded that authorizing the fisheries off Puerto Rico and off
4 St. Croix was not likely to adversely affect Nassau grouper and
5 authorizing the fisheries off of St. Thomas/St. John is likely to
6 adversely affect, but unlikely to jeopardize, the continued
7 existence of Nassau grouper.

8
9 Anyway, that is for you, and then you cannot do much about ESA,
10 except for requesting some action, but, in the case of the
11 management plan, you do have responsibility, and so those two
12 questions are open for discussion, and then that will be followed
13 by the other thing about the spiny lobster, and so the first
14 question is the status of compatible regulations in the government
15 of Puerto Rico and the Virgin Islands regarding the Nassau grouper
16 and whether they plan or have anything on the agenda for the future
17 to adopt compatible regulations to protect the Nassau grouper.

18
19 **MARCOS HANKE:** Thank you, Miguel. Actually, I think it's pertinent
20 to ask if Jocelyn can answer this question, but what the council
21 can do and what is the route to address this issue that we thought
22 we were much better -- That we had much more protection.

23
24 **MIGUEL ROLON:** Marcos.

25
26 **MARCOS HANKE:** Go ahead, Miguel.

27
28 **MIGUEL ROLON:** Marcos, we need to hear from Puerto Rico and the
29 Virgin Islands first, because they already sent a letter to you
30 with the legal advice received by the Regional Administrator on
31 this one, and so we can expand later, but, at this time in the
32 agenda, you have Puerto Rico and the USVI, and so we need to hear
33 from them first.

34
35 **MARCOS HANKE:** Thank you for your guidance, but it's just that,
36 for me, this got out of guard, and I am really worried with this
37 situation. Go ahead, Puerto Rico DNER.

38
39 **MIGUEL ROLON:** We are all worried.

40
41 **DAMARIS DELGADO:** If it's okay, I would go with some of the numbers
42 that we have of interventions of the Rangers, if that's okay, or
43 I don't know if you just want to have a discussion on the Nassau
44 grouper and other stuff.

45
46 **MARCOS HANKE:** Let's focus on the Nassau grouper now.

47
48 **DAMARIS DELGADO:** Okay. Well, we just want some support from NOAA

1 about the protection of the species, and we have been trying to
2 get more support from Miguel Borges with regard to the state
3 waters, and, whatever you could do for us, it would be appreciated.

4
5 **MIGUEL ROLON:** Marcos.

6
7 **MARCOS HANKE:** Go ahead, Miguel.

8
9 **MIGUEL ROLON:** That's not the point. The question about
10 enforcement was addressed at the July 21 meeting. What we need to
11 hear is whether we are going to do something extending the
12 protection to the Nassau grouper by any action in the federal
13 government or the local government, and, the way it is now, the
14 Nassau grouper is only protected when you catch a person catching
15 the fish, if the fish is in their boat, in the EEZ, period, and
16 that's it.

17
18 If you catch the fish, and you cannot prove -- Let's say that the
19 federal government intervenes with somebody within nine nautical
20 miles of Puerto Rico, and that's the case, and, if they can do it,
21 they have to prove that that fish came from the EEZ, and that is
22 -- According to people that I have talked to, and Miguel and others
23 expressed the issue at the meeting, and it's almost impossible.

24
25 The first question is do we need to -- Addressing the letter from
26 Mr. Strelcheck, do we have any way to extend the protection to the
27 Nassau grouper, regarding ESA, and, in the case of the Magnuson-
28 Stevens Act, we already took action, at least in the EEZ, where we
29 prohibited goliath and Nassau grouper, and let's stick to Nassau
30 grouper, to protect the species.

31
32 When we started this, when the fishers asked questions to us
33 several years ago, it was a generation-and-a-half was the extend
34 to protect the protection to the Nassau grouper, and the darned
35 thing is sexually mature at twenty-two years old, and so you may
36 need to have thirty-four years to declare the fish ready to open,
37 one-and-a-half generations.

38
39 Those are the questions that we have with the Nassau grouper. The
40 Nassau grouper is supposed to have an international component, but
41 that's another story, because we are telling everybody and his
42 brother throughout the Caribbean, NOAA Fisheries and the council
43 and others, to protect the Nassau grouper, and yet, here in the
44 U.S., we have millions of dollars and a lot of brainpower, and a
45 lot of people, and we cannot protect the Nassau grouper
46 effectively, and that's what the fisher who called me -- He was a
47 little bit -- Well, not happy about it.

1 He is asking the council what can we do, and so the first question
2 is whether there will be compatible regulations in the local
3 governments' jurisdiction for the Nassau grouper, and second is,
4 if not, then what can we do on the federal government side, if
5 anything, to protect the Nassau grouper, using the MSA and the
6 ESA, and that's where we are with the Nassau grouper.

7
8 **MARCOS HANKE:** Thank you, Miguel. Andy is requesting for a turn
9 to speak.

10
11 **ANDY STRELCHECK:** Thanks, Marcos, and let me say a few words, and
12 then I think it would be helpful for both Manny Antonaras and
13 Jocelyn to also speak. All of you have the letter before you that
14 I sent a week or two ago.

15
16 The issue here boils down to we have both state and federal
17 regulations that prohibit harvest under the Magnuson-Stevens Act,
18 and we have to establish that Nassau grouper was taken in or from
19 the EEZ, and that doesn't necessarily mean that we have to observe
20 that it was taken in or from the EEZ, but enforcement has to have
21 a way of providing evidence to determine that a violation has
22 occurred.

23
24 We do not have authority, obviously, to enforce the territorial
25 laws, which I think was another component of this conversation,
26 and so, specific to, obviously, the issue at-hand, the Magnuson
27 Act, or even territorial laws, obviously prohibit harvest, but we
28 have an enforcement challenge before us, and so I would like Manny
29 Antonaras to speak to that and anything else with regard to
30 enforcement first, and then maybe we can get into a discussion of
31 the Endangered Species Act and what can or can't be done, in terms
32 of future work.

33
34 **MARCOS HANKE:** Manny.

35
36 **MANNY ANTONARAS:** Thank you, Marcos, and, just to follow-up on
37 what Andy Strelcheck had said, the difficulty in trying to prove
38 a case at the dock, or in state waters, is exactly that, and we
39 have to show -- We have to be able to prove that the Nassau --
40 That the fish was harvested in the EEZ, and this is often the case
41 with most of the things that we enforce under Magnuson.

42
43 Sometimes we are -- We do have -- Under the ESA, we don't have to
44 prove EEZ harvest if there is a take prohibition in place for
45 species that are listed as endangered. In this case, with Nassau
46 being threatened, we don't have any take prohibitions which would
47 allow OLE to make a case at the dock without having to prove that
48 EEZ nexus, and so, for purposes of this discussion, under the

1 current regulation, the Magnuson regulation, we would have to prove
2 that the fish was harvested in the EEZ.

3
4 The other point that I was going to make was that, even if we have
5 -- Even if a territory has a compatible law, a compatible law with
6 the federal law, we still would not have OLE authority to enforce
7 territory laws, as it stands.

8
9 **MIGUEL ROLON:** Marcos, you have Julian and Tony.

10
11 **MARCOS HANKE:** Yes, and I'm organizing myself here. Julian first.
12 Go ahead, Julian.

13
14 **JULIAN MAGRAS:** Good afternoon. Julian Magras, for the record. I
15 am a little bit confused on the whole compatible regulation thing,
16 because, back in 2005, when we went through the Sustainable
17 Fisheries Act, and we had to take the 30 percent reduction, and we
18 put all of these seasonal closures in place, which are compatible
19 both federal and local, and I don't understand why it cannot be
20 enforced by either law, and it doesn't need to be proven that it
21 was caught in federal waters, because it's a compatible regulation
22 that was done by the council, which is federal.

23
24 It gets very confusing, and this issue is not only about the Nassau
25 grouper, but it happens with all the seasonal closures, when they
26 go into effect on the three-month closures, and we have the issues
27 where fishermen are continuously -- Not only commercial fishermen,
28 but recreational fishermen, commercial fishermen, charter
29 fishermen, and they continue to bring in these species that are
30 closed.

31
32 We look at the Nassau grouper as one individual that the guy called
33 about, but it's way more than that, and there is also a law about
34 filleting the fish at-sea, and so the fish cannot be filleted at-
35 sea. That was one of the things that was part of that whole
36 document, and so I don't understand, and I think we need to have
37 some more face-to-face discussion, and hopefully it happens in
38 December, so that we can lay the case down on a sidebar or something
39 about this whole process and how it's being done, because we are
40 putting the rules in effect, and then we are not doing nothing to
41 enforce them, and so the fishers just look at us, when we talk to
42 them, and they laugh that you guys can't do nothing, and nothing
43 is being done, and there is no enforcement.

44
45 Every document that we have done, from conceptual models to the
46 five-year strategic plan, enforcement came out as number-one to
47 the top, and here it is that we have issues that can be addressed
48 right at the dock, right at the dock, and it happens in the United

1 States all the time, and you don't have to be on the water. You
2 just sit at the dock when that boat comes in, and you search them.
3 You search their catch, and you will be able to stop a lot of the
4 illegal activity that is going on.

5
6 Trust me. Once the message gets out that the first boat has been
7 checked, and they have been given a fine and everything, it's going
8 to slow right down. They are going to get scared, and we need to
9 sit down as a group, and we need to look at this more carefully,
10 because we already have a lot of compatibility rules in place, but
11 we just need to figure out, as a group, how we can enforce them.
12 Thank you.

13
14 **MARCOS HANKE:** Thank you, Julian. Great points. Tony.

15
16 **TONY BLANCHARD:** I would have to agree with a lot of what Mr.
17 Magras has said there. To my understanding, and just an example,
18 the regs on the Nassau grouper is possession. You don't actually
19 have to be the guy that catches the fish, but you just have to be
20 in possession of that fish in order to be in violation. Correct
21 me if I'm wrong.

22
23 Number two, what is the local government -- What is their take on
24 all of this? What are they willing to do, because, if you've got
25 some guys that are abiding by the regs, and then you have those
26 that ain't abiding by the regs, the only one that is suffering the
27 wrath here, for lack of a better description, is the men that are
28 following the rules, and so why should I follow the rules, when
29 everybody else ain't following the rules?

30
31 At the end of the day, I agree with him, and we need to come to
32 some kind of consensus, or agreement, as to how these regs are
33 being enforced, because, just like him, my understanding of how
34 the regulations is being enforced, and how they can be enforced,
35 is two different things, because, like he said, I don't understand.

36
37 If you're in possession of the species, and you get to the dock,
38 this species, to the best of my knowledge, is listed as threatened,
39 I believe, and you come to shore, and you cannot do anything about
40 it, and that's just an example for the Nassau, and I agree with
41 him that this is happening with other species, and, at the end of
42 the day, the guys that play by the rules seem to be the guys that
43 get penalized, and not necessarily the guy that don't really care.

44
45 I'm not saying that there is only -- Just like him, there is a
46 certain sector of individuals doing it, and I just think that,
47 across-the-table, there is nothing being done, and, at the end of
48 the day, the guys that are playing by the rules of the game are

1 the ones that are suffering, and so we need to come to some kind
2 of consensus agreement or something to get these regs enforced.

3
4 **MIGUEL ROLON:** Marcos, I have, in the chat, very close to this,
5 Nicole Angeli, stating that Julian is correct, and the 12 VRR
6 316.14(e) specifies that the possession of Nassau grouper is
7 prohibited year-round in the territory, until the CFMC determines
8 that it has recovered. That is what we were saying before. In
9 the case of the U.S. Virgin Islands, the law is there at the
10 federal level and the local level. Enforcement will be the issue.

11
12 In the case of Puerto Rico, I have not seen it, and maybe Damaris
13 has some letters to the language, but I haven't seen compatible
14 regulations on the Nassau grouper, and so those two issues are the
15 important thing. If we concentrate on the letter that we have, we
16 can have -- I would like for the Chair to follow the list of people
17 who want to comment, and there is a bunch of people here, and I
18 will send you the list, and then we can talk a little bit more
19 when they finish.

20
21 **MARCOS HANKE:** Yes, and I have here a bunch of people. I have
22 Carlos, Vanessa, Loren, and Manny. I would like to give the
23 opportunity to Loren Remsberg and Manny Antonaras, and, please,
24 Carlos and Vanessa, let's hear from them, because they might give
25 us some important information to clarify this discussion. Loren
26 Remsberg, please.

27
28 **LOREN REMSBERG:** Thank you, Marcos. This is Loren Remsberg from
29 NOAA's Office of General Counsel, in the Enforcement Section. I
30 thought it might be helpful to clarify, in case there is confusion
31 about what it means when there is compatible regulations for a
32 species in the territory and in the EEZ under the Magnuson Act.

33
34 The Magnuson regs require us to show -- In order to prove a
35 violation and assess a penalty, we have to show that that species
36 was harvested in the EEZ or it was possessed in the EEZ, and so,
37 if we can develop that evidence, even if it's at the dock, we can
38 charge that violation federally.

39
40 If a territory has a compatible regulation, that does not give the
41 federal government any authority to penalize someone, because we
42 don't have authority to bring an action under a territorial law.
43 We can only bring an action under a federal law, at least under
44 the Magnuson Act.

45
46 If there is a compatible territorial prohibition that covers that
47 species, that violation can still be prosecuted, but it just needs
48 to be prosecuted by the territory, and so it's really a matter of

1 jurisdiction, and separate jurisdictions, but it doesn't mean that
2 nothing can be done. It's just more of a question of who can
3 respond, and so I wanted to clarify that, in case there was any
4 confusion. Even when regs are the same, these are separate
5 jurisdictions, and so who can act on it depends on the facts and
6 what can be proven.

7
8 **MIGUEL ROLON:** Marcos, I also would like to read, for the record,
9 that Graciela found the regulation that we have in Puerto Rico,
10 and what it says is that any person that possesses, offers to sell,
11 or individual or species within a federal schedule, which is the
12 Nassau grouper, will be in violation of the regulation, including
13 people that are importing, and they have to demonstrate, et cetera,
14 et cetera.

15
16 So the issue is not compatible regulations, and those two
17 governments, Puerto Rico and the U.S. Virgin Islands, do have
18 compatible regulations, and it's a matter of enforcement, and the
19 issue of enforcement, as stated by everybody here, calls for some
20 action, and so we don't need to do anything else except for looking
21 for ways to legally enforce the law, and we have heard from
22 everybody in the federal government that are here that they cannot
23 go into the local area of jurisdiction to enforce federal laws.

24
25 There may be a memorandum of understanding, but, usually, the
26 memorandum of understanding works one way, and they deputize local
27 government enforcement agents to enforce the law in the EEZ and
28 not the other way around, and so this is really the issue that
29 needs to be discussed. I have Nicole Angeli also to add to the
30 list.

31
32 **MARCOS HANKE:** I have her on the list, but I need to go first to
33 Carlos Farchette.

34
35 **CARLOS FARCHETTE:** I spent -- As you all know, I spent half of my
36 life in law enforcement with DPNR, and a solution to this is that
37 we need to get community involvement, just like all other police
38 work. The officer has to get someone that can trust them, and get
39 an informant, and give them the name of the person that they
40 believe, or they know, is filleting those fish or bringing them
41 in, or the color of the boat, which is what I used to do as an
42 officer, and, that way, you can pull a surveillance on a particular
43 boat, because what you're doing now is there's someone out there
44 filleting fish, and that's looking for a needle in a haystack.

45
46 If someone can get working with someone -- I mean, I'm retired for
47 twelve years, and I still have my informants, and so there has to
48 be a local issue, and I do believe that, if the federal agent is

1 working on a patrol boat with local officers, he can assist with
2 prosecution, and I know it's different between what he is
3 authorized to do in territorial waters as opposed to EEZ, and so
4 I know that Manny and the attorney and all of those are correct to
5 what they say.

6
7 **MARCOS HANKE:** Thank you, Carlos. I have Vanessa, but, Vanessa,
8 please hold on for a second. I have Manny Antonaras that
9 requested, and then Jocelyn, and then I will go to Vanessa.

10
11 **MANNY ANTONARAS:** Thank you, Marcos, and thank you, Loren. I
12 actually wanted to follow-up a little bit on the compatible
13 regulations, and I think Loren did an excellent job explaining
14 that. Just to add to that, if one of our folks is at the dock,
15 and, right now, we do have a federal officer who is assigned to
16 USVI, specific to this case, who will be off of field training at
17 the end of this month.

18
19 In a scenario like Julian or Tony explained, where we have somebody
20 at the dock, and, for example, we do have our officer there, if we
21 are not able to establish a federal violation, and we can't prove
22 that the fish were harvested in the EEZ, and the USVI does have a
23 compatible regulation that says you cannot possess Nassau in the
24 territorial waters or at the dock, at that point, our officer can
25 work with a local officer to bring that case through the USVI, and
26 that's something we do regularly with all of our partners. I am
27 really looking forward to partnership with the USVI and with Puerto
28 Rico and continuing the partnerships.

29
30 Then the other point, as Carlos mentioned, and I couldn't agree
31 more with what Carlos said about informants and working with the
32 community for community policing, because, oftentimes, we do get
33 complaints. If those complaints are not specific enough, it is
34 very difficult, even with having an officer and an agent in the
35 USVI and Puerto Rico, to respond to something, and we are a lot
36 more efficient when we have specifics.

37
38 As Carlos said, a color of a boat, location where the subjects may
39 be coming in, time of day, time of year, all of those specifics,
40 help us. Just to bring something forward that says this is
41 occurring, it's very difficult to follow-up on that sort of thing,
42 and that's all I have. Thank you, Marcos.

43
44 **MARCOS HANKE:** Thank you, Manny. Let's go to Nicole.

45
46 **NICOLE ANGELI:** Thank you so much. I would have covered some of
47 this in the report at our time allotted as well, but, at this time,
48 all of our local law enforcement are still on the COVID taskforce

1 and called to the VIPD, and so, for any violations of this sort,
2 911 should be called immediately, and they will patch through to
3 environmental enforcement, so that they can deploy their
4 environmental enforcement officer.

5
6 Local environmental enforcement was not notified of this incident,
7 and so I just wanted to make it clear that 911 is the correct
8 number to call, at this time, for any fisheries violations that
9 you might see while you're out. Thank you.

10
11 **MARCOS HANKE:** Thank you very much. Jocelyn,

12
13 **JOCELYN D'AMBROSIO:** Thank you, Marcos. I was just going to say
14 things that Loren and Manny had already said about what happens in
15 state waters, because I had heard some confusion as well about
16 what the federal government can do in state waters, but, really,
17 it's just keeping clear that the federal authority is to enforce
18 federal violations, and, if they're in state waters, they would
19 have to just establish that whatever is occurring was a violation
20 of federal law.

21
22 As Manny had said, if it looks to be that what is occurring might
23 be a violation of some compatible state law, it would be an issue
24 of referring it to the state entity, and so I just wanted to make
25 sure that everyone was clear about that, because I had heard a
26 little bit of confusion there, but I think Loren and Manny did an
27 excellent job explaining the different jurisdictions.

28
29 **MARCOS HANKE:** Thank you very much. Edward Schuster.

30
31 **EDWARD SCHUSTER:** Edward Schuster, for the record. I think, if my
32 memory jogs me correctly, with this Nassau grouper and how long
33 we've been involved with this issue with the Nassau grouper, and
34 Julian and Jimmy Magna, the whole group from 2004, and the word
35 "possession" was put in there to actually give -- I want to believe
36 that I am correct in what I say, but, if I'm wrong, I stand to be
37 corrected.

38
39 Roy, when he was in his position, he put the word in language of
40 "possession", because he made the remark and said there are no
41 fence lines to stop the fish from going in federal waters and local
42 waters, and so he put the word in there of "possession". If you
43 are in possession of a fish that is protected, whether federally
44 or locally, you're in violation.

45
46 It's just like a sea turtle, and so, if you're saying to me, if I
47 caught the sea turtle in local waters, and it's protected
48 federally, I can't be prosecuted? I mean, to me, it's like we're

1 just pissing away our time in the wind. I mean, then here it is
2 that you want a fisher to risk his life, or his livelihood, out at
3 sea, and, when you live in a small fishing community, it's very
4 hard, and, yes, I know you have informants, and Carlos said it for
5 this thirty-three years that he's been in law enforcement, but
6 it's very hard, in times like this right now, to narrow it down to
7 who the person is.

8
9 Then, when you go out to sea, and you're fishing, twenty or thirty
10 miles from shore, or however many miles, you're in no-man's-land,
11 and they're at war at-sea, and you're at war back at land, when
12 you come back, and you've just risked your whole life and your
13 livelihood and your family's livelihood.

14
15 I think there is something that needs to be done. Whether the
16 local enforcement gets involved with the federal agency and get it
17 moving, or else all of our hard work, from way back in the MSA,
18 with that 700-page document, has gone down the drains. Thanks.

19
20 **MARCOS HANKE:** We have Jocelyn.

21
22 **JOCELYN D'AMBROSIO:** Thank you, Marcos, and so I can speak to some
23 of the language that's in the regulation, and this is also in that
24 letter, where we quote the regulation, but it's unlawful to fish
25 for or possess Nassau grouper in or from the EEZ, and so what
26 possession helps with is if a fisher is in the EEZ waters, and the
27 fish is onboard, and that's a violation, and so you don't have to
28 catch them in the act of harvesting.

29
30 Then the "in or from the EEZ", that's also explained in the letter,
31 and that would allow enforcement to establish a federal violation
32 if they could establish that the fish came from the EEZ, and that
33 is what the federal law prohibits, and so there might be state
34 laws that also prohibit possession of Nassau grouper, or harvest
35 of Nassau grouper, but, when you're in the state waters, you have
36 to figure out if you're looking at that state violation or if you
37 can establish that it's a federal violation, for example because
38 you can somehow establish the fish came from the federal waters.

39
40 There is this protection that goes from the state to the federal
41 waters, where the rules are the same, but it's a question of who
42 enforces the protection and what are the facts. Is it a violation
43 of the federal law, or is it a violation of the state law, and I
44 can let Manny and Loren say anything else on those points, but
45 that's really kind of what we're talking about, is how do we get
46 that protection throughout those waters, and it's relying on both
47 the state and the federal law as complements to each other.

1 **MARCOS HANKE:** Thank you, Jocelyn. Miguel.

2
3 **MIGUEL ROLON:** Just that you have Andy and others raising their
4 hands.

5
6 **MARCOS HANKE:** Yes. Andy.

7
8 **ANDY STRELCHECK:** Thanks, Marcos, and thanks, Jocelyn, for that
9 further clarification. I wanted to, I guess, first lead by I
10 really appreciate hearing from the fishermen and the frustration
11 that they are conveying on this issue, and we responded in writing,
12 in terms of kind of our jurisdictional authority, but it really
13 seems, to me, that the crux of the problem isn't so much the
14 regulations, or even our regulatory authority, but our limited
15 ability to actually have staffing and resources to conduct the
16 enforcement, and that's no slight to the USVI or Puerto Rico, or
17 even our own Office of Law Enforcement, but it's just that we have
18 limited resources to conduct that enforcement.

19
20 We certainly have the ability, if officers are present, to take
21 enforcement action, and, obviously, it's a little more
22 complicated, under the Magnuson Act, in terms of the burden of
23 proof of determining whether or not Nassau grouper came in or from
24 the EEZ, and we're working with the territories in that instance.

25
26 We did note, in the letter as well, that, under the Endangered
27 Species Act, we haven't taken additional steps to impose further
28 regulatory actions, and that certainly could be done. It likely
29 would take some time for our office to do that, and that then
30 removes the MSA kind of burden of proof requirement, and it would
31 make it a federal violation to be in possession of Nassau grouper,
32 regardless of the area which that event occurs.

33
34 I guess I would point out that, in doing that, you still have to
35 have the resources and officers available in order to conduct that
36 enforcement, and, without that, I think we're faced with a similar
37 situation that we're taking about now and the challenges with just
38 enforcing regulations, given the limited availability of our
39 officers.

40
41 **MARCOS HANKE:** Thank you. Christina, do we have anybody else that
42 I am missing?

43
44 **CHRISTINA OLAN:** I still see Edward, Julian, Andy, and Miguel with
45 raised hands, and I don't know if they want to add comments, in
46 the case of Edward and Julian and Miguel, if they also want to
47 speak.

1 **MARCOS HANKE:** Which Miguel?

3 **CHRISTINA OLAN:** Miguel Rolon.

5 **MIGUEL ROLON:** Julian is first, and then you have Eddie.

7 **MARCOS HANKE:** Okay. Go ahead, Julian.

9 **JULIAN MAGRAS:** Julian Magras, for the record. If at some point
10 we can put this on the agenda again, for the December meeting, so
11 we can have some further discussion, I would greatly appreciate
12 it, and maybe we can have a sidebar with local enforcement, federal
13 enforcement, and whichever fisher representatives are there, and
14 all of the DAP chairs who are normally at the meetings, so we can
15 have a little discussion, because I think we need to take the focus
16 off of Nassau grouper and look at all the compatible regulations
17 with the seasonal closures that are in place, and have some kind
18 of discussion and see, at that time, with all the brains and the
19 lawyers and everybody, if maybe we can put something in writing
20 and see what can happen, bringing it up to the higher level after
21 all of us sit down and discuss it, and so I'm just throwing that
22 out there. Thank you.

24 **MARCOS HANKE:** If my memory is good, Tony is the next one that had
25 a hand raised.

27 **MIGUEL ROLON:** It was Eddie that still had the hand. When you
28 finish, lower your hand.

30 **EDWARD SCHUSTER:** I lowered my hand. Sorry about that.

32 **MIGUEL ROLON:** So it's me now. The whole issue boils down to this.
33 Possession is covered in the EEZ as well as in two local areas,
34 Puerto Rico and the U.S. Virgin Islands. The point is, who is
35 going to enforce that, because, right now, if I'm in the EEZ, or
36 in the Government of Puerto Rico's jurisdiction, or in the
37 Government of the Virgin Islands' jurisdiction, in possession of
38 the darned Nassau grouper, I am in violation of the federal
39 government and/or the local law, and so who is going to enforce
40 that?

42 We already heard from the National Marine Fisheries Service that
43 they cannot go into the area of jurisdiction to enforce the laws,
44 period, and they don't do that. If you are going to have the
45 Endangered Species Act amended somehow, or ask for an amendment to
46 extend protection to the species of the Nassau grouper, then, as
47 Andy said, you can have a federal government person enforce the
48 law wherever that fish is, and you don't have to prove that it's

1 in the EEZ, because the ESA trumps the MSA, in this case.

2
3 However, if you do that, once you have a species in the ESA, it's
4 a long process to get it out, but, in the case of the Nassau
5 grouper, I wouldn't worry about the long process, because, by the
6 time that thing is able to recuperate or recover, I will be dead
7 or out of a job, but we need to start the process now.

8
9 The immediate thing now is how can we enforce the laws that are
10 protecting the Nassau grouper at this time? Do we need to ask
11 National Marine Fisheries Service to consider extending protection
12 to the species that we call Nassau grouper under the ESA? Those
13 are the two issues that we need to discuss about.

14
15 Some people talked about a memorandum of understanding, and the
16 memorandum of understanding that we had for enforcement before is,
17 as I said, deputizing the local government to enforce the law in
18 the EEZ, and not the other way around, unless we have something
19 like the ESA change.

20
21 The other issue that was presented by Julian, and, if you agree,
22 we can have a whole morning to just discuss compatible regulations
23 and ask to two local governments to come prepared to discuss that,
24 and it's not for the Nassau grouper only, but for all the other
25 species that are in need of protection in both jurisdictions, local
26 and federal.

27
28 The question to the council, at this time is do you want to pursue
29 this by just emphasizing the need of enforcement, and then look
30 for ways that we can enforce it? We at the council can do little
31 things. For example, Natalia and Diana and I, we are going to
32 put, on our webpage, a hotline again for enforcement. In the case
33 of the Virgin Islands, you can call 911, as Dr. Angeli just
34 mentioned, and you can do the same for Puerto Rico, and, of course,
35 you have the number that is already on the webpages of the National
36 Marine Fisheries Service. That will take care, at least in my
37 mind, of the issue of enforcement, or it will be at least one step
38 in the right direction of enforcement.

39
40 Then the second question is do you want to ask the action agency
41 to extend protection to the Nassau grouper? Especially, if you
42 look at the letter, the word "take" is the key word for the Nassau
43 grouper, and what we get from doing that is then allow the federal
44 government to go all the way to the shoreline to intervene anybody
45 with possession of the Nassau grouper. You don't have to talk all
46 at the same time, but let us know what --

47
48 **MARCOS HANKE:** Thank you, Miguel. On the same lines, I would like

1 to read, for the record, a question that Michelle Scharer just
2 posted. We need to know what is the timeline for NOAA to take
3 regulatory action, along the same lines that you just explained.
4 Jocelyn.

5
6 **MIGUEL ROLON:** She is talking about ESA, by the way.

7
8 **JOCELYN D'AMBROSIO:** Sure. Thank you. As Andy said, there is
9 some authority that, if NOAA Fisheries wanted to extend the take
10 protections under Section 9 of the ESA to threatened species, there
11 is the ability to do that. I don't really know what that timeline
12 would look like or what sort of information the agency would need
13 to determine that that would be an appropriate next step, but
14 that's something that we can look into as the agency is considering
15 necessary efforts to protect the species and ensure its
16 conservation and recovery under the Endangered Species Act, but
17 that's the regulatory process, sort of extending those
18 protections, and that's how that would occur.

19
20 **MARCOS HANKE:** Thank you. Tony.

21
22 **TONY BLANCHARD:** I would have to agree with Julian. I think we
23 should table this until the December meeting. I think we need to
24 get the local governments into the same -- Onto the same playing
25 field and figure out how this so-called problem will be dealt with,
26 because this is not just about the Nassau. This is about all the
27 other regulations that we have on the books that are federal as
28 well as local as well as the other regs. I think we need to come
29 to the table in December with the local governments and figure out
30 how this works.

31
32 **MARCOS HANKE:** I have Andy. Thank you, Tony. Andy.

33
34 **ANDY STRELCHECK:** I just wanted to comment on timing. I certainly
35 can talk with our Protected Resources Division Chief, but it would
36 expect that this would be several years in the making, in order to
37 do this, and it's not because it wouldn't be a priority. We have
38 a whole slew of listing actions, critical habitat designations,
39 that are under legal timelines, and so those, right now, are taking
40 priority, from a protected resources standpoint.

41
42 Nassau grouper critical habitat is one of those actions that we'll
43 be working on, but I can commit to getting back to Miguel with a
44 general idea of timeline, if we were to move forward with any sort
45 of regulatory actions.

46
47 **MARCOS HANKE:** Thank you. Miguel, I have a question for you. I
48 think it's a good idea that we address, many times, making a

1 working group, with let's say representatives from the USVI, from
2 Puerto Rico, one from the federal government, to have a report and
3 to discuss this in detail in a smaller group, to support the
4 discussion in the next council meeting, and do you think that
5 that's a good idea?

6
7 **MIGUEL ROLON:** In the case of the Nassau grouper, we have
8 everything that we need right here on the table. The only thing
9 that we need to do is to ask the question of whether there will be
10 enforcement or not of the Nassau grouper within the area of
11 jurisdiction of Puerto Rico and the Virgin Islands, as well as the
12 EEZ.

13
14 The Nassau grouper is protected under the two local jurisdictions
15 and the federal government, but what we are lacking here is the
16 actual enforcement of the law, and, in the case of Puerto Rico and
17 the Virgin Islands, they have enforcement people, and so ask them
18 to go ahead and enforce the law. In the case of the EEZ, we
19 already have that, and so what we are looking at is the lack of
20 enforcement of a particular law and regulation that is trying to
21 protect the Nassau grouper.

22
23 However, the other issue about the possibility of changing the
24 ESA, that's something that need to wait. As Andy said, let's wait
25 and check on the regulatory action timeline, because, as he said,
26 there is a lot of other things that ESA takes care of, and remember
27 that sometimes what you ask is not what you want, because now you
28 have a species under the ESA protection, and it's very difficult
29 to get it out.

30
31 Let's say that a miracle happens, and the Nassau grouper is all
32 over the place in five years. Then to take it out of the ESA is
33 a little bit difficult, and so we don't need more regulations at
34 this time. What we need is to enforce the regulations that we
35 have, and the word "possession" has been mentioned by everybody,
36 the lawyers and Julian and others, and so let's concentrate on
37 that one.

38
39 However, what Julian and Tony are talking about is a little beyond
40 that, and so probably what we can do is to have a session at the
41 council meeting in December where everybody will be present and
42 look at possible compatible regulations, and I will talk to Julian
43 later, and others, and Graciela, of course, and we are going to
44 compile a list of those species that are under regulations and see
45 which ones have compatible regulations and which ones are lacking
46 compatible regulations, not only in the federal government, or in
47 the local government, but also in the federal government.

1 Sometimes you may have a regulation that applies to a species that
2 are shared by the local and federal jurisdictions, and then you
3 need federal compatible regulations, and so, going back to what
4 you were saying, and we have taken too much time, is, if the
5 directives are clear, we will put together, with the Chair, an
6 agenda item, and give ample time for discussion, that will address
7 all the species that are under regulation that would need
8 compatible regulations and all the issues that are being brought
9 to the table by the chairs of the DAPs and Council Member Tony
10 Blanchard, and we can sit down at the next meeting and discuss it.

11
12 Then, from the meeting, we can decide the next steps to follow.
13 At that meeting, probably we will have a timeline that is needed
14 for amending the ESA, if we need to, or incorporate the protection
15 to the species of Nassau grouper, if we need to. If you agree
16 with that course of action, we can go ahead and do it and then go
17 to another item.

18
19 **MARCOS HANKE:** Yes. Is everybody in agreement with what Miguel
20 just explained? Hearing no comment, let's do that, and let's go
21 for the next item on the agenda, the next item for discussion. We
22 had deviated from the Puerto Rico DNER report.

23 24 **SPINY LOBSTER DISCUSSION**

25
26 **MIGUEL ROLON:** Marcos, I suggest that we leave the report for the
27 December meeting and discuss the other one, which is the pressing
28 one, which is this explanation about the spiny lobster issue.
29 Local fishers -- I don't see anyone here, but they asked me to
30 bring this to your attention, and Andy is ready to discuss it.

31
32 The issue is that we already have a regulation that calls for
33 closure of the spiny lobster whenever we go over the ACL. The
34 ACL, the way that we do it, we have the average of the three years.
35 In the case of Puerto Rico, we are supposed to close as many days
36 as needed to compensate for the catches that went over the
37 established limit, starting on December 30 backwards, all the way
38 to January 1, if needed, and then, the following year, will start
39 in October. Hopefully that will never happen.

40
41 In this case, the spiny lobster season had been shortened, and now
42 we have the closure, and that is an in-season closure, from August
43 22 to September 30, and October 1 will be the first day of the
44 continuation of the season, and that's where we are at this time.

45
46 The fishers who called my office, they were asking me whether the
47 Government of Puerto Rico will have compatible regulations, making
48 this closure effective from the shoreline to the edge of the EEZ,

1 and my answer was we don't know. I sent a note to Damaris, and so
2 this is the time to ask the local government whether they intend
3 to have any compatible regulations, but, as of now, the area where
4 the spiny lobster closure is effective is the EEZ surrounding
5 Puerto Rico, and I believe that Andy has his hand up.

6
7 **MARCOS HANKE:** Andy.

8
9 **ANDY STRELCHECK:** Thanks, Miguel, and you did a great job kind of
10 describing what occurred this year, and so the accountability
11 measure was triggered, based on average landings for 2017, 2018,
12 and 2019 exceeding the catch limit. If you recall, obviously,
13 2017 was a hurricane year, and we also recognize that last year
14 was impacted by COVID regulations, and the average landings were
15 then reviewed and assessed to determine how much harvest would
16 need to be reduced and take into consideration some of the recent
17 landing trends.

18
19 We determined that that August 22 to September 30 timeframe was
20 needed to close the fishery to reduce catch levels, in order to
21 constrain the catch limit. Certainly we would be supportive of
22 Puerto Rico adopting compatible regulations for the closure, but,
23 at this point, our authority only lies with closing federal waters
24 of the EEZ, in response to the accountability measure being
25 triggered.

26
27 **MARCOS HANKE:** Thank you. This is a question for the Puerto Rico
28 DNER. Damaris, do you have any comment about the intention, or
29 not, to adopt, at this time, the closure in the state waters?

30
31 **DAMARIS DELGADO:** Yes, I do. We do not intend to expand that
32 closure to our state waters. We have prepared, from the lab, the
33 Fisheries Research Lab, a report to the Secretary, to the DNER
34 Secretary, recommending not to extend that prohibition to state
35 waters. We are in the process of having the Secretary sign a
36 letter with regard to that.

37
38 **MARCOS HANKE:** Thank you, Damaris.

39
40 **DAMARIS DELGADO:** You're welcome.

41
42 **MARCOS HANKE:** Andy, about the discussion on the dates on the
43 lobster, do you want to follow-up on that? Any questions or any
44 guidance from the council? Anything you want to say about that?

45
46 **ANDY STRELCHECK:** Well, I believe it was you, Marcos, earlier,
47 that was commenting about wanting to reconsider when the
48 accountability measure is -- The start date of the accountability

1 measure.

2
3 As Miguel described it, it starts on September 30 and works
4 backwards, and then October 1 forward, if that closure isn't
5 sufficient, and so, if the council wants to consider alternatives
6 to when an accountability measure is triggered and how we specify
7 the closure dates, that would need to be taken up in a new amendment
8 action to the island-based FMPs.

9
10 Given the history of landings for spiny lobster, and the spiny
11 lobster ACL that we approved earlier today, there is a high
12 likelihood that we will be exceeding the catch limit for spiny
13 lobster in future years, if previous landing trends continue into
14 the future, and so I think it's a good idea to revisit the
15 accountability measure, and I would also suggest that the council
16 look at other options, such as a fixed seasonal closure, to ensure
17 that you're not exceeding the catch limit on a regular basis.

18
19 **MARCOS HANKE:** Thank you. Would any other council member like to
20 comment? I have Vanessa, and, after the discussion, somebody
21 please put a motion on the floor to move this along, if it's the
22 intention of the council. Vanessa.

23
24 **VANESSA RAMIREZ:** Thank you, Mr. Chair. I have a comment, and,
25 also, it's presented by two commercial fishermen in the area, and
26 they have lobster traps between the ten and fifty miles, and,
27 because of the size and the amount of those traps, and the line
28 between them, it's very difficult for them to move all of that
29 equipment inside the nine miles or bring that equipment back to
30 land.

31
32 They asked if they can take the traps every two weeks, just to
33 clean the equipment, because it's necessary to clean it and not to
34 be just leaving it there for the days of the closure, and so they
35 are asking if there is any way, or any permit, or any letter that
36 they can have so that, when they are cleaning the traps, they don't
37 be asked by enforcement if they are harvesting or something like
38 that. That's just to clarify for them.

39
40 **MIGUEL ROLON:** If I may, Mr. Chairman, very quick, if they are in
41 the EEZ with lobster, they are in violation of the Act, and so
42 they had better remove those lobster traps out of the EEZ.

43
44 **VANESSA RAMIREZ:** Yes, that's what I suggested, but the thing is,
45 for the amount of traps and the line, and it's, obviously, long
46 between them and it's very hard for the boats that they have to
47 practically take everything out or move that inside the nine miles,
48 and so they only have the chance to leave those traps inside the

1 water, but they are going to get dirty, and they, of course, are
2 going to be fishing in there, and they don't want all the lobster
3 that can get in to die or something.

4
5 **MIGUEL ROLON:** They have to start removing the traps now. That
6 happened before, and the answer that we got from the enforcement
7 people in National Marine Fisheries Service, and they are here,
8 and they can repeat it again, is they have to remove it, because
9 they will be in possession of an animal that is prohibited at that
10 time.

11
12 The other thing is that we might need a -- That will come in the
13 law, in the regulations, but we will need a rationale from Puerto
14 Rico for not having compatible regulations, given that they have
15 exactly the same information that the federal government has.

16
17 The other point, Marcos, is that, in the case of the spiny lobster,
18 the reason why you have the September date backwards is because we
19 adopted the U.S. Caribbean approach, given that, in the case of
20 St. Thomas/St. John, the top months are Christmastime, the same as
21 in St. Croix. However -- And twelve days were closed in St. Croix,
22 and the people didn't know it, but it was closed for twelve days
23 starting on December 31 backwards.

24
25 Then we applied that to Puerto Rico, because, in the case of the
26 U.S. Virgin Islands, it's better for them to close starting
27 September 30 backwards, but, as you and I were talking before the
28 meeting, in the case of Puerto Rico, probably they should pick
29 another month, because those are high-yield months, according to
30 the information that the fishers are giving to us.

31
32 One thing is what the people tell you, and the other thing is what
33 the people report, and, if you look at every month, every year,
34 the last three years, those are the dates that came up to be the
35 dates that have to be closed in the EEZ to compensate for the
36 overage these past three years, the average that we have.

37
38 If you want to revise that, for the island-based FMP of Puerto
39 Rico, and it's not necessary for the island-based FMP of St.
40 Thomas/St. John and St. Croix, and that's for them to talk about
41 it, but then your motion, or action here, will be to ask the staff
42 to look into this matter and maybe prepare some documents for you
43 to consider, not necessarily at the December meeting, but in due
44 time, when they are ready and they can present that to us after
45 this meeting.

46
47 **MARCOS HANKE:** Miguel, just to move the process along, a motion
48 would be required now?

1
2 **MIGUEL ROLON:** Ask Jocelyn about whether you need a motion or not.

3
4 **MARCOS HANKE:** Jocelyn.

5
6 **JOCELYN D'AMBROSIO:** Thanks. I just recommend motions when you
7 want to be clear what exactly you're asking the staff to do, and
8 so what I have been hearing is we're sort of looking at only
9 changing the time of when the closure occurs for Puerto Rico, but
10 you could have a motion that clarifies that and that just gives
11 clear direction to staff as to what you want, or you could just
12 provide a statement as to what you're seeking, but just motions
13 help with the record, so that we all know what the action items
14 were, but it's not necessary one way or the other.

15
16 **MARCOS HANKE:** Go ahead, Miguel.

17
18 **MIGUEL ROLON:** In this case, given the importance of this, number
19 one, it would be good to have a motion, and, also, appearances are
20 important, because you are closed now, and, if you have a mixed
21 reaction to change that, it doesn't look good for anybody, and so,
22 in this case, a motion to say to examine the time of starting
23 closures in the spiny lobster fishery in Puerto Rico will be what
24 you want, and so language to that effect will do the trick, and I
25 believe that, especially members from Puerto Rico, should put
26 together a motion, and we can put it on the screen by Liajay, and
27 you can vote on it. Make it simple and to the point and move
28 forward.

29
30 **MARCOS HANKE:** Liajay, can you put the screen and capture the
31 language that Miguel just said, to see if there is any council
32 member who will move the motion, the recommended language?

33
34 **MIGUEL ROLON:** The council to instruct the staff to examine the
35 time of starting the closure of the spiny lobster in Puerto Rico
36 and report back to the council with the appropriate documentation.
37 Then I need a mover and a seconder, and, if you like the language,
38 or if you want to change it, this is the time.

39
40 **MARCOS HANKE:** Is there anybody that would like to move this
41 suggested language?

42
43 **VANESSA RAMIREZ:** So moved.

44
45 **MARCOS HANKE:** Do we have a second?

46
47 **DAMARIS DELGADO:** Second.

1 **MARCOS HANKE:** Second by Damaris. Is there discussion on the
2 motion?
3
4 **GRACIELA GARCIA-MOLINER:** Clarification, Mr. Chair, if I may?
5
6 **MARCOS HANKE:** Yes.
7
8 **GRACIELA GARCIA-MOLINER:** So it would be only for the spiny lobster
9 in Puerto Rico?
10
11 **MIGUEL ROLON:** At this time, yes.
12
13 **MARCOS HANKE:** Yes. At this time, yes. Any further discussion?
14 Is there anybody in opposition?
15
16 **ANDY STRELCHECK:** Marcos, I have a comment, and Carlos wants to
17 speak.
18
19 **MARCOS HANKE:** Go ahead, Andy.
20
21 **ANDY STRELCHECK:** Thanks, Marcos. I guess a couple of points.
22 One, I mentioned the potential for looking at a fixed seasonal
23 closure rather than just examining the starting time of the
24 closure, and the reason that I am suggesting this is that it
25 potentially provides more certainty to the fishermen, in the event
26 that accountability measures are triggered on a regular basis and
27 doesn't result in, obviously, the seasons changing as much or as
28 large from year-to-year.
29
30 The other question, I guess, would be for Miguel, in terms of kind
31 of the staff direction, and so, at this point, it sounds like the
32 motion would not be for an options paper, but simply just for
33 presentation and information to be brought back to the council,
34 and so I want to clarify that.
35
36 **MIGUEL ROLON:** It's exactly that.
37
38 **MARCOS HANKE:** We have --
39
40 **MIGUEL ROLON:** Marcos, you have Daniel Matos that asked for a
41 chance to talk about clarification with the spiny lobster no
42 closure in the local government.
43
44 **MARCOS HANKE:** Yes. Daniel. We have the motion open. Daniel.
45
46 **MIGUEL ROLON:** Marcos, we can't say it's a motion and then let
47 Daniel talk about it, because they already decided to do that.
48

1 **MARCOS HANKE:** Let me see here, and I don't see any other council
2 member commenting. Let's finish the motion. Any other comments
3 from -- I have Maria Lopez. Maria.

4
5 **MARIA LOPEZ:** Just for clarification on the motion, just to make
6 sure that we know what we are going to be looking for, what you -
7 - What the council is intending is for staff to evaluate the timing
8 of the application of the accountability measures for spiny lobster
9 in Puerto Rico, and is that what you're saying?

10
11 **MARCOS HANKE:** Correct.

12
13 **MARIA LOPEZ:** Just for Puerto Rico, and just for spiny lobster,
14 and this is the timing of the accountability measures?

15
16 **MIGUEL ROLON:** Yes. Puerto Rico and the timing of it and the spiny
17 lobster.

18
19 **MARIA LOPEZ:** Okay.

20
21 **MIGUEL ROLON:** As Andy said, we are not asking for an options
22 paper, because, as know, an options paper has all kinds of
23 implications. What we just want to know is the status of this,
24 and you can come back to the December meeting and tell us this is
25 what you have, this is the day you have for last three years, and
26 let us know.

27
28 **MARIA LOPEZ:** Okay. Thank you.

29
30 **JOCELYN D'AMBROSIO:** I think it would be useful if you could have
31 that reflected in the text of the motion, because the phrase
32 "examine time of starting closure" doesn't necessarily link it to
33 the AM, and so, if you were to state something, if this worked for
34 the person that proposed the motion, and for the seconder, perhaps
35 something along the lines of "to examine when AMs would be applied
36 under the Puerto Rico FMP for spiny lobster".

37
38 Right now, just so everyone is aware, the AMs say that they start
39 from September 30 and move earlier to the beginning of the fishing
40 year, and then, if they need additional time for the closure, it
41 then goes from October 1 towards the end of the fishing year, and
42 so we would be looking at perhaps a different start time.

43
44 **MIGUEL ROLON:** Jocelyn, can we just let -- Can you dictate the
45 appropriate language slowly, so that Liajay can write it? "The
46 council instructs the staff to examine when AMs will be applied -
47 -"

1 JOCELYN D'AMBROSIO: I think you could then say, "to spiny lobster"
2 and then "under the Puerto Rico FMP".
3
4 MIGUEL ROLON: Is that okay, Jocelyn?
5
6 JOCELYN D'AMBROSIO: Sure. You could maybe add "examine
7 alternative times when AMs", and then maybe change "would" to
8 "could", and so examine alternative times when AMs could be
9 applied, and then that conveys that you're seeking different
10 potential options for when it might make sense to apply the AMs.
11
12 MARCOS HANKE: Thank you very much.
13
14 MIGUEL ROLON: For the record, is that okay, Jocelyn, that the
15 council instructs the staff to examine alternative times when AMs
16 will be applied to the spiny lobster under the Puerto Rico FMP and
17 report back to the council with the appropriate documentation, and
18 that's okay?
19
20 JOCELYN D'AMBROSIO: Yes, and just to note that "would" was changed
21 to "could", and so "examine alternative times when AMs could be
22 applied to spiny lobster under the Puerto Rico FMP".
23
24 MIGUEL ROLON: Okay. Then, Vanessa and Damaris, do you agree with
25 the new language?
26
27 DAMARIS DELGADO: Yes.
28
29 VANESSA RAMIREZ: Excuse me, Miguel, but I think that Maria has
30 something to say about the motion. I see something in the chat.
31
32 MARCOS HANKE: Yes. Maria.
33
34 MARIA LOPEZ: It's not about the motion, and I can wait until you
35 are finished.
36
37 MIGUEL ROLON: Then go ahead and vote on it, Marcos.
38
39 MARCOS HANKE: Any further discussion? **Any opposition to the**
40 **motion? Hearing none, the motion carries.** Vanessa, just because
41 I couldn't hear you very well, you accepted the language that is
42 on the screen, correct?
43
44 VANESSA RAMIREZ: Yes, correct.
45
46 CARLOS FARCHETTE: I had a question.
47
48 MARCOS HANKE: Carlos.

1
2 **CARLOS FARCHETTE:** Does this mean that -- I don't understand what
3 we're trying to do, because I thought that Puerto Rico and the
4 USVI already determined, when we have an overrun, when the AM would
5 start, and are we changing that now, and would it change for
6 anything else that somebody may say, well, I would prefer that you
7 start the closure at this date for other species that there's an
8 overrun, and I'm not really sure what's going on.
9

10 **MIGUEL ROLON:** This is for the spiny lobster only in the case of
11 Puerto Rico. All the rest stay the same, unless we find different
12 at the December meeting, but, at this time, the question that the
13 council wants to ask is whether there is an area to change the
14 time when the AMs will kick in for the spiny lobster in Puerto
15 Rico only. Then, if St. Thomas/St. John and St. Croix, by the
16 December meeting, wants to do something else, then fine.
17

18 **CARLOS FARCHETTE:** But why, is what I'm not sure. Why would Puerto
19 Rico want that?
20

21 **MIGUEL ROLON:** Well, because they found that, in the case of Puerto
22 Rico, that period is important for the fishery, something that I
23 don't know, and that's why I believe that, until you have this
24 information in front of you, you don't know whether this is good
25 or bad. My point is that the mere fact that somebody tells you
26 that something that is happening out there doesn't cut it for the
27 MSA, and you have to prove that it's in the best available data.
28

29 This motion, the only thing it does is to ask the staff to provide
30 those alternative times and then come back to the December meeting
31 and say this is what we found, and it could be a PowerPoint
32 presentation, and it doesn't necessarily have to be an options
33 paper and all that, because then we have more time and other things
34 to do, and so I believe that your question is very important, but
35 that's where we are at this time.
36

37 **CARLOS FARCHETTE:** Okay.
38

39 **MIGUEL ROLON:** I believe, Mr. Chairman, that you have four hands.
40 You have Andy. Andy, go ahead.
41

42 **ANDY STRELCHECK:** Thanks, Miguel. Now that we've passed the
43 motion, to help staff with some direction, it would be helpful, if
44 there's any time periods that council members would like us to
45 explore, or, for that matter, to avoid -- Certainly we're well
46 aware of wanting to avoid closures during major holidays like
47 Christmas and Easter, and I heard, obviously, rationale earlier
48 from Marcos about some of the complexities of spiny lobster closing

1 with divers also harvesting queen conch, but, if there is other
2 things that you would like staff to consider, I think it would
3 helpful to at least briefly talk about that now, so that staff
4 have some direction and can bring that information back to the
5 council in December.

6
7 **MIGUEL ROLON:** Okay. For the record, in the case of Puerto Rico,
8 what happened is that, the divers who go after lobster, they
9 alternate with the queen conch, and the queen conch is closed
10 within those days, and, actually, Puerto Rico is the only one that
11 moved the darned closure to October the 31st. Now you have October,
12 September, and August closed for the queen conch.

13
14 Then the scuba divers, commercial scuba divers, they switched to
15 spiny lobster, to compensate for the loss of catches of the queen
16 conch during those days, and that's the issue that Marcos wanted
17 to convey to the group here, and that is why we need to get this
18 information to the council.

19
20 Regarding the timing, we do not pretend that you will have all of
21 this information by December, and so I would rely on Graciela,
22 especially, and Maria, to put together the timeline as they see
23 fit, and so if we can have the information by December, fine, but
24 I believe that this will take a little more time, and remember
25 that they are working with the island-based FMP implementation and
26 other things, and so that's why the intention of the council is
27 clear, and it will be also clear that we need some time to put
28 this together and present a good paper, a good document, for the
29 council to discuss it.

30
31 **MARCOS HANKE:** Thank you, Miguel. That is exactly my point, and
32 I was kicked off of the meeting, but I am back. Maria.

33
34 **MARIA LOPEZ:** Thank you for the turn to speak. I just wanted to
35 remind the council that, back in 2016, the council created an
36 amendment to some of their plans to modify the timing of the AM
37 closures, and this is why we ended up with the September 30
38 backward date.

39
40 With the alternatives that were analyzed, there were several
41 different dates, and a lot of information that was provided by the
42 DAPs about the different -- Also from the landings, from the
43 landings data about the different species that were fished during
44 which months, which were the months with the highest landings,
45 which were the months with the lowest landings, and then also
46 socioeconomic considerations as to when those closures would
47 occur.

1 There was also the opportunity for each one of the islands to
2 choose the closure time that was better for them, and so the date
3 of September 30 was chosen by the three islands as the general
4 date to close, and, included in that document, there is a rationale
5 for that. Now, we can use that information that we already have
6 in this amendment, because, as I said, we already analyzed
7 different dates, and bring this to the council again for Puerto
8 Rico, so that they can reevaluate the selection of that date to
9 adapt to this new information. Thank you.

10
11 **MIGUEL ROLON:** Mr. Chairman.

12
13 **MARCOS HANKE:** Go ahead.

14
15 **MIGUEL ROLON:** That's exactly why I said the appropriate
16 documentation, but we have all the elements of judgment already
17 here, all the information, and this is a matter of copy-and-paste
18 and put it in a PowerPoint presentation, and then you can shoot at
19 it in December.

20
21 **MARCOS HANKE:** Yes. We have Jocelyn, Andy, Daniel, and Vanessa
22 with raised hands. Jocelyn.

23
24 **JOCELYN D'AMBROSIO:** Thank you. I apologize. I am a culprit of
25 a former raised hand, and so I have nothing to add. Thank you.

26
27 **MARCOS HANKE:** Okay. Andy.

28
29 **ANDY STRELCHECK:** The same with me. I took my hand down.

30
31 **MIGUEL ROLON:** So you have Vanessa and Daniel.

32
33 **MARCOS HANKE:** Daniel.

34
35 **DANIEL MATOS:** Yes, I'm here.

36
37 **MIGUEL ROLON:** Wait. You have Vanessa first, to this point, and
38 then Daniel, who wants to clarify the issue, and so Vanessa goes
39 first.

40
41 **MARCOS HANKE:** Okay. Vanessa, go ahead.

42
43 **VANESSA RAMIREZ:** Thank you, Mr. Chair. I just wanted to clarify,
44 as Miguel and you do, about why we are trying to look for this, to
45 Carlos. Of course, we have a lot of divers, especially on the
46 west side of the island, and practically we have until the twelve
47 miles for the divers.

1 Once this same closure for the two most commercial targeted species
2 coincides, practically, we have those divers looking around in a
3 small area of the nine miles, and some of them usually just can't
4 fish for nothing, because they only know how to fish for lobster
5 and queen conch, or at least for the price, and so that's why we
6 are looking for this measure and this information, to clarify and
7 help them to diversify and also to check out how we can help them.
8 Thanks.

9
10 **MARCOS HANKE:** Thank you.

11
12 **MIGUEL ROLON:** Now you have Daniel.

13
14 **MARCOS HANKE:** Daniel.

15
16 **DANIEL MATOS:** I am here. Hello, everyone. I am sorry, but I
17 have some problems with the internet, and I wasn't hearing
18 everything, but, when I tried to answer and talk, I had a lot of
19 problems, and I'm so sorry.

20
21 There are three factors to avoid the closure of the spiny lobster
22 right now. Number one, as you already discussed, we have probably
23 200, or 300, divers, commercial fishers, and they are divers, and,
24 right now, there is the closed season for the queen conch, and so,
25 if we close now, these commercial fishers will have a lot of
26 problems, and so it's a very big socioeconomic problem.

27
28 Number two, we observed the landings for the last five or six
29 years, and, because of the Hurricane Maria, and later the
30 earthquakes off the south of Puerto Rico, and the COVID-19
31 pandemic, we have probably 7,000 less commercial trips from 2019
32 to 2020, and so we understand the fishing pressure has decreased
33 significantly for all fishery resources, including the spiny
34 lobster.

35
36 The number three factor is the carapace length, and we have studied
37 the carapace length average from 1990 to 1999, and, for these ten
38 years, the carapace length was ninety-six millimeters, and then we
39 compared the year 2000 to the year 2009, and the carapace length
40 increased from ninety-six millimeters to 103 millimeters.

41
42 Then we compared 2010 to the year 2019, and the carapace length
43 for these ten years -- The carapace length average increased to
44 106 millimeters, and so the carapace length showed us to increase
45 for the last thirty years. Also, the spiny lobster landings in
46 the east coast is very good, and the lobster are larger. In the
47 south, we see the same thing, and so we don't see signs to overfish
48 the spiny lobster right now, and so these three factors are the

1 result to not close right now.

2
3 **MARCOS HANKE:** Thank you, Daniel. We have Vanessa.

4
5 **VANESSA RAMIREZ:** Mr. Chair, I already had my turn.

6
7 **MARCOS HANKE:** I am letting myself go through what I am receiving
8 through the texts here and on the chat. I'm sorry. Is there
9 anybody else that would like to participate? Hearing none, I think
10 we have the record clear and straight, and the motion was approved,
11 and the next item on the agenda, and we apologize with the
12 enforcement, and we discussed most of the enforcement issues
13 before, among all the agents, and we're going to get a little more
14 detail about the reports for the enforcement for the U.S. Coast
15 Guard, the USVI, Puerto Rico, and National Marine Fisheries
16 Service/NOAA in December.

17
18 We're going to go for the next item on the agenda, and thank you
19 for the patience of everybody. I know that we are a little late,
20 but this was a very, very important issue for the local fishermen.
21 The next item on the agenda is Exempted Fishing Permits, EFP.

22
23 **EXEMPTED FISHING PERMIT (EFP) UPDATE**

24
25 **SARAH STEPHENSON:** I do not have a presentation, and I was just
26 going to give a quick update to inform the council of an exempted
27 fishing permit request that the Southeast Regional Office received
28 from the Southeast Fisheries Science Center lab in Panama City,
29 Florida.

30
31 Just as a quick reminder, an EFP is required for any fishing
32 activity that would occur that would otherwise be in violation of
33 the MSA or other fisheries laws and their implementing regulations,
34 which is not considered part of like an exempted educational
35 activity. For example, an EFP could allow an applicant to collect
36 fish out-of-season, to get scientific data, so that we could better
37 manage the species.

38
39 NMFS Panama City Lab is requesting an EFP to continue collecting
40 information on the population size and abundance, the life history
41 characteristics, and habitats of deepwater snappers off the
42 western, northern, and southern coasts of Puerto Rico. An EFP for
43 similar work was issued last year, and that expired on August 1 of
44 this year. The new EFP would be valid from the date of issuance
45 through August 1 of 2023, and so it would be almost a two-year
46 permit.

47
48 The proposed research would use NMFS staff, or NMFS-contracted

1 observers, and commercial fishers on commercial fishing vessels to
2 deploy video cameras on deepwater fishing gear and to collect
3 samples of black, blackfin, cardinal, queen, silk, and wenchman
4 snappers.

5
6 The project objectives are to use underwater video to collect size
7 and abundance data and describe benthic habitats of the deepwater
8 reef fish species off the three coasts of Puerto Rico to collect
9 biological samples to determine reproductive cycles, growth
10 estimates, and the age and size at sexual maturation of the
11 commercially-important snapper species.

12
13 A total of 270 trips would be conducted during the two-year project
14 period, forty-five trips per region per year, and so the region is
15 the western, northern, and southern coasts, and then approximately
16 forty of the trips each year would be in federal waters, and the
17 rest would be in Puerto Rico commonwealth waters.

18
19 Sampling trips would occur at depths of 328 to 2,133 feet, or 100
20 to 650 meters, within one to twelve miles of the coast, and they
21 would use hook-and-line gear while adrift, and so no anchoring
22 would occur.

23
24 The EFP would exempt the project participants from select snapper
25 and grouper seasonal closures from part of the Bajo de Sico area
26 closure and from the combined grouper/snapper/parrotfish bag
27 limit. The bag limit exemption would apply to any individual on
28 the vessel without a valid commercial fishing license, such as the
29 applicant or the contracted observers.

30
31 The request for this EFP was received in May, and a notice was
32 published in the Federal Register on July 1. The thirty-day
33 comment period closed on July 30, and one comment was received.
34 The commenter just requested that NMFS elaborate on what is meant
35 by allowing contracted fishermen, commercial fishermen, to be
36 given the fish for personal use and consumption after the samples
37 are collected.

38
39 They also stated that they couldn't find information on the
40 socioeconomic impact evaluations of choosing commercial, rather
41 than say recreational, fishermen to support the EFP, and they also
42 stated that technology exists capable of 3D modeling the
43 reinsertion of deepwater fishers and the scope of the project
44 should be expanded accordingly.

45
46 Both the current and the proposed EFP applications and
47 documentation are available on our website, which I will drop the
48 link to that in the chat, and NMFS, as the action agency, will

1 move forward with getting the EFP in place. Once in place, a copy
2 of the issued permit will also be available on SERO's website,
3 and, with that, I will just take any questions that you may have.

4
5 **MARCOS HANKE:** Any questions? Hearing none, thank you, Sarah. We
6 have a five-minute public comment. Is there anybody from the
7 public, Liajay, Christina, or Miguel, that would like to
8 participate?

9
10 **CARLOS FARCHETTE:** Carlos does.

11
12 **MARCOS HANKE:** Carlos Farchette?

13
14 **CARLOS FARCHETTE:** Yes.

15
16 **MARCOS HANKE:** Go ahead, Carlos.

17
18 **CARLOS FARCHETTE:** I will wait, if there's somebody from the public
19 that wants to speak.

20
21 **MARCOS HANKE:** Okay. Anybody else? Go ahead, Carlos.

22
23 **OTHER BUSINESS**

24
25 **CARLOS FARCHETTE:** Okay. Thank you, Mr. Chair. I am going to go
26 -- I am going to go outside of my jurisdiction here for what I'm
27 about to say, and I want to apologize to DNER, but it's been on my
28 mind for a while, for years, and I will probably get in trouble,
29 but, like John Lewis said, it's going to be good trouble.

30
31 All this talk about spiny lobster brought me to the point about
32 what is happening in Puerto Rico state waters with the spiny
33 lobster, and I would like Puerto Rico to seriously consider
34 prohibiting trammel nets to harvest spiny lobster in state waters.
35 They could consider a buyback program, which St. Croix did when
36 they prohibited gill and trammel nets.

37
38 We bought them back from the fishermen, so that they could use the
39 funds to invest in a different method of fishing, and one thing
40 that Puerto Rico's government can do is promote the use of lobster
41 traps by those people that are using those trammel nets to harvest
42 lobster. That's all I have. Thank you, Mr. Chair.

43
44 **MARCOS HANKE:** Thank you, Carlos. Nelson Crespo, did you want to
45 speak?

46
47 **NELSON CRESPO:** Thank you, Mr. Chair, and thank you, Carlos, for
48 your comment, and I want to add a little bit more regarding this

1 issue. I have been saying this for a long time, and nobody has
2 ever made a real attempt to address it. I know this is a local
3 issue, but it's really important to pay attention to this.

4
5 As a commercial fisherman, I would like to catch as much as
6 possible, but we have to recognize that, in a fishing year, no
7 matter how good it is, it's a dangerous to the fishery and to the
8 ecosystem, and this year is a clear example of this. Many of the
9 lobster lose their legs, et cetera, and the quality of the product
10 is not the best.

11
12 A number of undersized lobsters that, without enforcement, for
13 sure are not going to go back to the water, and I don't want to
14 mention that, in some locations, they catch turtles and other
15 species in danger. The number of dead fish already -- Fish that
16 are already damaged is considerable, and this, at the end, affects
17 all of us. In addition, the deepwater snapper -- I fish lobster
18 with only pots, and I have fished with trammel nets, because I
19 know how harmful they are. I ask for this council at least to
20 carry out studies on this fishing gear, in order to verify what I
21 am saying. Thank you, Mr. Chair.

22
23 **MARCOS HANKE:** Thank you, Nelson. Just for general information,
24 the internal -- The locals made the same recommendation a few years
25 back, and they have been consistent on that matter. Anybody else
26 from the public?

27
28 **MIGUEL ROLON:** You have Vanessa.

29
30 **VANESSA RAMIREZ:** Thank you, Mr. Chair, and thank you, Carlos, for
31 bringing this point up at the table. I just want to make a comment.
32 In 2019, some fishermen -- Many of us go to public hearings that
33 the government has in the capital, just to check out what options
34 that we can get about this, and many of the presentation were
35 great, and there were many suggestions, but, practically,
36 everything stayed there, and we don't hear nothing about that
37 project anymore.

38
39 I know that the one that presented decided that they have to make
40 some changes, especially taking information about how many
41 fishermen, commercial fishermen, are still doing this art, and,
42 also, because they have to take in that many of those that are
43 using this are already from the first or second generation of
44 fishermen, and it will be hard for them to learn another kind of
45 art, but they were thinking about also to give like a special
46 permit and many things that we put on the table in there, but,
47 practically, after 2019, I don't hear anything about that. Thanks.

1 **MARCOS HANKE:** Thank you, Vanessa. Anybody else from the public?
2 Hearing none, Miguel, do you want to say something before we pass
3 to Other Business?

4
5 **MIGUEL ROLON:** No. I'm okay.

6
7 **MARCOS HANKE:** I don't think we have any other business on my list
8 here, and we are ready to adjourn the meeting. Thank you very
9 much.

10
11 **MIGUEL ROLON:** Wait. You have the Next Meetings in the agenda.

12
13 **MARCOS HANKE:** Yes, and I'm going to go there. Let me finish.
14 Under Other Meetings, and we don't have anything else under Other
15 Business, but we need to announce and establish the next date for
16 the next council meeting. Miguel, can you help me on that?

17
18 **NEXT MEETING**
19

20 **MIGUEL ROLON:** We did that last year, and the same dates still are
21 true for this year. It's the 7th and 8th of December, and it will
22 be a hybrid meeting at the Marriott Courtyard in San Juan, Puerto
23 Rico. The Governor of Puerto Rico presently has stated that there
24 will be a regulation in place now, and we don't know whether the
25 darned regulation will be in place by December, but anybody coming
26 into Puerto Rico as a guest of the hotel has to be vaccinated and
27 has to prove, and they are working on a digitized system, has to
28 prove that he has a certificate of vaccination or has a weekly
29 test for determining whether he is COVID free or not.

30
31 In this case, Diana already sent, to the federal folks, the
32 information, via an email, and it will be distributed also to
33 everybody, to see how many people will be coming to the meeting
34 and staying at the hotel, and we have until September 30 for you
35 to get us that information, because we need to close the contract
36 with the hotel.

37
38 In addition, we have taken note of some of the issues that you
39 want to discuss in the agenda, and one that is agreed on is that
40 we will have, on December 8, the second day of the meeting, from
41 9:00 to 12:00, a full discussion on compatible regulations, and so
42 I will encourage especially the two local governments to bring the
43 documents regarding your regulations in place at that time, and
44 those from Dr. Angeli and Damaris, and, of course, Graciela will
45 put together the list of regulations that we have at this time
46 compatible.

47
48 For example, the spiny lobster is compatible throughout the range,

1 in terms of the carapace length, and not necessarily all the
2 others, but that is one example that we need to discuss.

3
4 In addition, at that time, we are going to look at the compatible
5 regulations and enforcement issues regarding not only the Nassau
6 grouper, as we discussed today, but all the other species, and we
7 will have the presentation by the three chairs of the DAPs, by
8 Graciela and any other scientists from the local government of
9 Puerto Rico and the Virgin Islands and for managers to tell us
10 what are the present regulations and what are the intentions of
11 the local governments regarding compatible regulations.

12
13 I know that, in the case of the Virgin Islands, we have been
14 working with it for some time, and, in Puerto Rico, they are
15 revising the regulations in place and the actual law, and the local
16 fishing law, and that's all we have, Mr. Chairman, and the meeting
17 will also have virtual capabilities, and so you will be able to
18 join in the meeting via Zoom, as you do right now. That's all.

19
20 **CARLOS FARCHETTE:** Miguel, since the VI has this key with a QR
21 code, and will Puerto Rico be able to read that, or do we have to
22 do --

23
24 **MIGUEL ROLON:** Can you ask that again? You have the QR code, yes?

25
26 **CARLOS FARCHETTE:** Yes, I have a QR code, and so I wondered if
27 Puerto Rico would read that, or do have to offer a vaccination
28 card.

29
30 **MIGUEL ROLON:** In the case of Puerto Rico, they are implementing
31 -- You are talking about the vaccine, and so you have to bring
32 your certificate, the vaccine code. Once Puerto Rico has the code,
33 probably people can join in, and it will be similar, according to
34 the newspaper today, as the one that they are implementing in New
35 York, in New York City, but we will keep you abreast of the
36 regulations, and probably, by November, we might have something
37 else, updates on the situation, according to the Governor, and so
38 we will make sure that Diana will send you the latest requirements
39 to travel to Puerto Rico.

40
41 **CARLOS FARCHETTE:** Sounds good.

42
43 **MARCOS HANKE:** Thank you for a great question, Carlos, and thank
44 you, all. Anybody else, one more time, that needs to speak or to
45 ask something, before I adjourn? Hearing none, a turn to speak
46 from Robert Copeland.

47
48 **LT. ROBERT COPELAND:** Good evening, and sorry for the last-minute

1 question here, but I just wanted to confirm that the dates for the
2 next meeting are the 7th and the 8th of December.

3
4 **MIGUEL ROLON:** Yes, they are.

5
6 **MARCOS HANKE:** That is correct.

7
8 **LT. ROBERT COPELAND:** Okay. For you guys' awareness as well, like
9 last year, those dates coincide with the South Atlantic Fishery
10 Management Council as well. Was there any potential of moving
11 these dates? If not, I completely understand, but I just was
12 wanting to put that out there, that they coincide with the South
13 Atlantic Council as well, which is another seat that I sit on.

14
15 **MIGUEL ROLON:** We cannot move it. The contract is already in.

16
17 **LT. ROBERT COPELAND:** Understood.

18
19 **MIGUEL ROLON:** We can keep you abreast of anything that comes up
20 and make sure that the Coast Guard is well informed of anything
21 that will happen at the meeting. Also, if we need information
22 from you, rest assured that I will convey any questions to you, so
23 that you will have the chance to answer it.

24
25 **LT. ROBERT COPELAND:** Yes, please do, and I will brush up on
26 anything that I need to, especially in regard to the Nassau
27 grouper. I have written some notes down here on my end, to see if
28 I can do anything from the Coast Guard standpoint or whatnot, but
29 I will make sure that I am prepared for any questions that may
30 come from the December meeting, but thank you very much for your
31 time.

32
33 **MIGUEL ROLON:** I really appreciate it.

34
35 **MARCOS HANKE:** Thank you very much. Anybody else? Hearing none,
36 the meeting is adjourned. Thank you very much for your patience
37 and great participation, and I will see you guys in December, the
38 7th and 8th, in Isla Verde, Puerto Rico, for the ones that are going
39 to attend in-person. Thank you.

40
41 **MIGUEL ROLON:** For the record, it's 4:35.

42
43 (Whereupon, the meeting adjourned on August 11, 2021.)

44
45 - - -