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PAGE 42: Motion, move to have Action 2, Alternative 2, Sub-alternative 2b as preferred, specific for the Saint Thomas, Saint John and Saint Croix EEZ. Motion presented by Carlos Farchette and John McGovern. [The motion carried on page 49.](#)

PAGE 62: Motion, move to have action 3, preferred Alternative 2 for all three islands. Motion presented by Carlos Farchette and Vanessa Ramírez. [The motion carried on page 63.](#)

PAGE 84: Motion, move to present P* at 0.40 for the queen triggerfish. Motion presented by Vanessa Ramírez and Carlos Farchette. [The motion carried on page 85.](#)

PAGE 93: Motion, the Council requests staff start an Amendment to the Island-based FMPs to update OFLs, ABCs and ACLs projected from the SEDAR 57 Spiny Lobster Update Assessment for 2024-2026 using the constant-catch (i.e., average) values recommended by the SSC. Motion presented by Carlos Farchette and James Kreglo. [The motion carried on page 94.](#)

PAGE 98: Motion, move for a three-year average of queen triggerfish for Puerto Rico only. Motion presented by Carlos Farchette and Vanessa Ramírez. [The motion carried on page 98.](#)

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**CARIBBEAN FISHERY MANAGEMENT COUNCIL
180TH REGULAR COUNCIL MEETING
Isla Verde, Puerto Rico**

DECEMBER 06, 2022

The Caribbean Fishery Management Council convened on Thursday morning, December 06, 2022, and was called to order at 9:02 a.m. by Chairman Marcos Hanke.

Call to Order and Roll Call

MARCOS HANKE: Good morning, everyone. It's 9:02 AM December 6th, 2022. We are in the Embassy Suites in Puerto Rico. Welcome everybody. This is the 180th regular CFMC meeting. And we are going to have a moment of recognition for Berto in a moment, but before that, I would like to make the roll call. Cristina.

MIGUEL ROLON: Starting Cristina, roll call.

CRISTINA OLÁN: Good morning. Cristina Olán, CFMC Staff.

LIAJAY RIVERA GARCÍA: Buenos días. Liajay Rivera, Council Staff.

GRACIELA GARCÍA-MOLINER: Buenos días. Graciela García-Moliner, Council staff.

MARÍA LÓPEZ-MERCER: Buenos días. María López, NOAA Fisheries.

VANESSA RAMÍREZ: Good morning. Vanessa Ramírez, Commercial Fisherman, Puerto Rico.

JAMES R. KREGLO: Good morning. James Kreglo, Council Member Saint Thomas, Virgin Island.

JEAN-PIERRE L. ORIOL: Good morning, buen día. Jean-Pierre Oriol for the Department of Planning and Natural Resources.

CARLOS FARCHETTE: Good morning. Carl Farchette, Council members, Saint Croix District.

SAMUEL D. RAUCH III: Good morning. Sam Rauch, Deputy Director National Marine Fisheries Service.

MARCOS HANKE: Good morning. Marcos Hanke. Puerto Rico, Chairman.

MIGUEL A. ROLÓN: Miguel Rolón, Council Staff.

1 **DIANA T. MARTINO:** Good morning. Diana Martino, Council staff.
2
3 **JOHN MCGOVERN:** Morning. Jack McGovern, NOAA Fisheries.
4
5 **KATHERINE M. ZAMBONI:** Kate Zamboni, NOAA Office of General Counsel
6 in the Southeast Section.
7
8 **CLAY PORCH:** Good morning. Clay Porch, Southeast Fishery Science
9 Center.
10
11 **SARAH STEPHENSON:** Good morning. Sarah Stephenson, Southeast
12 Regional Office.
13
14 **ORIAN TZADIK:** Orian Tzadik, NOAA Fisheries.
15
16 **MIGUEL BORGES:** Miguel Borges, Office of Law Enforcement.
17
18 **HOWARD FORBES:** Howard Forbes, DPNR Enforcement.
19
20 **MARÍA DE LOS A. IRIZARRY:** María Irizarry, Council Staff.
21
22 **GERSON MARTÍNEZ:** Gerson Martínez, acting Chair for DAP Saint Croix
23
24 **ALIDA ORTIZ SOTOMAYOR:** Alida Ortiz Outreach and Education Advisory
25 Panel.
26
27 **JULIAN MAGRAS:** Julian Magras, DAP Chair Saint Thomas/Saint John.
28
29 **NELSON CRESPO:** Morning everyone. Nelson Crespo, DAP Chair of
30 Puerto Rico.
31
32 **RICHARD APPELDOORN:** Rich Appeldoorn, SSC Chair.
33
34 **EDGARDO ORTIZ:** Buenos días. Edgardo Ortiz, visitante.
35
36 **RUSSEL DUNN:** Russ Dunn, NOAA Fisheries.
37
38 **ALEX TERRERO:** Alex Terrero, NOAA Fisheries, Saint Thomas.
39
40 **SEAN R. MEEHAN:** Good morning. Sean Meehan, NOAA Fisheries, Saint
41 Pete.
42
43 **SEAN A. MORTON:** Good morning. Sean Morton NOAA Fisheries in
44 Charleston, South Carolina.
45
46 **ANDREW MCGRAW-HERDEG:** Hi, good morning. Andrew McGraw-Herdeg at
47 United States Coast Guard, Sector San Juan Fisheries.
48

1 **TIM SARTWELL:** Good morning, Tim Sartwell, NOAA Fisheries.

2
3 **NICOLE F. ANGELI:** Good morning. Nicole Angeli, Director at
4 U.S.V.I, Division of Fish and Wildlife.

5
6 **MELISSA CROUCH:** Good morning, Melissa Crouch, Florida Fish and
7 Wildlife Conservation Commission.

8
9 **NICOLE GREAUX:** Good morning. Nicole Greaux, CFMC Liaison for Saint
10 Thomas/Saint John

11
12 **UNKOWN:** El presidente de la Villa Pesquera de Loiza.

13
14 **JANNETTE RAMOS-GARCÍA:** Jannette Ramos-García, OEAP Member, Puerto
15 Rico Sea Grant Program, also.

16
17 **WILSON SANTIAGO:** Good morning. Wilson Santiago, Puerto Rico
18 Fisheries Liaison.

19
20 **LIAJAY RIVERA GARCÍA:** Attendees we have in Zoom. We have: myself,
21 Liajay Rivera. Christina Olán, Graciela García-Moliner, Guillermo
22 Cordero, Refik Orhun and Virginia Shervette.

23
24 **MARCOS HANKE:** That's all. Thank you, Liajay. Miguel.

25
26 **MIGUEL A. ROLÓN:** Before you go to logistics. To those people
27 driving with cars in the parking. We have a special rate. There's
28 a lady outside, so, you can pay \$10 and that's good for the rest
29 of the day. Lunch will be served at 12 o'clock sharp, isn't it?

30
31 **DIANA T. MARTINO:** Mm-hmm.

32
33 **MIGUEL A. ROLÓN:** Yeah, it's right across. Actually, when you make
34 a right there's the place where they will serve lunch today. Thank
35 you, Mr. Chairman.

36 37 **Adoption of Agenda**

38
39 **MARCOS HANKE:** Thank you, Miguel. We have the agenda. We are going
40 to address now the adoption of the agenda. And on the agenda, we
41 are going to recommend and add presentation from Jannette and
42 Wilson Santiago after 4:45 p.m. today. Also, after 4:15 PM on the
43 second day, we going to have a sharp presentation from HMS
44 following up on the request by fishermen and the letter sent,
45 mainly about Skipjack Tuna. Any other things for other business or
46 comments about the agenda? We need a motion to adopt the agenda.
47 Richard?

1 **RICHARD APPELDOORN:** Just a reminder that the SSC report is near
2 the end and should we start running overtime, I'm not going to be
3 here tomorrow. So, I'd like to make sure that however the schedule
4 progresses today, that we at least have that part today.
5
6 **MARCOS HANKE:** Okay.
7
8 **RICHARD APPELDOORN:** And that might also apply to the queen conch,
9 if you want to switch that around. If you want me for that
10 discussion, make sure it's today.
11
12 **MARCOS HANKE:** Okay.
13
14 **GRACIELA GARCÍA-MOLINER:** Mr. Chair, you also have a change in the
15 agenda. So, at 2:30 where you have the queen conch presentation
16 switch, so that it would be Nassau Grouper first and then the queen
17 conch. Graciela here.
18
19 **MIGUEL A. ROLÓN:** Mm-hmm.
20
21 **MARCOS HANKE:** Thank you, Graciela. Miguel.
22
23 **MIGUEL A. ROLÓN:** Yeah, Miguel Rolón for the record. First, we
24 want to recognize a minute of silence.
25
26 **MARCOS HANKE:** This is Marcos again. We are going to recognize and
27 execute a minute of silence in recognition of a close friend, an
28 example for the fishing community. Berto, do you have-- Christina.
29 Yeah, let's wait for a second. She is going to upload something on
30 the screen.
31
32 **MIGUEL A. ROLÓN:** Necesitas la moción de aprobar la agenda antes
33 de eso.
34
35 **MARCOS HANKE:** And in the meantime, I got a little lost here. I
36 apologize. We need a motion to adopt the agenda.
37
38 **CARLOS FARCHETTE:** Carl Farchette. Move to accept the amendments
39 to the agenda and adopt the agenda.
40
41 **JEAN-PIERRE L. ORIOL:** Jean-Pierre Oriol, Second.
42
43 **MARCOS HANKE:** All in favor, say aye.
44
45 **GROUP:** Aye. Aye. Aye.
46
47 **MARCOS HANKE:** Thank you. Agenda is adopted. Like I was saying, we
48 are going back to the minute of silence and recognition to Luis

1 Alberto "Berto" Román. It's a very well-respected fisherman. His
2 legacy are around us, not just on the how good of a fisherman he
3 is but a leader engaging into science, engaging into bridges among
4 scientists and fishing community, and a great family.

5
6 I have the opportunity to talk to the wife. The whole family
7 recognize, and now they see, because of the amount of love they
8 receive after he passed away, how important was the job that Berto
9 did on the West Coast. Let's do a minute of silence in remembering
10 Luis Alberto "Berto" Román.

11
12 (Whereupon, a moment of silence was held in memory of Luis Alberto
13 "Berto" Román.)

14
15 **MARCOS HANKE:** Thank you. Now Miguel has something to share with
16 you guys.

17
18 **MIGUEL A. ROLÓN:** Thank you very much, Mr. Chairman. At this time-
19 - Somebody the other day told me, "Are going to have that urn every
20 meeting?" Well, this is the last one for 2022 because we have a
21 lot of people that have held the Council through the years that
22 serve some recognition from the Council, and some of them are
23 actually around the table.

24
25 Today we have Sarah in person. We are glad to see you at this
26 meeting. Sarah and María are the key at the regional office people,
27 the helps of develop our management plans. But today I would like
28 to recognize a couple. What are they? He's going to kill me for
29 this. But, Edgardo, please, you. ¡Parate aqui! So, where is your
30 wife? Alida, over here please. [applause]

31
32 This couple is my favorite couple in marine sciences. I met Alida
33 a long time ago. I have said that to many people. I crossed the
34 channel, I went to marine science, and I saw this beautiful lady
35 painting algae and I thought she was extraordinary. So, I said to
36 her, "You have a talent. The algae looks like it's a real algae."
37 And she said, "You're a dumbbell. This is real algae. I'm just
38 wanting the algae that I collected this morning." So, she stopped
39 what she was doing and helped me. And actually, she taught me how
40 to do it. So, when I took my botany class, I was the expert. I was
41 able to [inaudible] and everything. They looked good. They were
42 also professors of our chairman.

43
44 And then this gentleman here, you don't know it but he's my expert
45 for marine invertebrates. That poster you have in the back, every
46 time that we mess it up, he calls me, and he said, "Miguel, that's
47 not the name of the queen conch anymore. They have another name.
48 The old name is back."

1
2 So, Dr. Edgardo Ortiz is probably one of the I highest level
3 authority that we have in marine invertebrates in Puerto Rico. And
4 I'm glad that he's our friend that he's from Puerto Rico. Sorry
5 for that. And he is being recognized for his work. He's still
6 working. They both retired. You are an emeritus professor for the
7 University of Puerto Rico.

8
9 Alida was our first PhD for marine science department. And they
10 have become probably one of the best people that understand marine
11 sciences and education and outreach. When Diana proposed to me to
12 have an outreach and education panel, "Yeah, that's a good idea.
13 But we need to have somebody that is really knowledgeable and can
14 do it. Let's talk to Alida." And she says, "Hey, yes, we will have
15 an outreach and education panel." And that's what she did. And
16 since that time, she be working with us.

17
18 So, at this time we like to recognize both of you with this token
19 of appreciation. It is a, as I said before, we copied this from a
20 Superman comic book. They have a city in a bottle, so, we have a
21 reef in a bottle. I hope that you remember us, the Council, when
22 you retire for the end time.

23
24 And so, we would like to thank all of you. So, a round applause
25 for these two good people and I will allow them to say something.

26
27 **DIANA T. MARTINO:** She also founded Puerto Rico Sea Grant.

28
29 **LIAJAY RIVERA GARCÍA:** Mm-hmm.

30
31 **MIGUEL A. ROLÓN:** Oh yeah, yeah. She's the one who brought the
32 Puerto Rico Sea Grant to Puerto Rico. She has done so, many things
33 that we keep forgetting what she was. But she was also a member of
34 our SSC for some time. She was the one who kept us with the habitat
35 and information that we did for our management plans in check. So,
36 both of you had to say something.

37
38 **ALIDA ORTIZ SOTOMAYOR:** I'm surprised. But really working in
39 outreach and education for the Council has been, or it is, the
40 best way that I can keep on having people understand, learn,
41 appreciate what is our marine resources. And I am very, very
42 grateful for the way the Council has put outreach and education in
43 every one of our issues.

44
45 And Miguel I'm so, proud to have one of my students as president
46 of the Council, you know, that's great. And even more happy that
47 Edgardo, we are always together. So, when I do something, "okay,
48 Edgardo, read it, change it, make it new." So, this is all.

1
2 **EDGARDO ORTIZ:** Saludos a todos. Esto es una muy agradable sorpresa
3 y en mi sentido personal, inmerecida. Nosotros siempre hemos estado
4 dirigidos hacia el mejoramiento de toda nuestra población. Siendo
5 particularmente precisos hacia la población estudiantil. Ósea,
6 todos los estudiantes. Así que, en ese sentido, aunque nos hemos
7 retirado de la Academia continuamos siendo maestros y nuestro
8 compromiso ha sido y será con nuestros estudiantes dentro de
9 nuestro pueblo. Y en ese sentido tenemos que destacar la labor tan
10 grande que hace el Consejo de Pesca de Puerto Rico que desde sus
11 inicios los hemos apoyado y los continuaremos apoyando. Así que,
12 mil gracias por esta distinción que nos honra por mucho.

13
14 **MIGUEL A. ROLÓN:** Diga todo eso en inglés. [laughter]

15
16 **MARCOS HANKE:** This is a unique opportunity for me to share with
17 you guys and testify how important those two people are for all
18 the souls that pass through the U.P.R. Humacao program. They not
19 just add academic knowledge, but they teach us how to be critical
20 to the process, to think beyond the lines that everybody thinks,
21 looking for solution, being positive, being productive and
22 respectful to the science.

23
24 They are the core of all these generations that pass through the
25 U.P.R. Humacao and they are like our family. This is the way we
26 study. We are very blessed to have them. Thank you very much.
27 [applause]

28
29 **MIGUEL A. ROLÓN:** Thank you, Mr. Chairman.

30
31 **Consideration of 179th Council Meeting Verbatim Transcriptions**

32
33 **MARCOS HANKE:** Marcos Hanke, for the record. The next part of the
34 agenda is the meeting verbatim transcription. Is there any comment?
35 Carlos?

36
37 **CARLOS FARCHETTE:** Thank you, Mr. Chair. I can just imagine what
38 daunting task it is to transcribe these minutes. But I have a
39 couple corrections. Page 18, line 45 and 46. Instead of saying sea
40 orchids, this should be sea urchins.

41
42 Uh, page 19, line seven and nine where Nelson Crespo was talking
43 about the trammel nets. They put trauma nets, so, it'll be replaced
44 that with trammel, t r a m m e l. On that same paragraph where
45 Crespo, was talking about have to do something with the dangerous
46 gear. They have year, so, replace year with gear, G E A R.

1 Uh, page 19, line 32 with the SSC. Went through the tear process.
2 This will be tier, T I E R. And page 65, line 44, where I was
3 talking about recreational fishers. I said rec fishers, so, they
4 misspelled rec. They put W R E C K, it should be rec, R E C,
5 fishers. Rec fishers. Page 66, line 33, where Sennai Habtes was
6 talking about the HMS permits and BAYS tuna, they put base as B A
7 S E, it should be BAYS all caps, B A Y S for Bigeye, Albacore
8 Yellowfin and Skipjack.
9
10 And page 171, line 39. When María was talking about, or I was
11 talking about to María about the motion for the trap reduction, I
12 actually rescinded my motion, but they put resend. So, replace
13 rescind for resend. And with that, I move to accept the verbatim
14 minutes with corrections.
15
16 **MARCOS HANKE:** That's all Carlos. Okay. Anybody else? All the
17 corrections are noted. Thank you very much. I think we are ready
18 for a motion to accept the verbatim transcription.
19
20 **MIGUEL A. ROLÓN:** Seems that only one read the minutes.
21
22 **MARCOS HANKE:** We don't need that.
23
24 **MIGUEL A. ROLÓN:** No, no. It's just that only one person read the
25 minutes, so, thank you very much.
26
27 **CARLOS FARCHETTE:** I did.
28
29 **MIGUEL A. ROLÓN:** Yep.
30
31 **MARCOS HANKE:** Thank you Carlos. We need a motion to accept—
32
33 **VANESSA RAMÍREZ:** Vanessa Ramírez for the record. Motion to accept
34 the transcript with the corrections already put in the motion.
35
36 **MARCOS HANKE:** Thank you.
37
38 **MIGUEL A. ROLÓN:** Second?
39
40 **JEAN-PIERRE L. ORIOL:** Second.
41
42 **MARCOS HANKE:** Thank you, Jean-Pierre. All in favor say aye.
43
44 **GROUP:** Aye. Aye.
45
46 **MARCOS HANKE:** Thank you everyone. Miguel.
47

1 **MIGUEL A. ROLÓN:** Thank you, Mr. Chairman. I believe that today we
2 have the honors of having Samuel D. Rauch III. He is the Deputy
3 Assistant Administrator for Regulatory Programs. And for those of
4 you who are not familiar with the chain of commands, so in NOAA
5 Fisheries he is one of the top ones in Washington. So, I'm glad
6 that Sam is with us today.

7
8 Sam, would you like to address the group? A few words?
9

10 **SAMUEL D. RAUCH III:** So, thank you very much. I am Sam Rauch. I
11 am the Deputy Director of the National Fisheries Service, which of
12 my duties I oversee all the regional offices, including the
13 Southeast region, but also all the other ones around the country
14 at a number of headquarters offices.

15
16 In DC we were split with three senior career deputies. I oversee
17 the regulatory programs as I just mention. There is another deputy
18 that recently retired, Paul Doremus, who oversees the budget, law
19 enforcement, international affairs, and some other programs. And
20 then there's the chief scientist, Cisco Werner, who oversees the
21 Science Centers and all the science enterprise. And then we all
22 answered to the political head of the National Fisheries Service.
23 Janet Coit.

24
25 It is my pleasure to be here today. I periodically visit the
26 Councils, although I've not been able to visit this Council for
27 many years because of the pandemic. I'm pleased to be here today.
28 I am trying to get back to visit all the Councils. I still now
29 have Alaska to go, but I'm pleased to do this one.

30
31 The work of the Councils is incredibly important to the United
32 States. We have one of the best fishery management processes in
33 the world. We have the highest number of sustainable stocks, and
34 we can prove it in an open, transparent process that the Councils
35 manage.

36
37 It is thanks to the work that you all do here, that we can do those
38 things and it is not easy to be a Council member, and I do
39 appreciate it from the entire administration. The preparation that
40 you guys undertake, the hard deliberations, the commitment to
41 science and conservation allows us all to do this. This is an
42 important work that we do here today. Whether we're representing
43 the commercial fisheries or the recreational fisheries or other
44 important interests, we do it. You all do it with dedication and
45 I appreciate that and thank you for that.

46
47 The other thing that I do in DC is I lead the National Fisheries
48 Service Equity and Environmental Justice Initiative. We just put

1 out a draft strategic plan early in the summer. I got comments
2 from many folks. We are currently taking all those comments into
3 account. Comment here is closed. We hope to issue a final one
4 shortly. Beginning of next year. And then we will transition to
5 more regionally specific step-down plans where the Southeast
6 Regional office, Southeast Science Center, we'll get together and
7 talk about how you can take these national principles and apply
8 them in important local areas because you can't, you can't deal
9 with everything on our national policy, most of the equity and
10 environmental justice issues are regional. They arise regionally.
11 They need to be solved regionally. They need to be addressed
12 regionally.

13
14 So, it's my pleasure to be here and I look forward to a good
15 Council meeting. Thank you, sir.

16
17 **MARCOS HANKE:** Thank you, Sam. And I want to make a little comment,
18 a segue after your participation. I want to recognize the positive
19 attitude and availability from Sam Rauch to the Caribbean Council
20 throughout different capacities that he has been performing NOAA
21 Fisheries. And the level of professionalism and empathy to the
22 Caribbean is amazing. And I really want to say thank you in the
23 name of all the fishermen and fishing management people of Puerto
24 Rico. Thank you very much. Miguel?

25
26 **Executive Director's Report**

27
28 **MIGUEL A. ROLÓN:** Thank you. And also, I want to add that Sam was
29 the only one, or the first one, to ever help us internationally.
30 I know you remember the Panama meeting. Because it's hard to be
31 sitting in Washington and be able to understand every problem,
32 every issue, every chime that you have across the nation from Samoa
33 to Puerto Rican and Virgin Island. So, for that, we are very
34 grateful because the Council have been working in the international
35 component of the fishery since the get-go in the seventies. And
36 Sam was the first one who helped us move forward. So, with that,
37 we really, really appreciate that part.

38
39 Now my report, Mr. Chairman. The executive directors met. We meet
40 every two years, every three years. And we met recently and went
41 through best practices, and we found that some of us were doing
42 things well and others were doing things the old way. Mostly
43 administrative stuff. So, we have our executive committee and we
44 met. The executive committee is composed of the Chair, Vice Chair,
45 fiscal officer and myself.

46
47 We went through a series of topics that we address. For example,
48 in the case of the staff, we talk about the analytics, leave. All

1 the administrative things that pertain to the staff. So, we are
2 correcting those things that we identify in the executive
3 committee. But there's one that needs the approval of the Council
4 at this time.

5
6 There have been discussions everywhere about compensation to
7 Council Members and Advisory Body Members when we are having a
8 virtual meeting of less than a day. When we are having an in-
9 person meeting of less having a day. And remember, in a virtual
10 meeting, two hours is half a day because you compress everything
11 in the agenda. So, we discuss it, and the recommendation of the
12 committee is to keep the present status that we have, the way that
13 we compensate Council Members and Advisory Body Members. For this,
14 we need a motion. Mr. Chairman, probably we can discuss a little
15 bit more in the motion. So, at this time, I yield to the Chair to
16 request a motion from the group regarding the issue of compensation
17 to Council Members and Advisory Body Members.

18
19 **MARCOS HANKE:** Anybody can help me with the motion. Language?

20
21 **MIGUEL A. ROLÓN:** The language would be to keep the present status
22 quo for the compensation of Council Members and Advisory Members
23 of the Council.

24
25 Somebody says, "So moved" and we move forward.

26
27 **VANESSA RAMÍREZ:** Vanessa Ramírez, for the record. Please move.

28
29 **CARLOS FARCHETTE:** Carlos Farchette, second.

30
31 **MIGUEL A. ROLÓN:** Any discussion?

32
33 **MARCOS HANKE:** Any discussion?

34
35 **MIGUEL A. ROLÓN:** For the record we're talking about in some cases,
36 they don't pay you for traveling. Okay. In others, they don't pay
37 you for virtual meetings. But the issue is that when I remove a
38 commercial fisherman for an hour or two, that commercial fisherman
39 loses money and sometime maybe little bit of money or a lot of
40 money.

41
42 If I remove, for example, Gerson Martínez from his day of fishing,
43 there's a lot of money involved. And if I remove one hour of
44 Marcos, he lost his whole day for the charter. So, the Council,
45 this Council at least, recognized that a long time ago, and we
46 decided to compensate for both traveling and actually meeting days.
47 The same holds true for the Advisory Body Members. We have DAPs,

1 these advisory committees. We have the scientists, SSC and TAP,
2 those people are always very busy in a university and so forth.

3
4 So, the Council, in the seventies actually, discussed this and I
5 decided to operate the way we do. Which is, we compensate the
6 Council Members travel, with authorization of the Chair. Staff
7 members and other travel authorization of the Executive Director.
8 We split that to keep everything in order. That's all I will have
9 for this discussion, Mr. Chair.

10
11 **MARCOS HANKE:** Thank you for keeping a strong record. Is any
12 further discussion? Hearing none. Is there any opposition? No? All
13 in favor, say aye.

14
15 **GROUP:** Aye. Aye. Aye.

16
17 **MARCOS HANKE:** Thank you. Now we are going to pass to the part of
18 the agenda.

19
20 **MIGUEL A. ROLÓN:** No, no. Todavía no he terminao'.

21
22 **MARCOS HANKE:** This is Marcos. Go ahead, Miguel.

23
24 **MIGUEL A. ROLÓN:** I have a bunch of stuff, but I compressed it
25 into two. The SOPs disappear in 2015, but that's okay because I
26 talked to some of the people in charge in Washington and they told
27 me, "Miguel, the way that you should do it is, you write memo to
28 the record and when the time is appropriate, you can then amend
29 your SOPs."

30
31 **UNKNOWN:** Um, sorry, Miguel, can you repe-- Sorry.

32
33 **MIGUEL A. ROLÓN:** Yeah. The SOPs. The standard operation procedures
34 of the Council it's a document that from the get-go, from the
35 starting of the Councils, we were supposed to put it together. And
36 that standard operation procedures talks about the composition of
37 the Council, conduct of the way that we operate, [inaudible]
38 benefits, all and all.

39
40 So, our Council were asked, all the Councils were asked to submit
41 our SOPs for the reviewer in Washington, but our Council went to
42 a place that nobody knows what it is. Sometimes I'm thinking
43 Twilight. Somebody from a Twilight zone will come, the Council
44 SOPs are somewhere, but they're not here. And the solution to that
45 is, some Council, what they do, they amend the SOPs, and they
46 publish the SOPs. In our case, they told us, you know, "You put it
47 on the record." And then the executive committee, "Now, we are
48 going to review all the memos that we have on the record and then

1 update our SOPs." They will be published in our webpage. So, when
2 the time comes, we can submit that again to NOAA for review.

3
4 And the SOPs are important because that's the instrument that we
5 use to, number one, abide by the laws and the regulation that are
6 the ones that we are required to follow. And also, provides a
7 document where anybody can see it, "Ah, this is the way the Council
8 operates." We also have a handbook, administrative handbook, that
9 also describes the way that we operate. So, it's an important
10 document.

11
12 At this time, what the secretary director asked me to do, and we
13 all agree, was to just mention for the record that we are not
14 forgetting our SOPs. And of course, anything that goes into the
15 SOP has to be clear by NOAA legal counsel and sometimes by commerce
16 lawyers, because we had to, as I said, be sure that we follow the
17 laws and the regulation. But for example, one thing that we wanted
18 to change is that Dr. Roy Crabtree a long time ago that he couldn't
19 meet sometimes because obligations with the other two Councils.
20 So, we wanted to be flexible. The meeting in August was supposed
21 to be the meeting that incorporates August 10 and 11. Why? Because
22 August 10 is the last day of a Council member when their time is
23 up for the three years. And August 11, is the time where the new
24 Council member comes in, to swear in, to be a Council member for
25 the next three years. But we have that flexible, but we have to
26 change that in our SOPs.

27
28 The administrative committee was deleted, and we need to address
29 that. So, that's something that is transparent to the Council
30 members and all that. But the Chair and myself, we have to be
31 mindful of this and probably for the spring meeting we will have
32 a new bill, an updated SOP for your consideration at that time.

33
34 And the last thing I want to talk about is harassment. I took a
35 training on harassment, and all of you are supposed to take a
36 training on harassment. Doesn't mean that after the training you
37 know how to harass people. It's that after the training, you're
38 supposed to avoid harassing people. And I remember, this was a
39 long time ago, there were some guys in the oil field and one lady
40 was complaining about harassment. He said, "Remember for this guy,
41 harassment is a phrase not a word." So, in this case, the guidance
42 that we receive at the CCC meeting is that everybody that belongs
43 to the Council in a way-- well, not in a way. Anybody that is a
44 member of the Advisory Bodies or member of the Council, and the
45 staff should take this training. It's 45 minutes. I took it, Carlos
46 took it too.

1 It's kind of a little bit thick. I don't see many fishermen leaving
2 what they're doing to take this course. But if a harassment
3 situation comes in, ignorance doesn't excuse you from having that.
4 That's why it is important. Then harassment covers everything.
5 Like, for example, if I go like this to the Chairman and he doesn't
6 like it. That's harassment. If I say something that is
7 inappropriate to anybody, staff member, or anything, that's
8 harassment. But it's a little bit more than that. So, I encourage
9 you to see it.

10
11 So far, nobody has told us what happens if a Council member doesn't
12 take the course in harassment. So, do we kick him out, we do
13 something with him. Well, at this time, personal guidance is on a
14 voluntary basis, but in our Council, it will be required for new
15 members to take this course. You have until February 28th to take
16 it. We sent an email with all the emails of the members of the
17 Council and the Advisory Bodies, and you'll be contacted. But if
18 you want to take it now and you don't have the information, please
19 let us know so, we can send you the information.

20
21 And I said, in the case, when they interviewed me, they asked me,
22 "Miguel do you have minorities in your Council?" I said, "Well, we
23 are all minorities. Puerto Ricans, Virgin Islanders, women. I'm
24 the only man in the staff sometime. Doubting myself. So, it is
25 important, and this is the message I was told to tell you, the
26 harassment course is available. Please take it and it is a way to,
27 let's say, help you avoid this situation that is embarrassing.
28 These situations are embarrassing, but illegal.

29
30 And it's kind of funny. Bullying is not illegal. You can bully
31 people and it's not illegal, but if you harass them, you can be
32 processed. So, there are people working on this, and I don't have
33 to say more about it, Mr. Chairman, you know, the course is there.
34 If you need any assistance, please let us know.

35
36 **MARCOS HANKE:** Thank you, Miguel. Let's pass to the next item on
37 the agenda, which is the core of this meeting today at 9:30. We're
38 going to start with updates on Island-Based Fishery Management
39 Plans and the current amendment on spiny lobster amendment, and
40 buoy gear amendment. María, are you going to present that?

41
42 **MARÍA LÓPEZ-MERCER:** So, good morning. This is María López, NOAA
43 Fisheries. I will present the current actions and the status of
44 island-based FMPs. Then we have the trawling gear amendment, that
45 will be me as well. And then we have the pelagic amendment, that
46 will be Sarah Stephenson. And then trap reduction plan, that will
47 be me. And then you guys have a discussion on pelagics, continued
48 discussion on pelagics.

1
2 **MARCOS HANKE:** Please proceed. Thank you, María.
3

4 **Updates on Island-Based Fishery Management Plans (FMPs) and**
5 **Current Amendments (Spiny Lobster Amendment, Buoy Gear**
6 **Amendment)**
7

8 **MARÍA LÓPEZ-MERCER:** Thank you. So, this is María López of NOAA
9 Fisheries Regional Office, and this is a slide that has all the
10 actions that the Council has discussed recently with the status
11 and additional information for your consideration.
12

13 So, I don't know if any everybody can see it. It's a little-- Okay,
14 the first thing is that during the last Council meeting, we were
15 still not effective on the island-based FMPs, but now we are. So,
16 the plans are effective. We have a Fishery Management Plan for
17 Federal Waters of Puerto Rico, one for Saint Croix, and one for
18 Saint Thomas and Saint John. And we are very excited that we have
19 these plans in place.
20

21 As you all know, these plans replace the spiny lobster FMP, the
22 reef fish FMP, the Corals FMP, and the queen conch FMP. That final
23 rule was effective on October 13th, 2022. And we are operating
24 right now under the island-Based FMPs, which means that every
25 amendment that is going to be taking place, it's going to be
26 amending one or all of those plans. One, two, or all of those
27 plans, depending on what the Council wants to do.
28

29 Okay. So, the first actions that are in red are the ones that,
30 since August, have changed. The status has changed. So, I wanted
31 to highlight that for you.
32

33 The generic framework amendment to all the island-based FMPs for
34 the spiny lobster reference points. These are updates based on the
35 SEDAR 57, the assessment. And that was submitted by the Council on
36 September 26th by 2022, which means that the plan is ready for
37 NOAA Fisheries to take over and then prepare the proposed rule.
38 So, that happened in September and that proposed rule, right now,
39 is being evaluated in headquarters. So, we are going to be seeing
40 that proposed rule soon and there's going to be a comment period
41 open for you to comment. So, that will be available at the Council
42 website, the information, also in our website. So, if you are
43 interested to comment on this one, you're going to be able to do
44 that.
45

46 The next amendment that is also at the proposed rule stage is the
47 generic amendment to all the island-based FMPs again, and this is
48 the buoy gear definition and use. As you all recall, this is the

1 one that had an action to prohibit buoy gear for the recreational
2 sector, and also allows up to 25 hooks on buoy gear for commercial
3 fishers. So, this amendment was completed, and it was submitted,
4 by the Council, on November 2nd, 2022. The next stage is the draft
5 of the proposed rule, which we are already, staff on the Southeast
6 Regional Office, is currently working on.

7
8 So that's another one that is going to come out soon for your
9 consideration for commenting on that proposed rule and we will let
10 you know when.

11
12 The next amendment that we're all working on is the generic
13 amendment to the island-based FMPs. Again, to all of the three
14 FMPs. And this is the trawl net gear and descending devices. As
15 you may recall from our last Council meeting, this amendment may
16 prohibit the use of all trawl gear in the EEZ or in the Council
17 marine managed areas. May prohibit the use of gillnets, trammel
18 nets, purse seine in the EEZs and may require the use of descending
19 devices when fishing for reef fish in the EEZ.

20
21 So, where we are with that right now it's we have a draft of
22 chapters one or two for the Council to select prefer alternatives,
23 if they desire to do that. And we're going to be presenting that
24 right after this presentation. So, we'll have more details about
25 that soon.

26
27 The next amendment is also to all the island-based FMPs, and this
28 is the pelagic management measures. This one is the one that you
29 saw an options paper during the last meeting, and this is the one
30 that may establish recreational bag limits or commercial trip
31 limits and or recreational and or commercial size limit for pelagic
32 stocks that are new to management under each one of the island-
33 based FMPs. The IPT, which is their interdisciplinary planning
34 team, had their first meeting and a draft for this document is
35 being developed for the Council review.

36
37 Now, there are things that are still needed from this Council in
38 terms of guidance on the scope of actions, and Sarah Stephenson
39 from the Southeast Regional Office is going to be presenting that
40 during this morning, as well, for your consideration.

41
42 The next actions are actions that have been discussed by the
43 Council that are not in a stage of development, but the Council is
44 interested in pursuing this or has expressed interest in the past
45 in pursuing these actions. However, this depends of course on the
46 Caribbean Council's priorities.

1 One of them is the development of federal permit system. This is
2 something that we discussed during the past Council meeting. It
3 will revive an action that was tabled in 2016 because as you will
4 recall there was a lot of interest, but we were also waiting for
5 the island-based FMPs to be in place so that a federal permit
6 system will operate under those island-based FMPs. In this action

7
8 the Council was interested in evaluating general permits, limited
9 permits, or any other combination of permits. The IPT was created.
10 Again, the interdisciplinary planning team. They had their first
11 meeting, and from that meeting, it was an introductory meeting for
12 this action, what came out of that meeting is that there is a need
13 for guidance from the Council on the scope of action. Because as
14 we recall, there were many different topics that Council members
15 brought as to what was the interest of the Council in terms of
16 federal permits. And as you all know, federal permits are a little
17 bit complicated and it's very, very important for the Council to
18 narrow the scope of the action so that the IPT can work on something
19 and bring something to the Council for their consideration. So,
20 this is not going to be discussed at this meeting, but it will be
21 discussed at the April 2023 Council meeting.

22
23 The next action that the Council has discussed is a trap reduction
24 plan, fish trap reduction plan, for the U.S. Virgin Islands EEZ.
25 This one is one that would evaluate compatibility with the U.S.V.I.
26 trap reduction program. This is an action that has also been
27 discussed in the past more specifically in December 2019. That was
28 right before the pandemic. This one, the Council, during our past
29 Council meeting, requested a presentation with the issues that
30 were brought back, back in 2019 at this meeting. So, we will have
31 that presentation and see where the Council would like to move
32 forward with this.

33
34 The next action that was discussed is the timing of seasonal or
35 area closures for the Red Hind Grouper in the Puerto Rico EEZ. So,
36 this was a discussion about changing the timing for the closures
37 that were set in the West coast of Puerto Rico for the Red Hind
38 Grouper. There was a discussion paper presented at the Council
39 meeting in December 2021, and what the Council decided to do at
40 that time was to have informational workshops with fishers and
41 data requests. However, this is still to be decided.

42
43 And the last action that I'm presenting to you today is the
44 modification of Red Hind seasonal closure in the San Croix EEZ.
45 This action was a request from fishers from Saint Croix because
46 they wanted to evaluate, modifying the Lang Bank Red Hind closure
47 to allow fishing for pelagic species during the closure. This is
48 an action that was requested from the Council at the April 2022

1 meeting, and also involves some conferring from staff with HMS,
2 which is the status of this. So, this is another one that still
3 needs to be-- it's still pending.

4
5 So, with that, I just wanted to give you an update of where we are
6 with everything, so that you know where we're going to be moving
7 forward and to see what your interest is in moving forward with
8 those other actions that are still going to be pending. Um, I don't
9 know if this is something that needs to be decided right now, but
10 it's something for your consideration. As I mentioned, there are
11 like 1, 2, 3, 4, basically, five actions right now. Two of them in
12 the proposed rule stage, two in the first development stage, one
13 that you will choose preferred alternatives. And the other one,
14 which I think is a big one, which is the federal permit, that will
15 need a lot of your guidance for the next upcoming meeting.

16
17 Okay. I'll take any questions.

18 19 Discussion

20
21 **MARCOS HANKE:** Marcos Hanke, for the record. Anybody from the
22 Council would like to comment or make a question. Uh, Vanessa?

23
24 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
25 record. As I see, since October, these plans are effective. How
26 are we doing to take all this new information to the fishermen and
27 also to train the law enforcement to be sure that they have all
28 these plans clear?

29
30 **MARCOS HANKE:** Alida.

31
32 **ALIDA ORTIZ SOTOMAYOR:** I have one questions first for María, and
33 then I will make a note on Vanessa's comment. María, we are now
34 working on the development of the, either fact sheets, or some
35 other type of product that it's easier to understand and has the
36 information of each item-based bound. And we are working with
37 chapter five, like you said.

38
39 Do we have to wait until these amendments are ready or approved to
40 publish what Vanessa might be asking?

41
42 **MARÍA LÓPEZ-MERCER:** Thank you, Alida. This is María López. So, I
43 think it will be important and for the interest of the public to
44 have a document right now with enough information so, that not
45 just the public can follow the new regulation. Remember, many
46 things stayed exactly the same. There were other things that change
47 and particularly those things that change will be important for
48 them to have. I think the amendments may take a little while. The

1 proposed rule for the spiny lobster, maybe the first one that will
2 come out soon. So, I would think, like, probably in a couple of
3 months, maybe three months, we should see final, depending on how
4 much time it will take to have the documents ready, then I would
5 say that we could wait for that one. However, I think perhaps if
6 you can prepare something that it's a little bit more general, so
7 that they have that guidance, I think that will be great. And then
8 we'll keep some spaces for the other two things.

9
10 **ALIDA ORTIZ SOTOMAYOR:** Okay. So, I'll keep working on the original
11 document and the one for each island. And then Vanessa, besides
12 these materials, we are also planning workshops in the fishing
13 communities with the island-based information.

14
15 So as soon as we get all the calendar together, we will talk to
16 you and to each one of the DAPs for the workshops.

17
18 **MARCOS HANKE:** Miguel.

19
20 **MIGUEL A. ROLÓN:** Vanessa, the workshop that we are trying to put
21 together, we planned them before the COVID pandemic. So, we hope
22 that in 2023 pandemic will ease off. So, Alida and the outreach
23 and education group are preparing a series of workshops. And at
24 the beginning of 2023, the first quarter, we are going to meet
25 with all the three DAPs. So, we were going to Puerto Rico, Saint
26 Croix, Saint Thomas/Saint John and Alida will give a presentation
27 on the implementation of the island-based FMPs. And the key is to
28 explain to the group in general terms, section five. That other
29 plan that covers all the material that they need to cover.

30
31 In the future, then once we have that information, this is a
32 continuum, it doesn't mean that once we have this, that's it. We
33 will be plugging in, maybe talking, using the same tools, but as
34 María just mentioned, you know, these amendments that we have here.

35
36 In addition, public hearings. Different from workshops and other
37 public meetings, the public hearings are required, as you know.
38 So, we want to make sure that when people go to the public hearings,
39 they will have a chance before the public hearings to be able to
40 understand what this is all about. And for that, we're probably
41 knocking on your door to see what the best places are, how many
42 fishermen can attend, and so forth.

43
44 The Liaison Officers. Wilson in Puerto Rico, in your particular
45 case, Nicole in Saint Thomas/Saint John, Mabel in Saint Croix will
46 be key also to help us identify the best tools for engaging the
47 fishers. And thank you, Mr. Chairman. That's all for this topic.

1 **MARCOS HANKE:** Thank you very much. Go ahead.

2
3 **MIGUEL BORGES:** Vanessa, to answer your question with enforcement—

4
5 **MARCOS HANKE:** Name on the record, please.

6
7 **MIGUEL BORGES:** Yeah, Miguel Borges, law enforcement, for the
8 record. We've done at least two trainings with DNER for all the
9 officers in Puerto Rico. We did one for the West coast and one for
10 the East Coast officers. It was given by Michelle Schärer and
11 myself. So, she did a lot of species ID, and I did regulations,
12 federal regulations, and some more enforcement type work. So, we
13 did already two, that was two weeks ago.

14
15 So, we plan to do more with other enforcement agencies like FURA
16 and others that are in the water and municipal. So, that's what
17 we've done so, far.

18
19 **MARCOS HANKE:** Thank you, Miguel. Just a little comment before I
20 passed the word to Graciela. With the Coast Guard-- thank you for
21 being here, by the way. Miguel Borges has participated over many,
22 many years on a fish ID training and a training that they do for
23 the new cadets that are coming in the Coast Guard. I think at this
24 moment, with the island-based FMP, it will probably be appropriate
25 to prepare presentation, when is the timing, to include in the
26 training these new happenings, right?

27
28 Probably Graciela will be on this case because of the island-based
29 FMP, the person to do that coordination with you guys. Just for
30 you to keep that on mind, that we have a venue already every year,
31 the training happening. Maybe we can use that venue to inform
32 everybody, for everybody to be on the same page. Graciela.

33
34 **GRACIELA GARCÍA-MOLINER:** Alida, I've been thinking about one of
35 the issues that we keep confronting, the lack of information in
36 certain areas when we're developing the actions for the different
37 amendments that we're carrying out. So, you know, would there be
38 a possibility of developing some kind of outreach material for
39 people to be aware of what we're missing of the cooperative
40 research program that is available for collaboration among
41 scientists and fishers so, that people become involved in the
42 process and when the time comes to do the analysis, we have
43 additional data that we can use in coming to a determination.

44
45 The lack of information doesn't restrict us from being
46 precautionary and doing what the Council needs to do. But I think
47 that it's a, you know, it's a good opportunity now that we've gone
48 through the island-based FMP to focus on the data that is missing

1 from each island and how we can collaboratively come to terms with
2 providing that information to everyone.

3
4 **ALIDA ORTIZ SOTOMAYOR:** Um, Graciela thank you so much for that
5 information. I think it's really valuable because it goes beyond
6 the fishing person, the fisher. It goes to the entire community
7 and to the municipality and the differences between each one of
8 the islands. And in Puerto Rico, between the West and the East,
9 and the North and the South.

10
11 So, what I would think is that whenever this meeting is finished,
12 I meet with you and then I'll bring the draft I already have for
13 the general chapter five, and then we can do specifically, other
14 activities or other materials, that they don't have to be the same,
15 for all the islands.

16
17 **MARCOS HANKE:** Thank you. María, we have and follow up presentation
18 from you guys.

19
20 **MARÍA LÓPEZ-MERCER:** Are we done with this topic? Okay.

21
22 **MARCOS HANKE:** I'm asking.

23
24 **MARÍA LÓPEZ-MERCER:** Yes.

25
26 **MIGUEL A. ROLÓN:** No, we are.

27
28 **Trawl and Net Gear and Descending Devices Amendment to the**
29 **Island- Based FMPs**

30
31 **MARÍA LÓPEZ-MERCER:** Yeah, you are. Okay.

32
33 Okay. This is María López NOAA Fishery, Southeast Regional Office.
34 And the next topic that we're going to be discussing is a generic
35 amendment to the island-based FMP to the Puerto Rico, Saint Thomas
36 and Saint John and Saint Croix Fishery Management plans, trawling
37 and net gear and descending devices. Can you guys see well, or do
38 we need to lower the lights? You're good. Okay. Next slide.

39
40 This is an amendment that we discussed back in April this year,
41 and there are three actions that are addressing this amendment.
42 One action is a prohibition on the use of all trawl gear in U.S.
43 Caribbean Federal Waters, as a precautionary approach to prevent
44 potential negative impacts on sensitive habitats that are present
45 in the U.S. Caribbean EEZ, such as coral habitats, sponge habitats.
46 And on target and non-target species through direct harvest or
47 bycatch.

1 The action number two is a provision on the use of gillnets,
2 trammel nets, and purse seines. Right now, there are no federal
3 regulations regarding the use of gillnets or trammel nets for the
4 harvest of Council-managed pelagic species, which let me remind
5 you that they are new for management under the island-based FMPs.
6

7 And then there's a third action that was added by the Council at
8 the August meeting, August 2022 meeting. And this is one that would
9 require descending devices be available and ready for use to
10 minimize bycatch mortality of Council-managed reef fish.
11

12 So, what we're going to do in this presentation is briefly go
13 through each one of these actions and the background that that was
14 provided for these actions. And then we are going to go through
15 each one of the alternatives that are included in the draft
16 amendment. And then if the Council desires, they can take preferred
17 alternatives, they can choose preferred alternatives at this time
18 and then we'll take that back to the IPT, so the IPT can continue
19 working on this amendment.
20

21 Go ahead, Miguel.
22

23 **MIGUEL A. ROLÓN:** María, how do you prefer to do it? We wait until
24 you finish your presentation and then go back.
25

26 **MARÍA LÓPEZ-MERCER:** Yes. Let's finish. Let me finish. Thank you.
27

28 **MIGUEL A. ROLÓN:** Okay. Thank you.
29

30 **MARÍA LÓPEZ-MERCER:** Next slide. Okay. so, let's talk about action
31 one. This is the trawl. Any type of trawl, right now, are an
32 authorized gear type in the U.S. Exclusive Economic Zone around
33 Saint Croix, Saint Thomas, Saint John and Puerto Rico, for using
34 the commercial fisheries that are not managed under any of the
35 island-based FMPs, which we're going to call in for this purposes
36 of this presentation, non-federally managed species. However,
37 there is no evidence that trawl gear is or has been used for
38 fishing in the federal waters of the U.S. Caribbean, except for
39 exploratory fishing or research that was conducted many, many years
40 ago.
41

42 Now, Puerto Rico territorial fishing regulations prohibit the use
43 of trawl gear and drift nets in its jurisdictional waters. And
44 this is just for reference. However, the U.S. Virgin Island do not
45 have a specific regulation prohibiting the use of trawl gear in
46 their territorial waters, at least that we are aware of.
47

1 Now, the Council is interested in a potential prohibition on the
2 use of any trawls in Council marine managed areas, which are the
3 seven areas that are seasonally closed areas that are managed by
4 the Council that are present in Puerto Rico, in Saint Croix, and
5 Saint Thomas and/or in the EEZ around Puerto Rico, Saint Thomas,
6 Saint John and Saint Croix for several reasons. Right.

7
8 Can you go to the next slide please?
9

10 Okay. So, these are the reasons, this is the rationale that was
11 provided by the Council, and they're mostly related to a direct
12 impact that allowing trawling activities could have on sensitive
13 habitats that are present in the U.S. Caribbean EEZ that made it
14 very particular and special. So, the complex mosaic of coral on
15 the insular shelf left little space available for trawling that
16 would not have direct impacts on coral. It has the potential for
17 damaging coral habitat included deep-water corals, as well as
18 sponge habitat and deep-water sponges present in the area. And
19 this was part of the discussion provided by you in December 2021.
20

21 There's also concern that trawls could entangle protected species
22 present in the U.S. Caribbean EEZ, for example, sea turtles. And
23 there was also concern about direct impact that the use of trawls
24 in the U.S. Caribbean EEZ has potential to negatively affect
25 certain habitats, designated essential fish habitat and habitat
26 areas of particular concern for managed species under the Magnuson-
27 Stevens Fishery Conservation and Management Act.
28

29 There were also some economic considerations related to the use of
30 certain trawling gear types. For example, damage or lost gear. As
31 well as implication for the bycatch of managed and non-managed
32 species in the U.S. Caribbean EEZ. There were also interest in
33 potential implications, if any, that continued to allow trawling
34 for non-federally managed species as an authorized gear type in
35 the EEZ, including in the Council seasonally managed areas, may
36 have on whether the existing Council marine areas qualify as
37 conservation areas under Executive Order 14008.
38

39 Next slide.
40

41 Okay, and remember, this is the background based on what has been
42 discussed in the past by the Council. Nothing in here is new. So,
43 now regarding gillnets and trammel nets. Gillnets and trammel nets,
44 and I added the definition in Spanish or how you guys call it in
45 Spanish "filete" for the gillnet/single wall, "trasmallo or
46 mallorquín" for the trammel net or "tremall, chinchorro de ahorque"
47 they hang vertically in the water, and they can or cannot be fixed

1 to the bottom. This is for reference. Purse seines are large walls
2 of netting deployed around an entire area of school or fish.

3
4 Now, the federal regulations at 50 CFR 600.725, which is where the
5 authorized list of gears for fisheries under each one of the
6 island-management areas, list gillnets as an authorized gear type
7 in the U.S. EEZ around Saint Croix, Saint Thomas, Saint John and
8 Puerto Rico, only for: the commercial harvest of federally managed
9 and non-federal managed pelagic species and for the commercial
10 harvest of other non-federal managed species in each of the island-
11 management areas. For purse seines and trammel nets, they're not
12 authorized for any fishery, specifically authorized, for any
13 fishery in any of the three island-management in areas.

14
15 Next slide please.

16
17 Now, as a reminder, the use of gillnets, trammel nets, as well as
18 pots, traps, and bottom longline is prohibited year-round in the
19 seven Council-managed seasonally closed areas. Bajo de Sico, Abrir
20 La Sierra, Tourmaline in Puerto Rico. And in the U.S. Virgin
21 Islands we have Grammanik Bank, the Mutton Snapper spawning
22 Agregation Area, Hind Bank, and the Red Hind Spawning Aggregation
23 Areas East of Saint Croix. However, there are no specific
24 prohibitions on the use of trawl gear in these or other areas with
25 the exception of the Hind Bank Marine Conservation District in
26 Saint Thomas where all fishing is prohibited year-round. And I
27 have a reference in there to appendix A because if you have your
28 document, you can find all of that information in there.

29
30 Now, as you recall, since 2005, the use of gillnets and trammel
31 nets have been prohibited for the harvest of federally managed
32 reef fish and for spiny lobster due to the potential for bycatch.
33 And there's reference in there to the regulations where this can
34 be found. Now, surface gillnets and trammel nets are allowed for
35 the harvest of other species. And in this case, I wanted to
36 highlight baitfish, right? Although it doesn't say in the
37 regulations that is baitfish, but it is usually what people use
38 the surface gillnets and trammel nets in federal waters.

39
40 Next slide, please.

41
42 For purse seins and trammel nets and other non-authorized gear. A
43 person could petition the Council to use this gear types. And at
44 that time, if that happens, if there's a petition, the Council and
45 NMFS if could take action whether to allow or prohibit the use.
46 And in here, we put a reference to those regulations, which says,
47 "A person or vessel is prohibited from engaging in fishing or
48 employing fishing gear when such fishing gear is prohibited or

1 restricted by regulation under an FMP or other applicable law.
2 However, after December 1st, 1999, an individual fisherman may
3 notify the appropriate Council, or the Director, in the case of
4 Atlantic highly migratory species, of the intent to use a gear or
5 participate in a fishery not already on the list. 90 days after
6 such notification, the individual may use the gear or participate
7 in that fishery unless regulatory action is taken to prohibit the
8 use of the gear or participate in the fishery, for example, through
9 emergency action and interim regulations." We have all heard about
10 this before and several times, including when we were discussing
11 the buoy gear. So, this is just for your reference.

12
13 Next slide.

14
15 Now the third item that was included in this amendment is the
16 descending devices. At the August 2022 Council meeting, which was
17 the 179th meeting, the Council made the request to include another
18 action in the amendment. They discuss concerns from fishermen about
19 reef fish that are released either due to regulatory or economic
20 discards.

21
22 And let me remind you, regulatory discards are those fish that are
23 required by regulation to be discarded, but also include fish that
24 may be retained but not sold. And economic discards are fish that
25 are discarded because they are undesirable to the harvester. And
26 this category of discards generally includes certain species,
27 sizes and/or sexes with low or no market value.

28
29 So, this fish that are released because of these reasons but do
30 not survive, were concerning for the fishermen. In their
31 discussion, the Council focused on injuries from barotrauma.

32
33 Barotrauma is the rapid expansion of gases in a fish as it quickly
34 reeled up from depth. There are signs from barotrauma such as
35 bulging eyes, the stomach protruding from the mouth, and bubbling
36 scales. We saw a presentation during last time with examples of
37 this. Now to improve the survivorship of that released reef fish
38 the Council consider a measure that would encourage the use of
39 best fishing practices to minimize the impacts from the capture,
40 and therefore discuss the use of descending devices as a tool to
41 reduce that fishing mortality for that reef fish from barotrauma.
42 So of course, this is a device that should be used when the fish
43 are showing signs of barotrauma.

44
45 Next slide. Okay, thank you.

46
47 So, this is something that was done, as we mentioned before, done
48 also by the Gulf of Mexico Fishery Management Council and the South

1 Atlantic Fishery Management Council. And the Council was
2 interested in following those steps that were taken by our
3 colleagues in those fishery management Councils to require that
4 descending devices be available and ready for use for certain
5 fisheries and reduce that bycatch mortality.

6
7 So, the Council pass a motion for staff to develop Action 3,
8 proposing to add a requirement to have a descending device
9 available and ready for use on a vessel when fishing for or
10 possessing Council-managed reef fish. The Council decided that it
11 will also work on education and outreach activities with fishing
12 communities regarding descending devices, their development and
13 the use.

14
15 Okay, let's go to the next slide.

16
17 So, that was all the background on these actions. Now let's talk
18 about the statement of the purpose and need that was prepared by
19 the interdisciplinary planning team. The purpose of this amendment
20 is to prevent potential damage to habitats from certain gear types,
21 including essential fish habitat, protect species associated with
22 such habitats, as well as to promote best fishing practices and
23 enhance the survival of released fish in the EEZ around Puerto
24 Rico, Saint Croix, and Saint Thomas and Saint John.

25
26 The need for this amendment is to minimize potentially adverse
27 effects of fishing to habitats an associated species and to
28 minimize the mortality of bycatch species.

29
30 Okay, next slide.

31
32 Now let's go into details of each one of the actions. Action 1 is
33 the one that deals with trawl gear.

34
35 So, we have three alternatives that are proposed. Alternative 1 is
36 usually the no action, which means that there are going to be no
37 changes. So, that means that everything that is in the regulations
38 as of now, it stays the same, which means that the trawl gear will
39 continue to be authorized for commercial and recreational harvest
40 in federal water around Saint Croix, Saint Thomas, Saint John and
41 Puerto Rico. I think I should have not put recreational in there,
42 so, I'm going to cross it out.

43
44 Okay. Alternative 2-- and I apologize for that. Alternative 2,
45 prohibit the use of trawling gear for all fishing in Caribbean
46 Fishery Management Council's seasonally closed areas, marine
47 managed areas year-round in federal waters.

1 And the alternative 3, it will prohibit the use of trawling gear
2 for all fishing in federal waters around Saint Croix, Saint Thomas
3 and Saint John and Puerto Rico. So, the difference between
4 Alternatives 2 and 3 is that one will prohibit the trawling
5 activities in the marine managed areas. And number 3 is in all
6 federal waters.

7
8 Next slide.

9
10 So, we typically include in our documents a comparison of the
11 alternatives to assist the Council in making a decision. So, very
12 quickly, as you know, Alternative 1 is status quo and would not
13 change any regulations applicable to use of trawls in federal
14 waters of the three island-management areas. Alternative 2, would
15 prohibit all trawl gear around Council MMAs, while Alternative 3,
16 as I mentioned earlier, it would be around to all EEZ waters of
17 the three island-management areas.

18
19 Now because trawl gear has not historically been used in the U.S.
20 Caribbean EEZ and is not currently used, basically Alternative 2
21 and Alternative 3 could be considered administrative actions and
22 are not expected to have any additional physical, biological,
23 ecological, social, and economic effects when you compare them to
24 Alternative 1, which is the status quo.

25
26 However, by preventing any future use of the trawl gear, both of
27 the Alternatives, 2 and 3, could be more beneficial to the
28 biological, physical environment because it could prevent any
29 potential bycatch and or habitat effects from the use of trawl
30 gear in federal waters around the three islands or, alternatively,
31 in the Council MMA, with the former being more beneficial in
32 protecting the fishery and habitat resources throughout the U.S.
33 Caribbean. Prohibiting the use of trawl gear applicable to all
34 fishery components of the island management area, which will be
35 Alternative 3, would prevent future use through a petition for its
36 use, which is what we discussed earlier today, and which something
37 that could occur under Alternative 1 and Alternative 2, which is
38 the one that only deals with the marine managed area. So, it will
39 be more beneficial to the physical, biological, and ecological
40 environment.

41
42 Okay. I don't know if anybody has any questions on that, or I can
43 continue.

44
45 **MARCOS HANKE:** Just to make sure that every everybody's following
46 along with you. Vanessa. I have a question?

47
48 **MARÍA LÓPEZ-MERCER:** Yes.

1
2 **MARCOS HANKE:** You want us to decide preferred alternative or
3 recommend preferred alternative at this time?
4

5 **MARÍA LÓPEZ-MERCER:** That's up to you, Marcos. If you would like
6 to do that right now, we can certainly do that.
7

8 **MARCOS HANKE:** Okay. Let's go with Vanessa first, and
9

10 **MARÍA LÓPEZ-MERCER:** Of course.
11

12 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
13 record. I'm going to make a question. I don't know if someone in
14 this room have the answer, but did we know how many commercial
15 fishermen can get impact by this action?
16

17 **MARÍA LÓPEZ-MERCER:** This is María López. Well, currently there is
18 no trawling in federal water, so, we're assuming no one. Mm-hmm.
19

20 **MARCOS HANKE:** For the record. For the record, to be very clear,
21 this is Marcos. Because there are many actions that we are
22 evaluating and talking about, make sure that you refer to the
23 action that you're making the question or referring to for the
24 record to be clear. Okay. Miguel.
25

26 **MIGUEL A. ROLÓN:** Yes, I propose, because I myself have a very
27 short memory. Can we just go one by one and then go back? And then
28 María can ask the Council, these are the alternatives. Would you
29 like to choose a preferred one at this time? Can we do that? Then
30 we go one by one, and that way we will be able to, not only have
31 question answered by María, but also introducing to the record any
32 thought, any comment that you may have before you make a final
33 decision as to your preferred alternative. Uh, María, can you
34 refresh the memories of everybody? What happens after the Council
35 selects the preferred alternatives?
36

37 **MARÍA LÓPEZ-MERCER:** This is Mari López. Several things could
38 happen. So, one of the things that we are looking for is if you
39 select a preferred alternative, we will bring that back to the IPT
40 and the IPT would flush out the document. We still have to prepare
41 the description of the fishery, description of the environment.
42 Not really a lot has changed because, obviously, we have a fresh
43 island-based FMP. So, there's a lot of information there, and we
44 will be referring to that one in [inaudible] by reference, however,
45 the description of the fisheries, for example, not necessarily
46 just for trammel net, because really there's not much about that,
47 but for other components, for example, the gillnet and the trammel
48 net, which we know that those are gears that are used in state

1 waters to harvest many species, so that is very important to be
2 described. We have some information in here that we think will
3 assist you in making this decision right now, but if you feel that
4 there's not enough information for you to make a decision, then
5 that's no problem. We'll take it back to the IPT and then we
6 continue developing until we can bring more.

7
8 So, what happens then? We take it to the IPT if everybody's ready
9 and then for the next Council meeting, we will have a full fledged
10 amendment with everything. You guys can take final action and we
11 will bring a draft of the codified text. That codified text is
12 what ends up going on the regulations that makes those changes for
13 your approval. And then after that, if everything moves forward,
14 then that's when NMFS takes over in terms of the proposal, so we
15 can prepare the proposal.

16
17 **MIGUEL A. ROLÓN:** María, what is IPT?

18
19 **MARÍA LÓPEZ-MERCER:** The interdisciplinary planning team is the
20 group that is in charge of drafting the amendments and making all
21 the analysis and is composed of people from NOAA Fisheries and the
22 Council. They have different expertise. For example, we have
23 biologists, we have people from enforcement, lawyers, scientists
24 from the Science Center. We have biologists and staff from the
25 Council. And with all of that expertise together, we are able to
26 provide complete and full analysis for the Council to consider
27 these actions with the best available information.

28
29 **MIGUEL A. ROLÓN:** Yes, I know that the staff is knowledgeable about
30 the plans that you are developing.

31
32 So, Mr. Chairman then, can we just go to the first one and then
33 María can guide the Council in terms of what is needed, what is
34 required at a particular point. And if you wanted to take a
35 preferred alternative usually the way that we do it, is you can
36 discuss a little bit before, but you can have a motion and then,
37 at the discussion, you develop the record as to why that is
38 important or not, as to why you want to select that as your
39 preferred alternative.

40
41 **MARCOS HANKE:** Thank you, Miguel. And I want, for the record to be
42 very clear, that this is not new for the Council. We have been
43 discussing this throughout the years, and this is mature enough
44 and some of them very mature to make a preferred alternative.
45 Maybe. Let's see what happened. But I want to the record to reflect
46 that this is not new for us, right? María already stated—
47

1 **MARÍA LÓPEZ-MERCER:** Correct. We have seen already an options paper
2 on this. The only action that was not included was descending
3 devices, and we'll discuss that today. So, what I would do is I
4 would encourage Council members to take notes if there's anything
5 specific that you want to discuss at the end, and we'll go one by
6 one. Okay.

7
8 All right. So, with that, I'm going to move to action two. Can you
9 go to the next slide please.

10
11 Okay. so, this is the one with that deals with the gillnets,
12 trammel nets and purse seines in the EEZ around Puerto Rico. So,
13 in here we're going to have four alternatives. I just divided this
14 slide, so it wasn't that dense in there.

15
16 So, Alternative 1 is the no action, which is basically to retain
17 the authorized net gear types for commercial and recreational
18 harvest in federal waters around Saint Croix, Saint Thomas, Saint
19 John and Puerto Rico. Gillnets, currently, are an authorized gear
20 type for the commercial harvest of managed, Council-managed and
21 non-managed pelagic species, and for the commercial harvest of
22 non-federal managed species in each of the island-management
23 areas. Trammel nets and purse seines are not listed as an
24 authorized gear type for any fisheries in the U.S. Caribbean EEZ.
25 This is the status quo. This is the current regulations. This is
26 what we have always had.

27
28 Alternative 2 would prohibit the use of gillnets in federal waters
29 around Saint Croix, Saint Thomas and Saint John and Puerto Rico.
30 There are two sub-alternatives. You can do that prohibition that
31 applies to all fishing in the EEZ, everything. So, that means that
32 we're not talking about HMS here. We're talking about the species
33 that are considered managed by the Council or species that are not
34 managed by the Council. For example, remember that we have new
35 Fishery Management Plans and we used to have a ton of reef fish
36 and now we have less species, so, there are going to be species
37 that didn't make it to be included in the Fishery Management Plan
38 for several reasons, but they're still caught by fishermen. So,
39 this is mostly what we're referring to when we're talking about
40 non-FMP species. And then, sub-alternative 2b is for all fishing
41 in the EEZ except for the following fish species belonging to the
42 halfbeaks. Halfbeaks, which is the Family Hemiramphidae, to the
43 Gar (Family Belonidae) and flyingfish (Family Exocoetidae). And
44 these are species that are usually caught as baitfish. A surface
45 gillnet used in the EEZ around Puerto Rico, Saint Croix or Saint
46 Thomas and Saint John to fish for any baitfish must be tended all
47 the time. That part is not really new. This is something that it's
48 in our regulation still.

1
2 Now, why are we adding particularly those species? We're mimicking
3 here what we have in the U.S. Virgin Islands regulations. That's
4 what they have in the regulation as to what they allowed for
5 baitfish. So, we can talk later if this is something that will
6 work for you or not. I'm going to go to the next slide to show the
7 other alternatives three and four.

8
9 Next slide please.

10
11 Alternative 3 deals with the use of trammel nets for all fishing
12 in federal waters. Basically, will prohibit the use of trammel
13 nets for all fishing in federal waters. And Alternative 4 prohibits
14 the use of purse seines for all fishing in federal waters in Saint
15 Croix, Saint Thomas and Saint John.

16
17 Okay. So, just as a reminder, gillnets and trammel nets may not be
18 used in the EEZ to fish for reef fish or for spiny lobster. Okay?
19 A gillnet or trammel net can be used to fish for any other species;
20 however, it must be tended at all the time. So, that's what our
21 regulations currently have. So, what the Council was interested in
22 doing, particularly with gillnets and trammel nets, is to extend
23 this prohibition to pelagic species, but also extend this
24 prohibition to other species in order to protect species that are
25 managed as well. Okay. And as you know, gillnets are already
26 prohibited for use in the Council Closed Areas or Council MMAs.

27
28 Next slide.

29
30 Okay. So, I'm going to show you, and this is in Vanessa's interest.
31 This is just a summary of the use of these two particular two gears
32 in Puerto Rico landings in the U.S. Virgin Islands, Saint Thomas
33 and Jon Croix. And I'm going to show you a table after this one.
34 So, for gillnet and trammel nets Council-managed species that are
35 reported in Puerto Rico commercial landings with gillnet from
36 federal waters include barracuda, cero and king mackerel, blackfin
37 and little tunny.

38
39 Now I want to make the distinction that when we query this data
40 from zero to nine nautical miles and from 9 nautical miles to 200,
41 which will be the definition of federal or unknown, because
42 landings are also reported as unknown, there's a possibility that
43 those landings that are reported that came from waters that are
44 past the nine nautical miles may include harvest from waters that
45 are around the Puerto Rico offshore islands that belongs to Puerto
46 Rico jurisdiction. So, we are going to be looking at those as that
47 occur in federal waters, but I want you to keep that in mind
48 because it could be a possibility that those are state landings.

1
2 Now for commercial landings from 2012 to 2021 of Council-managed
3 species from EEZ waters around Saint Thomas and Saint John caught
4 with gillnet include some reports, and when I say some reports,
5 it's basically nothing, for red hind, coney, yellowtail snapper
6 blue runner, all landings were minor and confidential, so, I don't
7 have a table to show you, but they were very minor. For the EEZ
8 around Saint Croix species reported commercially with gillnet from
9 2012 to 2021, the only Council-managed species is redbait
10 parrotfish, and it's also confidential data because it's basically
11 nothing, and two non-managed species, which is ballyhoo, which is
12 showing 6,211 pounds in total, and needlefish, with a hundred
13 pounds. So those are baitfish species.

14
15 Okay, next slide please. Thank you.

16
17 Okay, and this one here is so you can see the landings. This is
18 only for Puerto Rico, as I said, around 2014 to 2019, divided by
19 state, federal, and, no, I don't have a table for Saint Thomas,
20 Saint John or Saint Croix because it's not like this one. We don't
21 have that data. You guys have also different regulations. The U.S.
22 Virgin Island doesn't allow the use of gillnets and trammel nets
23 other than just for baitfish, so it's normal that there will be no
24 landings associated to those gears.

25
26 So, in Puerto Rico, the way that we divided this is the species
27 that are managed and not managed. As you can see from gillnet,
28 most of the harvest that occurs for gillnets, obviously occurs in
29 state waters, right? And the species that we have in there, we
30 have barracuda, the mackerels, right? the blackfin, the little
31 tunny, and the Wahoo. Wahoo and dolphin are confidential, so that
32 means that it was very, very little reported in there.

33
34 For federal waters, as you can see, there's 1,117 pounds reported
35 from 2014 to 2019 in federal waters. So, compared to what is caught
36 in state waters, that's very minimal. And then 733 for the cero
37 mackerel. For the other species, there's really nothing in there.
38 Now there's, for non-managed species, we have obviously most of
39 that harvest occur in state waters and that makes sense because
40 these are species that are associated to be closer to the coast.
41 As you know that federal waters, you know, start at nine nautical
42 miles, so that's a little far away to be catching bait species but
43 my understanding, from what you guys have told us, is that these
44 are more, you're fishing for something else, and you see the
45 opportunity to get baitfish species while you're fishing in federal
46 waters, then you go and do that. So that's why there is an
47 alternative that provides for allowing to continue to do that.

1 So, these are some of the species that are that are caught in state
2 waters and in federal waters. And some of them that come to view
3 is obviously the ballyhoo, the jacks and the skipjack. I'm sorry,
4 not the skipjack, the snook, which is kind of weird, but yeah, so,
5 that's what our landings are saying. Now. If you look at trammel
6 nets basically all of the landings, come from the state waters
7 because trammel nets are a gear that is allowed to be used in state
8 waters.

9
10 Okay, I'm going to move to the next slide, please.

11
12 And I'm almost done. Okay. So, the same way that we did with action
13 one, we're just going to compare the alternatives in here, so we
14 can assist you in making a decision if that's what you would like
15 to do.

16
17 So, for gillnets, Alternative 1 is, you know, the status quo, there
18 will be no changes to gillnet regulations in the EEZ around the
19 three Islands. And what this means is that this will be less
20 beneficial to what we call the biological and ecological
21 environment of the islands, but more beneficial to the
22 socioeconomic environment than Alternative 2, Sub-alternative 2a,
23 which is the one that prohibits all fishing. And this is because
24 fishers will still be allowed to be using this gear for harvesting
25 all the species, like, you know, commercial and recreational manage
26 and non-managed pelagic species. And when we say it's more
27 beneficial to the socioeconomic environment than other ones that
28 are more restrictive, it's because those fishers that are engaging
29 in using those gears in federal waters can continue to do so. So,
30 then, they will not be affected if we don't do this. But again, as
31 you saw on the landings, there's very, very minimal harvest in
32 federal water but there's still some harvest.

33
34 Okay? And then the administrative effects will be slightly higher
35 under Sub-alternative 2a than Alternative 1. This is basically
36 we're doing an amendment, we have to set regulations, but there's
37 going to be, you know, enforcement associated with it. So, that's
38 considered administrative.

39
40 Now with respect to certain species of baitfish, Alternative 1 and
41 Sub-alternative 2b are not different. 2b is the one that bans all
42 the use of gillnet for all fishes, except for the baitfish families
43 that we mentioned, as both will continue to allow gillnets for
44 catching those species with no additional effects to the biological
45 environment, socioeconomic environment, or administrative
46 environment because that's basically what we're doing right now.
47 As you can see in the landings, those are most of the species that
48 are caught, we're assuming for use as the bait. Then the physical

1 effects are not expected from the use of gillnets just because,
2 you know, this is a gear that works on the surface.

3
4 Okay. so, let's go to the next slide.

5
6 From Alternative 3 and 4, which are the ones trammel nets and purse
7 seines-- and I understand there's a lot of information in here, so,
8 please bear with me and mark your questions if you have some at
9 the end. For trammel nets and purse seines, as I mentioned, they're
10 not authorized to be used in federal waters. So, the effects to
11 the physical, biological, ecological, and socioeconomic
12 environments for Alternatives 3 and 4, which are the ones that
13 prohibit the use of those two gears, they're not expected to be
14 different from those at the status quo. Why? Because they're not
15 currently authorized for using federal waters for any fishing,
16 right? Also, we see that, from what we saw from the table, that
17 the landings from the trammel nets seems to be constrained to
18 Puerto Rico state waters, where this gear type is allowed. You saw
19 that there's no significant landings in federal waters and
20 obviously in the U.S. Virgin Islands, these gears are not allowed
21 to be used. However, Alternative 3 and 4 could be slightly more
22 beneficial to the biological/ecological environment of the three
23 island-management areas because they could further restrict
24 potential future use of these gear types through a petition to the
25 Council. Remember, like a gear type that is not listed as
26 authorized can still be petitioned by a fisher to be used. Um, so,
27 that is something that the Council was looking into, perhaps, not
28 continue to allow. Administrative effects are expected to be
29 slightly higher for Alternatives 3 and 4 than for Alternative 1.
30 Of course, because we have to do that amendment and we have to set
31 regulations and then there's going to be prohibitions that the
32 enforcers will have to abide to.

33
34 Next slide.

35
36 And this is the last one of the actions. This is the requirement
37 to use descending devices. This one has two alternatives. Do you
38 either have it or you don't. So, Alternative 1, no action.
39 Descending devices are not required to be on board a vessel fishing
40 for or possessing species in the reef fish component of the Puerto
41 Rico Saint, Saint Croix, Saint Thomas and Saint John. So,
42 basically, status quo. Alternative 2 require the descending device
43 be on board a commercial or recreational vessel and readily
44 available for use while fishing for or possessing species in the
45 reef fish component of the Puerto Rico, Saint Croix, Saint Thomas
46 and Saint John Fishery Management Plan.

1 Now we included a definition for purposes of this amendment, of
2 what that descending device means, and this mimics the South
3 Atlantic Fishery Management Council, what they did. And we have
4 talked about this in the past, and my recollection is, you have
5 said that this is something that would apply, but I want you guys
6 to keep this in mind in case we need changes. This is the moment
7 to do it.

8
9 For the purpose of this requirement, a "descending device" means
10 an instrument to which is attached a minimum of a 16-ounce weight
11 and a length of line that will release the fish at the depth from
12 which the fish was caught or a minimum of 50 feet. So number are
13 important for you to consider here in case you think we need to
14 make changes. The descending device attaches to the fish's mouth
15 or is a container that will hold the fish. The device MUST be
16 capable of releasing the fish automatically, by the actions of the
17 operator of the device, or by allowing the fish to escape on its
18 own. Since minimizing surface time is critical to increasing
19 survival, descending devices shall be readily available for use
20 while engaged in fishing.

21
22 So, this alternative doesn't say that you have to use it, that
23 you're required to use it. You need to use it; you have to have it
24 available to use if a fish is exhibiting barotrauma.

25
26 Okay next slide.

27
28 And this is the comparison of the alternatives. Alternative 2,
29 which is the requirement for having it rigged and ready, will be
30 more beneficial to biological and ecological environment of reef
31 fish than the status quo, which is what we currently have, because
32 it would require the descending device to be rigged and ready for
33 use, which could decrease fish mortality of Council-managed reef
34 fish from barotrauma. In the short term, socioeconomic effects
35 from Alternative 2, which is a prohibition, are expected to be
36 larger than from Alternative 1, which is doing nothing, due to the
37 cost and effort for fishers to obtain and keep on board a
38 descending device. Administrative effects from Alternative 2 would
39 also be higher than Alternative 1 because of the regulations to
40 affect the requirement and the additional efforts to enforce these
41 regulations for a reef fish fishermen, both commercial and
42 recreational, in federal waters of the three management areas and
43 to conduct outreach and education activities.

44
45 Next slide.

46
47 Okay, so, this is from the presentation that was given by Marcos
48 Hanke last time. He showed popular types of descending devices.

1 So, one of the things that the Council was also interested is
2 because it's very easy to make a descending device, this could be
3 made with things that you already in your kit, in your fishing
4 kit. Um, there's a lot of information in terms of how to do it.
5 So, of course in the previous slide I highlighted socioeconomic,
6 short term socioeconomic effects because obviously there will be
7 a cost incurred in doing this. However, that doesn't mean that
8 there are no programs that you can apply to that the Council can
9 probably find out if there are places that you can apply to that
10 probably have descending devices at no cost.

11
12 And there is also education. I put in here two educational videos
13 that are super, super good. One of them the sources is South
14 Atlantic Fishery Management Council from the North Carolina
15 Division of Marine Fisheries is a how-to video and how rig and use
16 these descending devices. And the other one is from the Florida
17 Fish and Wildlife Commission on how to make a descendant device.
18 And obviously we have the expertise from fishermen over here, which
19 have used it. When we were at the MREP meeting back in August,
20 there were kids that were participating in the meeting that were
21 already using the descending devices that will be really happy to
22 show everybody how to use that.

23
24 So of course, if this is something that is done, there will be a
25 period where, you know, there's going to be a lot of education and
26 outreach activities that will have to be conducted in order to
27 educate the fishers on how to do something like that so, we can
28 comply with regulations.

29
30 Now let's do the last slide.

31
32 And this is the next steps. The next steps are to indicate if any
33 changes are needed to the scope of the action or alternatives,
34 select preferred alternatives, if you want to do that. And then if
35 we're moving forward with this, task the IPT to continue
36 development of the amendment for final action in April 2023. And
37 that's it.

38 39 Discussion

40
41 **MARCOS HANKE:** María, can we go action by action to follow the
42 instructions on the next steps for each of them with you.

43
44 **MIGUEL A. ROLÓN:** María. What I propose the Council to do is, if
45 you know what you want, let's say to discuss, the question, do you
46 want trawl gear to be used in the EEZ or not? If your decision is
47 not, and actually that's the way that you discussed it before,
48 then you can have a motion to prohibit the, whatever. in the EEZ.

1 And then in the discussion, we ask the staff, María, here, where
2 in the document that will fit. And then you develop the discussion
3 at that time. Because otherwise you will be entangling, Alternative
4 b or, you know, the whole thing that you mentioned before. So,
5 let's stick to the issues that you consider are important in the
6 discussion of a motion to do this.

7
8 And also, you already did this before, and that's why you have the
9 result of that decision which is this document that you have here.
10 So, just to refresh your memory of the new Council members, for
11 every action that you have, it is required to have three
12 alternatives. Of course, the no action, and then two more that are
13 different approaches to the same issues.

14
15 So that's why you have seen today, an excellent document by the
16 way, a presentation on the action that you have. We have two
17 actions. Action one and-- excuse me, three actions and the first
18 one is this one that we have on the screen. So, María.

19
20 **MIGUEL A. ROLÓN:** Yeah. So, the way that we set this up, I think
21 it would be easy to, because they're divided by topics, right? So,
22 this one is just trawling gear, right? And of course, you know,
23 this is an amendment. We have three actions, and they relate to
24 each other, you know, because they will have some sort of impact
25 or no impact. But I think, if we start with action one and then
26 you guys can move forward.

27
28 One of the things I want to highlight in here, I think I said it
29 in the beginning, I don't know if you remember, trawling gear is
30 not allowed in Puerto Rico state water. So that will be something,
31 it's a compatible, I think it will make it something compatible
32 between federal. And I'm not sure in U.S. Virgin Islands, if you
33 have anything in the regulations, like, at least I couldn't find
34 it, but I would assume, right, that perhaps it's not something
35 that occurs in your waters as well.

36
37 **MARCOS HANKE:** Carlos Farchette.

38
39 **CARLOS FARCHETTE:** Did you call me?

40
41 **MARCOS HANKE:** Yes.

42
43 **CARLOS FARCHETTE:** Oh. Yeah. So, I have a motion for action one.

44
45 Okay. So, it will be *I move to adopt Action 1, Alternative 3,*
46 *prohibit the use of trawling gear for all fishing in federal water*
47 *around Saint Croix, Saint Thomas and Saint John and Puerto Rico.*
48

1 **MARCOS HANKE:** Do we have a second?
2
3 **MIGUEL A. ROLÓN:** Wait, wait as the preferred alternative.
4
5 **CARLOS FARCHETTE:** As preferred.
6
7 **MARCOS HANKE:** Do we have a second? Jack McGovern. Second the
8 motion. Discussion? Jack, go ahead.
9
10 **JOHN MCGOVERN:** Yeah, I just want to point out that María provided
11 some good rationale for this alternative in action one. And we
12 have only chapters one and chapter two in here but there is
13 rationale in the amendment as it is now, and it's the rationale
14 that the Council provided previously. They indicated that there,
15 you know, there isn't really a lot of room for trawl because of
16 all the coral that's there, and that this action would protect
17 deep-water corals, sponge habitat and protected species. So, I
18 think there's good rationale for this.
19
20 **MARCOS HANKE:** Thank you very much. This speeds up the process a
21 lot. We don't need to go over and over. Do you want to say something
22 Kate? No? Well, is there any opposition? Don't see anybody with
23 the hands up for the opposition. All in favor say, aye.
24
25 **KATHERINE M. ZAMBONI:** Uh, wait, did somebody check on Zoom? Are
26 there any Council members participating on Zoom?
27
28 **MARCOS HANKE:** No. No. They're all present.
29
30 **KATHERINE M. ZAMBONI:** Okay. Pardon me.
31
32 **MARCOS HANKE:** No, all here. Thank you for making sure we are on
33 the right path here. All in favor say, Aye. Louder.
34
35 **GROUP:** Aye. Aye. Aye.
36
37 **MARCOS HANKE:** Well even louder, but I heard everything. Thank you
38 very much. The record is clear. Everybody is in agreement.
39
40 Next one. Next action.
41
42 **VANESSA RAMÍREZ:** Mr. Chair, Vanessa Ramírez for the record. I
43 abstain.
44
45 **MARCOS HANKE:** Okay. Vanessa Ramírez, abstain from on this vote.
46 We have then one abstention and the rest of the group--
47

1 **ANDREW MCGRAW-HERDEG:** Sorry, Mr. Chairman, for the record, Coast
2 Guard will be abstaining from all votes today and tomorrow. I'm a
3 non-voting representative.

4
5 **MIGUEL A. ROLÓN:** Okay. Coast Guard doesn't vote, so, don't worry
6 about it.

7
8 **ANDREW MCGRAW-HERDEG:** Okay, thank you.

9
10 **MIGUEL A. ROLÓN:** *The record is that we have one absent, one*
11 *abstained. The rest approved the Motion. Puerto Rico is absent.*

12
13 **MARCOS HANKE:** Kate, are we clear on the record? Yes?

14
15 Next action.

16
17 **MARÍA LÓPEZ-MERCER:** Okay. This action is the use of gillnets and
18 purse seines in the EEZ, around Puerto Rico, Saint Croix, Saint
19 Thomas and Saint John.

20
21 I want to remind something, if there's an island that doesn't want
22 to move forward with one of the alternatives or want to choose
23 something else, you can do that. Okay? Because we have three
24 Fishery Management Plans now, so you can do that.

25
26 **MARCOS HANKE:** We recognize-- this is Marcos. We recognize the
27 flexibility, but like I said before, we discussed this very deeply
28 and extensively before, that's why the Council is ready to say
29 something.

30
31 **MIGUEL A. ROLÓN:** Yes, Miguel for the record. But this is
32 important, whenever you have a motion, the motion should say for
33 the three island areas, this is my motion. And then at that time
34 people can say, "No. In Saint Croix, I want something different."
35 That's what María is talking about. Because we are addressing
36 simultaneously three FMP that have been approved. So, in the motion
37 we can reflect that by saying that the motion intends to be
38 applied-- Our preferred motion intends to be applied in the three
39 areas of jurisdiction of the island-based FMP.

40
41 **MARCOS HANKE:** Point well taken. Thank you very much. Next action,
42 María.

43
44 **MARÍA LÓPEZ-MERCER:** Okay. For this one, you can choose multiple
45 alternatives in here because as you saw the alternatives deal with,
46 one deal with gillnets, the other ones deal with trammel nets and
47 the other one with purse seines. So, you can do that. Alternative
48 1 will just leave it as is, right? So Alternative 2 prohibit the

1 use of gillnets in federal waters around Saint Croix, Saint Thomas
2 and Saint John and Puerto Rico. This is federal waters. Okay? So,
3 Sub-alternative 2a for all fishing in the EEZ, that means that
4 you're not allowed to use gillnets for any fishing. And again,
5 we're not talking about HMS, we're just talking about Council-
6 managed species and species that are not managed by the Council.
7 And then Sub-alternative 2b for all fishing, except for the
8 following fish species belonging to those three groups.

10 And also, if you want to make changes to that, we can do that as
11 well. So, I think that could be part of the discussion as well.
12 And then the other two alternatives are, can you go to the next
13 slide, please? Real quick. The third one prohibits the use of
14 trammel nets for fishing in federal waters. And number four,
15 prohibit the use of purse seines. Purse seines are really not used
16 and then trammel nets, as you saw from the landings, they're really
17 not used, but trammel nets are used in state water. So, they will
18 continue to use. Um, if this is something that the Council wants
19 to do, they will continue to use trammel nets in state waters.
20 This doesn't affect state waters. Of course, it's not going to be
21 compatible, but it's not compatible anyways. Go ahead, Miguel,
22 sorry.

24 **MIGUEL A. ROLÓN:** María. Just a question. Can we make it simple by
25 saying, if that's what the Council would like to do, a motion to
26 prohibit use of nets in the EEZ, including gillnet, trammel nets
27 and purse seines or do we have to split it.

29 **MARÍA LÓPEZ-MERCER:** I would prefer for the record, for a clear
30 record, if the Council specifies what is the prefer alternative
31 from what they have in here by island.

33 **MIGUEL A. ROLÓN:** Okay. Which one of the-- that's the guide then.

35 **MARÍA LÓPEZ-MERCER:** You can choose multiple. So, if you want to
36 start with Alternative 2, just the gillnets, and then say, if you
37 want to do Sub-alternative 2a or 2b, or if you don't want to do
38 it.

40 **MARCOS HANKE:** Thank you, María. Carlos. Carlos, I think have--

42 **CARLOS FARCHETTE:** Yeah, I have a motion. So, action two, *I move*
43 *to adopt action two, Alternative 2, Sub-alternative 2b as*
44 *preferred.* Or just action two, Sub-alternative 2b, or do I have to
45 use that Alternative two.

1 **MIGUEL A. ROLÓN:** So, Carlos and María. So, the motion will be,
2 for action two, the preferred alternative for the three island
3 areas will be Sub-alternative 2b, right? Is that correct, Carlos?
4
5 **CARLOS FARCHETTE:** Correct. 2b. As preferred.
6
7 **MIGUEL A. ROLÓN:** To be or not to be.
8
9 **CARLOS FARCHETTE:** Huh. And also, I need to go to-- and then do
10 this one? Okay.
11
12 Um, before I go there, can you go back again, because I noticed
13 that in the alternative 2b, you have the use of this gear for
14 batfishes like gar and flyingfish, but I did notice that in the
15 Puerto Rico chart you had harvest of ballyhoo in the EEZ. So, I
16 don't know if you're confusing gar with ballyhoo or needlefish.
17 I'm not sure. Gar is a totally different fish.
18
19 **MARCOS HANKE:** Carlos, the Family Hemiramphidae include the species
20 of ballyhoo.
21
22 **CARLOS FARCHETTE:** It includes?
23
24 **MARCOS HANKE:** Yes.
25
26 **CARLOS FARCHETTE:** Okay.
27
28 **MIGUEL A. ROLÓN:** One point, for the record. The reason why you
29 have the families is because we are addressing some species that
30 specifically are within the family, but they also will address all
31 those species in the family. And that's why it was written this
32 way by the staff.
33
34 **MARCOS HANKE:** Okay. María?
35
36 **MARÍA LÓPEZ-MERCER:** Yes. I just wanted to mention that the reason
37 that this has been very specific is because the Council's intention
38 is to prevent the use also of juvenile species as bait, so it's
39 important to be a little more specific because if you say, except
40 for baitfish, you know, it could open up the door for certain
41 species that you really don't want to be caught a bait. Although
42 we do have, you know, obviously, prohibitions on reef fish,
43 etcetera, but there are other groups that are not included in
44 there.
45
46 **MARCOS HANKE:** I think, Carlos, did you finish? To keep the record
47 straight, let's finish with the motion because I'm not very clear

1 that you finished. Do you want to include anything else on that
2 first motion?

3
4 **CARLOS FARCHETTE:** Well, no, not for this, but I need something
5 for the other, for alternative four. But when María mentioned
6 juveniles and I'm concerned about juveniles for every species out
7 there. But we'll leave that alone.

8
9 **MIGUEL A. ROLÓN:** Yeah. Mr. Chair, the way you're doing this is
10 the right way. You go one by one, but make sure that you cover
11 everything. So, the first motion addresses action two, alternative
12 2, Sub-alternative 2b, and that's very clear for the record because
13 remember, you are selecting your prefer alternative, and there is
14 a language after that that is needed. Then the staff will take
15 care of it, the IPT will take care of it.

16
17 **CARLOS FARCHETTE:** Right? yeah. Did I include that for all three
18 island FMPs? Okay.

19
20 **MARCOS HANKE:** Okay. Is everybody clear with the motion, which is—

21
22 **MIGUEL A. ROLÓN:** Second motion.

23
24 **MARCOS HANKE:** And I'm going to ask now if there is a second for
25 the motion presented by Carlos. Yeah, Jack. We are going for
26 discussion. María?

27
28 **MARÍA LÓPEZ-MERCER:** Yeah, María López. I just want to clarify
29 that if the language is not very clear in the Sub-alternative, as
30 long as we have a good rationale, we can always modify a little
31 bit and then we'll bring it back to you for your consideration, if
32 it needs a little bit more clarity. But I think the rationale is
33 good.

34
35 **MARCOS HANKE:** I think it's good. And the language is per is clear
36 enough. Yes. Thank you, María. And all in favor? Any opposition?
37
38 Okay, let's do this. Let's do Council member, per, Council member
39 voting. Let's start with Vanessa.

40
41 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. I want to make a comment
42 first. Okay. in this case, I will abstain again because we already
43 know that any action that we take in federal waters, many of them,
44 go directly also to state waters just because, sadly, the
45 department is not evaluating things and they're practically
46 adopting many of the regulations that we have in federal waters.

1 So, as we know, we still have like a hundred commercial fishermen,
2 at least at the West side of the island where I work. This was a
3 situation that was discussed in Puerto Rico state, in a public
4 hearing in 2019 and we brought fishermen there. One of the things
5 was, practically, they are old people that are still working. Most
6 of them are 65 or more, and it's the only kind of art that they
7 know. So, if we make an action like this in federal waters maybe
8 soon it's going to apply also to state water. And I'm worried of
9 all these families that are going to get direct impact because of
10 this. This was already discussing state. So, I will abstain again.
11 And for me, if it was me, I prefer no action.

12
13 **MARCOS HANKE:** Mm-hmm. But we need the record clear. You want to
14 abstain from this rule?

15
16 **VANESSA RAMÍREZ:** Yes.

17
18 **MARCOS HANKE:** Okay. Thank you. Next, James.

19
20 **JAMES R. KREGLO:** Okay, so, what Carlos proposed is Alternate 2
21 and 2b, correct? Yeah, I'd say I have to abstain also. Same thing,
22 I know most of all our fishing is closer in shore, in state waters,
23 territorial waters, but also, Vanessa makes a good point that a
24 lot of times once the federal regulation is made, then it's brought
25 into local waters also. So, I have to abstain.

26
27 **MIGUEL A. ROLÓN:** Let me say something for the records. Miguel
28 here. You, as a Council member, you have a responsibility to work
29 with the EEZ. We know what happened. It's like when we talk about
30 the listing and everything later, and that's good for your
31 rationale, but you also have a responsibility when you swore in
32 that you defend the EEZ. So, in this case, you have to tie that
33 consideration. Don't change your vote from abstain. This is for
34 the future, for this discussion, but it is important for you to
35 bring this rationale to the record as to why you abstain. So that's
36 excellent.

37
38 Also, you have the responsibility or not responsibility, you have
39 the prerogative of explaining your vote when you have a no. In
40 addition, whenever we have a vote and we have a descending vote of
41 something that goes to the secretary, you have what they call the
42 minority report. That's an explanation of why my no goes into the
43 report. And that no, the explanation or rationale for that no,
44 will follow the document. So, I just, because you are too new,
45 Vanessa, I've been around for some time now, but as a present just
46 for the record to let you know.

1 **MARCOS HANKE:** Kate I'm going to keep with the vote, count and
2 expressions. But first with Kate.

3
4 **KATHERINE M. ZAMBONI:** Okay. Kate Zamboni for the record. I just
5 wanted to make sure you know; you have more choices than abstain
6 or vote Yes. Like you could vote no if you disagree with the
7 motion.

8
9 **MARCOS HANKE:** Well, thank you very much Jean-Pierre.

10
11 **JEAN-PIERRE L. ORIOL:** Morning everyone. So, I just want to be
12 clear on the vote itself, this is for all fishing and the EEZ,
13 correct?

14
15 **MARCOS HANKE:** Mm-hmm. With the nets.

16
17 **JEAN-PIERRE L. ORIOL:** Right. So, because the Island-Based Fishery
18 Management Plans are now adopted, I'm actually only comfortable,
19 on voting for those things that relate to the Saint Thomas, Saint
20 John, and Saint Croix because our existing regulations, this
21 proposed Sub-alternative 2b, actually matches a little bit more
22 closely, or very closely actually, to what we have in terms of the
23 restrictions on nets and sizes and what you could actually use it
24 for. So, 2b fits very well for Saint Thomas, Saint John, and Saint
25 Croix and we now have adopted the island-based plans, and I don't
26 want to necessarily speak for Vanessa and what's going on off of
27 the Puerto Rico water. So, if the vote is specific right now, then
28 it's for all the EEZ, but not specific to the individual ones,
29 then I'm going to say no for my vote as the language is proposed
30 and then recommended that at least later on there could be a motion
31 for the EEZ as it relates to the Saint Thomas, Saint John and Saint
32 Croix Fishery Management Plans, then I would be in favor to say
33 yes.

34
35 **MIGUEL A. ROLÓN:** Mr. Chairman, if I may. That's something that
36 was discussed at the beginning, and it remains the question. You
37 can divide the question, or you can just withdraw the language or
38 modify the language of the motion to address the three areas one
39 by one. Is that what the Council would like to do? So, probably
40 before Jean continued with the voting as the proponent of the
41 motion, if you intend to amend it. It's very easy to do. It's just
42 that he or she will say, "My motion, at this time, will be for the
43 EEZ surrounding Saint Thomas, Saint John and Saint Croix." And
44 then you build on that one. Then you have another one for the water
45 surrounding the EEZ, the Puerto Rico area. In the EEZ Puerto Rico
46 area, this is my motion. And that way you have a clear record--

47
48 **JEAN-PIERRE L. ORIOL:** Correct.

1
2 **MIGUEL A. ROLÓN:** --as to why you do it. Is that what you're
3 referring to?
4

5 **JEAN-PIERRE L. ORIOL:** Yes, exactly. And that's why I asked the
6 question very first as to, again, right now the motion is clear
7 that it was made for all fishing in the EEZ. So, unless that motion
8 is withdrawn by the sponsor, then my vote would be-- because this
9 is just a discussion point right now. So, my vote would be no.
10

11 **MARCOS HANKE:** Kate.
12

13 **KATHERINE M. ZAMBONI:** I think Miguel explained it very well, but
14 you may move to amend the original motion. And if the original
15 motion or and seconder agree, then it becomes what we call a
16 substitute motion, and they vote on that. We can do that in the
17 middle of the vote. What is the procedure now for Carlos to follow?
18

19 **JEAN-PIERRE L. ORIOL:** Yes. Then I'd like to introduce a substitute
20 motion that we are adjusting that we separate the alternatives
21 between the three different island-based plans.
22

23 **KATHERINE M. ZAMBONI:** Can I help you with your substitute motion?
24 Because I think what you want to amend in the original motion is
25 that alternative 2b, be selected as the preferred, but have it
26 specified that it would apply to the Saint Thomas and Saint John
27 FMP and the Saint Croix FMP only.
28

29 **JEAN-PIERRE L. ORIOL:** Okay. So, moved.
30

31 **KATHERINE M. ZAMBONI:** Well, and then you have to find out if the
32 original motioner agrees.
33

34 **CARLOS FARCHETTE:** Second. I second that. I agree with that.
35

36 **JEAN-PIERRE L. ORIOL:** shortcut.
37

38 **KATHERINE M. ZAMBONI:** You would, Carlos, you would state whether
39 or not you agree with the motion as proposed to be amended.
40

41 **CARLOS FARCHETTE:** I agree with the motion at amend.
42

43 **KATHERINE M. ZAMBONI:** And then we have to find out if the seconder
44 to the original motion agrees.
45

46 **JOHN MCGOVERN:** I'll second that. Okay.
47

1 **KATHERINE M. ZAMBONI:** Mr. Chair, you now have a substitute motion
2 on the floor.

3
4 **MARCOS HANKE:** Yes. Jack McGovern was the one that second. He also
5 agreed. We going to start the vote. We are now voting on the Sub-
6 alternative 2b as to be prefer for the V.I. area. Correct? Vanessa.

7
8 **VANESSA RAMÍREZ:** Thank you Mr. Chair. Could we have the motion in
9 the--

10
11 **MIGUEL A. ROLÓN:** Lo puedes escribir, la moción.

12
13 **MARCOS HANKE:** Let's wait until they put the motion on the screen.
14 And from now on, Liajay, on the next motions, let's put it on the
15 screen. It's going to be easier for everybody to follow up.

16
17 In the meantime. Carlos, you have a question?

18
19 **CARLOS FARCHETTE:** Yeah. So, years ago we separated all three
20 islands in a geographical EEZ. So, when we say "for each island-
21 base" it would be that geographical EEZ. Okay. Fine.

22
23 **MARCOS HANKE:** Correct. Thank you.

24
25 **MIGUEL A. ROLÓN:** Hey, people before you make the motions. Robert
26 rules is-- poor Robert is twisting his-- if you abstain for the
27 motion, doesn't mean that you cannot have the motion. You can have
28 a motion just to destroy the motion. So, it is up to you. Carlos
29 can have the same motion again, apply to the EEZ surrounding Puerto
30 Rico, and then you vote around the motion. But it's up to you. You
31 have those alternatives to make the motion.

32
33 **MARCOS HANKE:** I think it's a good recommendation for the record
34 to be clear, for this discussion to be clear and we pass through
35 the whole body. The motion is a little small. We need it a little
36 bigger on the screen, please.

37
38 **MIGUEL A. ROLÓN:** Abemos muchos viejitos acá atrás y no vemos.
39 Thank you.

40
41 **MARCOS HANKE:** Carlos, the motion on the screen is the motion that
42 you intend to present, and it was second by Jack McGovern.

43
44 **MIGUEL A. ROLÓN:** Tienes que leerla pa'l record.

45
46 **MARCOS HANKE:** I will read the motion. Motion, move to have action
47 two, Alternative 2, Sub-alternative 2b, as preferred spec-- I
48 cannot read from here.

1
2 **MIGUEL A. ROLÓN:** Specify.

3
4 **MARCOS HANKE:** Specify for the Saint Thomas, Saint John and Saint
5 Croix EEZ. Motion presented by Carl Farchette and Jack McGovern.

6
7 **MIGUEL A. ROLÓN:** Discussion?

8
9 **MARCOS HANKE:** Yes, we are going to go for discussion. Julian
10 Magras.

11
12 **JULIAN MAGRAS:** Yes, Julian Magras for the record. I am in full
13 support of this, as the DAP Chair for Saint Thomas/Saint John. Now
14 that it's read clearly like this, I support this for the Saint
15 Thomas/Saint John District. And thank you commissioner for
16 clarifying that because that was very important because I think
17 the other way there was some issues and by putting it out like
18 this I am in full support for the Saint Thomas/Saint John District.
19 Thank you.

20
21 **MARCOS HANKE:** Thank you. Any, any more discussion? We already
22 have the discussion on the previous round.

23
24 **JAMES R. KREGLO:** Yeah. Just for point of information for me. So,
25 we say for the Saint Thomas, Saint John and the Saint Croix EEZs.
26 Is that geographically, correct? I just want to make sure.

27
28 **MARCOS HANKE:** Yeah, that's correct.

29
30 **JAMES R. KREGLO:** Okay. Thank you.

31
32 **MARCOS HANKE:** Vanessa.

33
34 **VANESSA RAMÍREZ:** Yes. Thank you, Mr. Chair. Vanessa Ramírez, for
35 the record, I say yes, specifically for the Virgin Islands.

36
37 **JAMES R. KREGLO:** James Kreglo, yes.

38
39 **JEAN-PIERRE L. ORIOL:** Jean-Pierre Oriol, yes.

40
41 **CARLOS FARCHETTE:** Carl Farchette, yes.

42
43 **JOHN MCGOVERN:** Jack McGovern, yes.

44
45 **MARCOS HANKE:** Marcos Hanke, yes. *The motion carries. One absent,*
46 *which is Puerto Rico. The DNR representative is not present at the*
47 *meeting.*

1 Carlos, like Miguel suggested, can you make the same motion for
2 Puerto Rico?
3
4 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
5 record. I want to put a motion for Puerto Rico. Alternative 1, no
6 action.
7
8 **JEAN-PIERRE L. ORIOL:** Second.
9
10 **MARCOS HANKE:** We are discussing the motion. This is Marcos Hanke,
11 for the record. This is contrary to the rationale that we discussed
12 on the past, totally contrary to what we discussed in the past, on
13 the rationale that we have to address the federal waters and the
14 rationale that we develop now. And I fully respect, I think is
15 right. I can respect what you're saying, but we are not really
16 being --
17
18 **MIGUEL A. ROLÓN:** Marcos.
19
20 **MARCOS HANKE:** One second, Miguel. We are not really protecting or
21 adopting things that happen on the federal waters that are totally
22 different than the state waters. And that implication we have to
23 address differently with the state government. But at this point,
24 my position is that the record developed before is not compatible
25 to this motion.
26
27 **MIGUEL A. ROLÓN:** Marcos that's a Robert rule point of view. She's
28 entitled to make a motion as she sees fit and the motion has been
29 presented and adopted. And then, you, as a voting member, decides
30 to vote yes or no. If the motion is defeated, then you go to
31 another motion. That's it.
32
33 **MARCOS HANKE:** Yes, that's why we are discussing now, and I'm
34 putting my point of view on it after the second. And anybody else
35 want to discuss the motion?
36
37 **CARLOS FARCHETTE:** So, my concern on this motion is areas like
38 Tourmaline and Bajo de Sico that lie in the federal water portion
39 of these places. For any U.S. flag vessel that tracks fish in
40 abundance, and they come into your waters, they can really cause
41 some damage to habitats in those areas, particularly coral
42 habitats.
43
44 **MARCOS HANKE:** Anybody else before I add to what Carlos says.
45
46 **JEAN-PIERRE L. ORIOL:** Can I just ask María to put up the table of
47 the amount of landings again. Because, again, it seems like, I
48 think, one of them was 6,200 pounds of recorded landings. So, my

1 whole point is, I actually feel that this should have a lot of
2 discussion because it seems like there is some activity. I'm
3 actually, for the compatibility between the state territorial
4 waters and federal waters, just so that there's consistency,
5 particularly in my district of Saint Thomas. One of the things
6 that always worries me is the fact that if our fishers are in
7 B.V.I. waters with gear that aren't supposed to be in B.V.I.
8 waters, then we also run the risk of actually having them
9 threatened for their livelihood. And so, my thing is that if
10 there's that much activity in terms of landings, and again, I don't
11 know what percentage that is, I believe that this, at least,
12 warrants discussion. Specifically, from the fishing
13 representatives on the Council because it's not like Saint Thomas,
14 Saint John where, you know, there's relatively no landing, so
15 there's no data to support that. But there's actually a lot of
16 landings here, I think, that we actually have to discuss.

17
18 **MARCOS HANKE:** Yeah. To the point, like María said, those landings
19 most likely are conf -- because they are con -- you know, they
20 cannot really make the line. But based on the knowledge about how
21 the fishing is performed are in state waters. That's number one
22 and number two we need to make sure that is clear on the record.
23 On the past, you guys were really worried with the damage of the
24 habitat that we fish in Puerto Rico in federal waters for deep-
25 water snappers and so on, that those gear are going to have an
26 effect. We need to make -- I want the group to be mindful of that
27 and be clear that we need to take everything in consideration and
28 prioritize, right? And to see what is appropriate for one thing or
29 the other.

30
31 And I don't want to go too deep into this. As a chairman, I cannot
32 go, I would be much louder. I have my beliefs, but I am respecting
33 the desire and opinion of the group. Go ahead.

34
35 **MIGUEL A. ROLÓN:** Mr. Chairman, you can also pass the Chair to the
36 Vice Chair, and you can let it out, whatever you want to say.

37
38 **MARCOS HANKE:** No, it's okay.

39
40 **MIGUEL A. ROLÓN:** It's up to you. But listen, one of the things
41 about being the executive director-- somebody told me "You still
42 want to be an executive director?" --is that I'm supposed to be
43 mindful of the record and the use of Robert rules. I'm neutral, I
44 don't care one way or the other, it's up to you. But it's important
45 that each member or the Council understands the prerogative, the
46 way that you-- because you operate in many other assemblies and
47 everything, but it's important to understand. Graciela wanted to
48 clarify something about the table. Graciela.

1
2 **GRACIELA GARCÍA-MOLINER:** So, for many of the species that you see
3 on the-- Graciela, for the record --on the table, they do not occur
4 in the EEZ. However, mullets, for example, do go off to the shelf
5 edge, which can be part of the EEZ, for their reproductive
6 activity. And that's a, you know, seasonal cycle. So, some of these
7 can be harvested from the EEZ.

8
9 However, we should mention also that most of the trips are multi-
10 species, multi-year trips, so they might be fishing for the
11 baitfish or the forage fish in the state waters and fishing for
12 other species in the EEZ. So, that information also has to come
13 out. So, in terms of the species, yes, some of them will occur in
14 the EEZ, but, you know, we have to be mindful of the way that the
15 landings data are reported. And that includes going for the
16 baitfish in state waters, fishing for something else in the EEZ.
17 And we cannot, at this stage, make the distinction.

18
19 **JEAN-PIERRE L. ORIOL:** Thank you, guys.

20
21 **MARCOS HANKE:** Miguel.

22
23 **MIGUEL A. ROLÓN:** No, no, María, que quería decir algo.

24
25 **MARCOS HANKE:** María.

26
27 **MARÍA LÓPEZ-MERCER:** This is María López. Thank you for the
28 discussion. So, we can always go back to the IPT if there's a need
29 to redevelop some of these alternatives. I want to remind the
30 Council that gillnets are prohibited in federal waters for the
31 harvest of reef fish and for spiny lobster. They have been
32 prohibited for use for many, many, many years. They're also
33 prohibited for use in the Council-managed areas for many years as
34 well. The interest from the Council, in the beginning, to deal
35 with gillnets was because we were starting to manage pelagic
36 species and it was important to keep that consistency for what we
37 were allowing to use with gillnets, with this new group of species
38 that were coming into management.

39
40 So, that was the primary reason that this was recommended in the
41 past. And then, as you can see from the landings, and specifically
42 talking about Puerto Rico over here. So, the species that are
43 managed, that belong to the pelagic group are the ones that are in
44 the top of the table. And of course, yes, as we mentioned, there
45 are some landings that are reported. Some of these landings may
46 occur in federal water, some of them may be reported as occurring
47 in federal, but they are in state waters.

1 And again, this is part of the analysis that the IPT economists
2 and our social scientists will conduct as to how many people will
3 be affected based on these landings and other information that
4 they have, if there will be a prohibition on the use of this gear
5 type because that means that they will not be able to use the gear
6 type. So, that's part of the analysis, like more fleshed-out
7 analysis, that we can bring back to the Council during the next
8 Council meeting.

9
10 The Council is not ready to make a decision on a preferred
11 alternative for Puerto Rico or would like to bring something else,
12 like, for example, another Sub-alternative. The IPT will say,
13 "Okay, well instead of saying all fishing or all fishing just
14 excepting baitfish, let's just do it for pelagic species" or
15 something like that. As long as there's a good rationale for doing
16 that, anything can be included.

17
18 You guys have been fleshing out what is the rationale? You know,
19 because obviously there's going to be people that will be affected
20 by this, that they're not going to be able to. But I also want to
21 remind the Council about the rationale for why they were
22 prohibiting the use of gillnets in the past for reef fish and spiny
23 lobster. And it's, of course, because they were concerned about
24 the potential for these gear types to catch fish that are under
25 the size, that are small fish. For example, in quantities that may
26 contribute to the overfishing on the species. So, by taking this
27 action, with the gillnets in particular, the Council was interested
28 in protecting and providing that protection from the potential of
29 overfishing for those pelagic species that are new to management.

30
31 But we're available to do whatever the Council desires to do at
32 this time.

33
34 **MARCOS HANKE:** We are on the phase of discussion of the motion.
35 Carlos.

36
37 **CARLOS FARCHETTE:** Yeah, I have kind of a question on this chart
38 because I don't understand how you have snook and mullet and
39 mojarra out nine miles, outside of nine miles of Puerto Rico
40 waters. I don't understand that.

41
42 **MIGUEL A. ROLÓN:** Carlos, if I may. Remember, María, mentioned
43 this before. For those of us who have been dealing with fish for
44 a long time, seems to be kind of a mistake. Okay? But we deal with
45 the data as they come, and that's what it is there. But we are
46 close to lunch time, and you have a motion on the floor, you want
47 to call the question, or you want to continue that, or you want to
48 withdraw it. What do you want to do?

1
2 Because according to Robert rules, you have to vote on the question
3 and the motion is very clear. Can we go back to the screen where
4 the motion is proposed.
5
6 You have Jack.
7
8 **MARCOS HANKE:** Jack.
9
10 **JOHN MCGOVERN:** I would support what María suggested in
11 restructuring this alternative to have a Sub-alternative that
12 allows for protection of pelagics off of Puerto Rico. I mean, I
13 think we still have to vote this up, but I would support doing
14 that.
15
16 **MARCOS HANKE:** Okay. Miguel.
17
18 **MIGUEL A. ROLÓN:** So, Vanessa, you are the owner of the motion. Do
19 you think that that will provide more information for your decision
20 making, or do you want to stick to your motion at this time?
21
22 **VANESSA RAMÍREZ:** Thanks, Miguel. Vanessa Ramírez, for the record.
23 As Carlos says, we already know that the data is not correct. And
24 we know that we have that big problem in Puerto Rico data. The
25 best data available, is not the best. So, I think that it wasn't
26 changed because the same data is the one that is going to be used.
27 So, I maintain my motion. No action.
28
29 **MIGUEL A. ROLÓN:** Okay. You have to call the question and vote on
30 it.
31
32 **MARCOS HANKE:** Yes. And I have a question. Kate, can I pass the
33 Chairmanship to Carlos at this point.
34
35 **MIGUEL A. ROLÓN:** Él no lo quiere. [laughter]
36
37 **KATHERINE M. ZAMBONI:** Yes sir, you can. If he accepts it.
38
39 **MARCOS HANKE:** Carlos.
40
41 **MIGUEL A. ROLÓN:** Carlos que no huyas que vas a ser el Chairman
42 por unos minutos.
43
44 **MARCOS HANKE:** You're going to be the Chairman for a little.
45
46 **CARLOS FARCHETTE:** Go ahead. Marcos.
47

1 **MARCOS HANKE:** I think that we are here to protect the federal
2 waters and we have to make everything possible to balance
3 everything that we entitled to. We discussed in the past that we
4 wanted to do this because we want to protect the habitat of species
5 that are very important to us, like deep-water snappers, where
6 those gears can be used, and traps can be used, and other gears
7 can be used on the deeper water that are not being used now, that
8 are more, like, into the bigger fishing scheme that we don't use.
9 We don't recognize that for Puerto Rico, for our area. Right. And
10 that for me is super important to make sure that we have some
11 regulation or something that reflect our use, the way the fishing
12 is performed and how important also the habitat that other fishes
13 use.

14
15 For me, that level of concern, which for me is secondary, if the
16 state government will adopt or not into the future, is not even
17 close to how important it is to protect the habitats for multiple
18 species that live on the deeper water. That's one of the key
19 points. And as a Council member, for me to see this record
20 development drifting a very different way, I can respect the
21 opinions, I truly do, but for me, the protection of the whole
22 ecosystem-based management, which is based on the habitat, and
23 this prohibition of the trawling gear especially, is addressing
24 exactly that. If we don't pursue that, it's going to really hurt,
25 not just the few people that do the other kind of net fishing on
26 the state water that we are assuming that maybe the state water
27 going to incorporate, that we don't know. But, right now, we are
28 just preventing a true protection for habitats that many important
29 fishing resorts live on. And that for me is super frustrated. I'm
30 frustrated about it because I see a major industry being hurt or
31 potentially being hurt into the future that, for example, are
32 represented by Nelson, deep-water snapper people and so on. And
33 this is one of the points. I would like to keep the discussion and
34 after you guys heard me about this point, I want to hear the
35 Council. I want to know what is going on.

36
37 Mr. Chairman. Thank you.

38
39 **CARLOS FARCHETTE:** Thank you. Anyone else? Kreglo.

40
41 **JAMES R. KREGLO:** James Kreglo. Yeah, there was a good point
42 brought up, which I haven't heard again, but I know in the past
43 we've had other vessels come into our waters, especially the EEZ,
44 from the states. And the one I can recall is sword fishing. But
45 if, like I said, if we have vessels come in and start doing purse
46 seines, trawling, all that sort of thing where they move from
47 another area to our area, that's going to because a lot of

1 problems. So, it's probably better to head it off and then if we
2 have a situation deal with at that point. And that's a--

3
4 **MARCOS HANKE:** Yes. That's a secondary effect of it. But the
5 primary effect is actually the gears that we culturally,
6 traditionally have been developed, that damage less environment,
7 are more sustainable and we want to pursue that idea of creating
8 something that is compatible to ecosystem-based management. And
9 that's my point. And thank you for understanding what I say before.

10
11 **CARLOS FARCHETTE:** Thank you.

12
13 **MIGUEL A. ROLÓN:** Mr. Chairman. Do you want to have a roll call
14 vote?

15
16 **CARLOS FARCHETTE:** Okay. Roll call vote. Oh wait. Vanessa.

17
18 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez for the
19 record. Hearing the discussion in here, I maybe can retire the
20 motion and then put this in the agenda for the next meeting. And
21 I hope that also the Puerto Rico DNR could be here also and bring
22 the information and clarify and talk about this during the next
23 month for the next meeting. Thanks.

24
25 **CARLOS FARCHETTE:** Miguel.

26
27 **MIGUEL A. ROLÓN:** So, the seconder agrees to withdraw the motion.

28
29 **CARLOS FARCHETTE:** JP.

30
31 **JAMES R. KREGLO:** Second agrees, James Kreglo.

32
33 **MIGUEL A. ROLÓN:** Okay. So, now, Mr. Chairman Farchette, do you
34 want to instruct the staff to do what María mentioned before, to
35 go back and add that language, so you will see it at the April
36 meeting?

37
38 **CARLOS FARCHETTE:** Yes.

39
40 **MIGUEL A. ROLÓN:** You don't need to have a motion, just we
41 understand from the record that the Council will pursue what María
42 suggested and Jack, and then for the next meeting in April, you
43 will have a language as appropriate as possible for this item.

44
45 Before that, I just-- Puerto Rico is not here represented. I don't
46 think that Jack or Andy received a letter from Puerto Rico
47 appointing the designee. You didn't receive that? A letter from
48 Puerto Rico appointing the designee to the Council. We have not

1 received that officially, isn't it? Okay. Until that letter comes
2 in, Puerto Rico doesn't have a representation at the table.

3
4 The last time that that happened, I was instructed to write a
5 letter to the governor of Puerto Rico and the Virgin Islands,
6 because the Virgin Islands didn't show up at the meeting. Because
7 there's a commitment and then I receive a reply from the governor
8 of Virgin Islands and a reply from the governor of Puerto Rico
9 that it will never happen again.

10
11 I have a request from Ricardo López, not a request, a question, a
12 chat with some communication with Vanessa. Ricardo López is the
13 director of the Fisher Research Laboratory in Puerto Rico, under
14 DNR, and he's worried about it because he understands that the
15 presence of Puerto Rico is very important for the Council. So, I
16 believe that probably the regional office or the Chair, we can
17 send a letter to the governor to that point and then see what
18 happens between here and April. Damaris Delgado, who retired from
19 DPNR, she's now in another position. She advised me that she left
20 a written statement as to the need for the DPNR to send a letter
21 to regional administrator, in that case Dr. Andy Strelcheck,
22 designating the representative of Puerto Rico.

23
24 And for the new Council members, the representatives of the
25 governments around the nation are those people with the top highest
26 rank in charge of fishery management of the marine resources. In
27 the case of the Virgin Islands, we have the commissioner, right
28 here. And besides being an owner, it is important to have somebody
29 at his level participating. So, in the case of Puerto Rico, the
30 highest level is the secretary of DNR. Because they're very busy
31 they have an alternative to appoint two designees. And that's the
32 letter that we are waiting to have. So, hopefully we'll have that
33 for April and the Chair, and I will put together a letter. Probably
34 we will ask Kate to review it, make sure we don't go into deeper
35 waters than we should, and then we send the letter.

36
37 **CARLOS FARCHETTE:** Okay? I'm going to hand back the chairmanship
38 to Mr. Marcos, but I'm keeping his-- [laughter]

39
40 **MARCOS HANKE:** Thank you very much, Carlos. And I think that's
41 another reason why, and I really thank Vanessa to bring in the
42 rationale that is important for the Puerto Rico DNR to be present
43 at this discussion. Thank you. María.

44
45 **MARÍA LÓPEZ-MERCER:** Okay. So, with that said, because this action
46 has the trammel nets and also the purse seines, and I believe that
47 this is going to be the same discussion that will benefit from
48 Puerto Rico, etcetera. So, we think it's better to take this

1 action, this particular action, take it back to the IPT, so we can
2 rearrange the alternatives a little bit, add the pelagic additional
3 option for just the pelagic, etcetera, and then bring it back to
4 the Council for the next meeting.

5
6 Now, I will suggest then, for action three, which is the descending
7 devices. If there's no objection, maybe the Council can make a
8 decision on that one if they want.

9
10 **MARCOS HANKE:** I think that it's—

11
12 **MIGUEL A. ROLÓN:** you ready for that?

13
14 **MARCOS HANKE:** We are ready for that, Carlos.

15
16 **CARLOS FARCHETTE:** So, you're saying that Saint Croix, Saint
17 Thomas, Saint John can't go ahead with Alternative 4 for the purse
18 seines as the preferred motion, or should we, do you want me to
19 wait for that?

20
21 **MARÍA LÓPEZ-MERCER:** Yes, you can. So, what I think we are going
22 to do is just rearrange alternatives a little bit better to have
23 more options. But if that's still your preferred for when we come
24 back in April, then that's fine. Because maybe the IPT can maybe
25 a little bit more specific on the alternatives, so that it's clear
26 that this could be by island and no other options. We can't even
27 call it a preliminary preferred as well, or you can just keep it
28 as preferred. Kate, I defer to you on that one.

29
30 **KATHERINE M. ZAMBONI:** Yeah, I mean, at this point you can identify
31 what's been preferred by the Council, but that can change.

32
33 **MARÍA LÓPEZ-MERCER:** Right.

34
35 **KATHERINE M. ZAMBONI:** In April, the Council can change the
36 preferred alternative, and it will likely, because there'll be
37 other actions where the preferred hasn't been identified, it won't
38 be ready for final action yet.

39
40 **MARÍA LÓPEZ-MERCER:** Absolutely and thank you for that. This is
41 not final action. So, if when we come in the April meeting and
42 there are more information and you want to change, then absolutely.
43 You can do that. But we're going to try to have a more full document
44 with more description based on all the guidance that you provided
45 for the April meeting.

46
47 **MARCOS HANKE:** Thank you. Graciela.

1 **GRACIELA GARCÍA-MOLINER:** Point of clarification. So, for the
2 Virgin Island specifically, I mean the purse seines, the gillnet
3 and the trammel nets will be compatible regulations basically
4 because you already have a prohibition on the use of those gears
5 for all species.

6
7 **CARLOS FARCHETTE:** Oh, can I answer that? Yeah, except the baitfish
8 because we do use purse seines in territorial waters on Saint Croix
9 for bigeye scad, so that's something I have to look at.

10
11 **MARCOS HANKE:** Be mindful to state your name. Carlos was the one
12 you're speaking before. And I think we are ready for a break. This
13 extended a little bit too long. I know that we are close to lunch,
14 but there is some text here that people need to a five-minute
15 break, and we'll be back in five minutes.

16
17 (Whereupon, a brief recess was taken.)

18
19 **MARCOS HANKE:** Good morning, everyone. Before lunch we'll start
20 the meeting again and we'll try to include the presentation about
21 descending device and that will benefit and inform the group about
22 this issue and maybe will help us on the preferred alternative
23 presented by María for us to choose and be better informed.

24
25 Can you state your name and start the presentation, please?

26 27 **Descending Devices Presentation and Discussion**

28
29 **MELISSA CROUCH:** Yes, I can. Melissa Crouch with the Florida Fish
30 and Wildlife Conservation Commission. Everybody hear me, okay? All
31 right.

32
33 So, thank you for having me today. I'm a special projects
34 coordinator for our division of Marine Fisheries Management. I
35 wanted to discuss an effort that the Florida Fish and Wildlife
36 Conservation Commission facilitates to foster collaboration across
37 the Southeastern United States, to specifically improve
38 coordination of outreach initiatives that are focused on best
39 fishing practices. And we also try to increase the proper use of
40 descending devices and other barotrauma mitigation tools
41 throughout our region.

42
43 All right, so, as a reminder, barotrauma is pressure related
44 injuries, and it's one of the top factors that contributes to
45 release mortality in reef fish. Injuries can occur when fish are
46 pulled up rapidly from depths, greater than 50 feet typically, and
47 that quick change in pressure causes gas expansion in the swim
48 bladder, and lots of internal organ damage. You might see

1 protruding stomach, bloated belly, descendant intestines, bubbling
2 scales, bulging eyes. So, we can see the images here on the slide.
3 and the severity and the frequency can change based on species and
4 fishing techniques and water temperature. So, using barotrauma
5 mitigation tools like descending devices or venting tools can help
6 fish recover from the effects of barotrauma. And we do suggest the
7 tools are only used if there's obvious signs of barotrauma in fish.

8
9 All right. And so, we have had some discussion on descending
10 devices this morning, and just a brief overview to kind of remind
11 folks of what these are and then, how they can be made. So, there's
12 two standard types, either descending devices or venting tools.
13 And descending devices are the main focus of this presentation.
14 They're weighted tools. They're capable of releasing fish at a
15 depth sufficient for the fish to recover from barotrauma effects.
16 So, moving from left to right on the screen, we have a mouth clamp
17 descending device, and then an inverted hook descending device,
18 weighted containers such as fish elevators or the crate that's on
19 the screen. And then on the far right, is not a descending device,
20 but a venting tool. So, I just wanted to note with these devices
21 we do have resources to show folks how to make these themselves at
22 home. Specifically, the inverted hook type of descending device.
23 So, lots of folks have large hooks, extra weights around, and it's
24 fairly easy to show fishers how to make a descending device of
25 their own at home. Um, and there's also availability of different
26 programs that are available at least to Florida Fishers to be able
27 to obtain a descending device at a lower cost. So, we have lots of
28 options out there that we try to outreach and create awareness to
29 our stakeholders in Florida about.

30
31 And just as an aside, barotrauma mitigation tools are required in
32 federal waters off of Florida. The FWC for our state waters in
33 Florida, we're working to create regulations that require the
34 appropriate use of barotrauma mitigation tools in our state waters.
35 But even aside from the regulations that we're looking at, we're
36 also still really heavily focused on outreach and education
37 initiatives that are super important for anglers to be able to
38 actually use these devices effectively and to make their own
39 device.

40
41 So, Florida is recognized as a leader in development of outreach
42 and education programming on best fishing practices. What we focus
43 on in our messaging to our fishers is really there to improve
44 survival of the fish that they're releasing. so, we promote the
45 use of correct gear and proper handling techniques and that way
46 fishers release fish as quickly as possible with minimal harm. And
47 our ultimate goal is to empower our stakeholders with knowledge
48 and resources to act as stewards of their marine environment. And

1 then that also helps ensure fishing opportunities. So, we try to
2 achieve that goal at FWC through strategies with outreach and
3 education focused on proper handling, minimizing that handling
4 time and the appropriate use of tools. So, this definitely is
5 specifically focused on barotrauma mitigation. Because if anglers
6 and fishers are not using those tools correctly, then it's really
7 a moot point. We really want them to use those tools correctly,
8 shorten that handling time to be able to make a difference in that
9 discard mortality.

10
11 So, some of the outreach strategies that we've used to implement
12 our core messaging and to get the word out to our fishers that
13 barotrauma is an issue, descending devices are an option, and that
14 it doesn't have to cost a ton of money for them to use one or to
15 gain one and make one include several different types of
16 strategies, right?

17
18 So, we've done research in the past at FWC to learn about what
19 anglers think about descending devices in Florida. So, we've done
20 a couple studies in the past five years to look at that. We have
21 seen that fishers may find descending devices complicated and time
22 consuming to use, but it was shown, in that research project, that
23 education can build user confidence and proper tool use. So, that
24 education and outreach is really important in those regulations
25 being implemented.

26
27 Back in 2020, we coordinated a series of angler surveys and focus
28 groups, and they helped us to learn that anglers really do value
29 in-person communication when it comes to having education contact.
30 And that that in-person aspect was vital, and we needed to continue
31 that in order for anglers to kind of grasp the concept of how to
32 use a descending device.

33
34 Um, we also engaged the public through different strategies beyond
35 in-person demonstrations, informal presentations. We also have a
36 lot of electronic and print resources. So, how-to videos like what
37 was mentioned earlier, showing folks directly how to do something
38 has been super important for FWC to be able to get the word out
39 about barotrauma and how to mitigate it.

40
41 All right. And then the last major thing that Florida Fish and
42 Wildlife has been doing and how we've been working around
43 barotrauma issues and descending devices is that we have a team of
44 folks from around the Southeastern United States that we
45 collaborate and meet together. We call this our descending Device
46 Outreach Coordination Team. So, this team includes these partners
47 that are shown here on the screen, and our purpose is to share
48 outreach strategies, coordinate messaging, and most importantly,

1 to streamline our efforts across the region to help increase the
2 survival of released fish through proper use of barotrauma
3 mitigation tools and best fishing practice.

4
5 All right. And then this is the final slide. So, reducing duplicate
6 efforts by streamlining our messaging in the Southeast is really
7 the huge major goal here. So, we have done, as a team who comes
8 together and works together, we've done a collaborative event at
9 ICAST, which is the International Convention of Allied Sport
10 Fishing Trades in Orlando, Florida. Very high-profile event. Just
11 an example of how this team has collaborated. So, we don't want to
12 reinvent the wheel and constantly be coming up with new, you know,
13 new ideas are great, but if somebody is doing something that works,
14 let's work together and let's use that strategy. So, this team
15 really focuses on using that research, public outreach, online and
16 print resources and innovative marketing initiatives to kind of
17 steal each other's ideas and do effective outreach and education
18 in our region.

19
20 So, we would love to know if anyone wants to join that team, if
21 the Council's interested in having any participation on this team.
22 And then I'm happy to answer any questions about how FWC does
23 descending device outreach and education. And with that concludes
24 my presentation.

25
26 **MARCOS HANKE:** Thank you very much. Because we have a presentation
27 by María, about descending device. Carlos wants to present a motion
28 about it. This is super pertinent because it helps on this
29 structure and the discussion of the motion, and I want to
30 encourage. As a Chairman, I will talk to Alida Ortiz to engage
31 with you because one of the logos that I want to see on this effort
32 of the descending device coordination is the Caribbean Council.
33 And we have been expressing the desire of this kind of
34 coordination, and it's totally compatible with the consistent
35 based margin across the board. And you're going to be hearing from
36 us and thank you so much for your presentation. Carlos.

37
38 **CARLOS FARCHETTE:** Okay. I have a motion. Do we need a screen?
39 Okay, here we go.

40
41 *I moved to require descending devices on both commercial and*
42 *recreational vessels fishing for reef fish in the EEZ.* Readily
43 available. Okay. Slower. Yeah.

44
45 So, she's looking for the language. Yeah. Okay.

46
47 So required descending devices on both commercial and recreational
48 vessels. Yeah. Both of them. b o t h. Yeah.

1
2 **MARÍA LÓPEZ-MERCER:** If you want to say, just say, move to select
3 Alternative 2 and then we can read it. Because, if that's what you
4 want, then the text is a little different.
5

6 **CARLOS FARCHETTE:** Preferred Alternative 2?
7

8 **MARÍA LÓPEZ-MERCER:** Preferred Alternative 2. If that is what you
9 want?
10

11 **CARLOS FARCHETTE:** Okay. So, I'm going to start this over. Move to
12 have preferred Alternative 2 on-- Alternative 2, require. Yeah.
13 Okay. Here we go. Yeah. For all three islands. Right. Well, I guess
14 I have to put there, or do I really have to put there "while
15 fishing for reef fish" Do I have to put that in there?
16

17 **MARÍA LÓPEZ-MERCER:** This is María. Sorry. Because Carlos is
18 wanting to select as a preferred alternative, Alternative 2, you
19 can read for the record, or I can read if you want, what Alternative
20 2 says, and then it can be copied in there.
21

22 **MARCOS HANKE:** Can you please do that before lunch?
23

24 **MARÍA LÓPEZ-MERCER:** Yes. alternative two says, "Require a
25 descending device be on board a commercial or recreational vessel
26 and readily available for use while fishing for or possessing
27 species in the reef fish component of the Puerto Rico, Saint Croix
28 and Saint Thomas and Saint John Fishery Management Plans.
29

30 **CARLOS FARCHETTE:** Okay, perfect.
31

32 **VANESSA RAMÍREZ:** Vanessa Ramírez, second.
33

34 **MARCOS HANKE:** Okay. Any question, any discussion? Let's vote.
35

36 **VANESSA RAMÍREZ:** Vanessa Ramírez, yes.
37

38 **JAMES R. KREGLO:** James Kreglo, yes.
39

40 **JEAN-PIERRE L. ORIOL:** Jean-Pierre Oriol, Yes.
41

42 **CARLOS FARCHETTE:** Carlos Farchette, yes.
43

44 **MARCOS HANKE:** Marcos Hanke, yes.
45

46 **JOHN MCGOVERN:** John McGovern, yes.
47

48 **MARCOS HANKE:** *Unanimous, one absent. DPR Puerto Rico is absent.*

1
2 It's lunchtime. We going to come back at 1:15, 15 minutes earlier
3 to restart the meeting. We will be back in business at 1:15 PM.
4

5 We will have to change a few things on the agenda, the order of
6 it, and we are going to work with Miguel and the rest of the
7 presenters, and we'll inform you once we come back.
8

9 (Whereupon, the meeting recessed for lunch on December 06, 2022.)
10

11 - - -
12

13 DECEMBER 06, 2022
14

15 TUESDAY AFTERNOON SESSION
16 - - -
17

18 **MARCOS HANKE:** Let's restart the meeting. Please take a seat. It's
19 1:22 PM. We are going to reshuffle. We're going to reorganize the
20 series of presentations. We're going to start with Richard's
21 presentation. Then we are going to go with the proposed rules for
22 Nassau Grouper, critical habitat for Nassau Grouper, then the
23 protected resource update from Southeast Regional Office, SERO.
24 And we follow the agenda, the presentation for pelagic fish
25 amendment to the island-based FMP for tomorrow. That's Sarah's
26 presentation. And also, for tomorrow managing trap fisheries in
27 the U.S.V.I. It will be moved for tomorrow, unless we have a time
28 during this afternoon to present. No more words. Let's start with
29 Richard's presentation or participation. Go ahead, Richard.
30

31 **Scientific and Statistical Committee (SSC) Report**
32

33 **RICHARD APPELDOORN:** Thank you, Marcos. This is Rich Appeldoorn
34 for the record, SSC Chair. And we had a very busy and I think
35 fairly successful three days of meeting just last week.
36

37 Next slide, please.
38

39 And so, here are the major things we talked about. The major things
40 being SEDAR 80 on queen triggerfish for all three islands. And
41 then an update of SEDAR 57 for Spiny Lobster, again, for all three
42 islands. We looked at the terms of reference and the SSC
43 assignments for the reviews of SEDAR 84. We had a review of the
44 National SSC meeting or SCS7 as it's called. I'll give a little
45 review of that. we talked about the queen conch listing under the
46 ESA for about the last half hour of the last day, and I'm not going
47 to talk about that under this report. And a little bit about
48 conflict of interest. So, I'm really reporting about the meeting

1 last week, but also a two-day virtual meeting we had in October
2 since we have not reported to the Council since that meeting.

3
4 Next.

5
6 So, getting right to the SEDAR 80, which is on queen triggerfish.
7 Our initial discussions were on the situation in Puerto Rico
8 because there was more data there and the Center had developed the
9 model, say, as far as they could go, but they really had questions
10 a bit that they needed the SSC to have input on before they could
11 finish that. And then that would be the basis for them moving
12 forward to seeing the analysis for Saint Thomas, Saint John and
13 Saint Croix. There were two potential approaches to do this. One
14 is to choose a base model to estimate the center point, and I'll
15 give a graphic of this, and then use our Sigma_min under our Tier
16 3 criteria to look at the variation around that center point. And
17 the other was to use an ensemble analysis, which is basically we
18 vary all the parameters in a sensitivity analysis and all at the
19 same time and let that generate the degree of variability. And it
20 turns out that we actually had to do the first one, which is why
21 it's in orange there, because at the moment the Center does not
22 have the capability of running the stock synthesis model, the
23 package that they are using this model for, to generate that
24 ensemble analysis. But they say in the future that is something
25 that will be coming.

26
27 So, what am I talking about? Next slide.

28
29 The black dotted line in the center of that normal distribution is
30 what we would call, center position, and that's what we were trying
31 to estimate. Where is that black line located. And then we would
32 use our minimum degree of standard deviation allowed, or in this
33 case variance, to generate what that green line would look like.
34 And so, that's, if you will, the minimum amount of variability
35 around that black line. Since the Sigma_min there is reasonably
36 large for a Tier 3 situation, the assumption is this should capture
37 the degree of variability around that center line. And we need
38 that green line because the Council is going to choose the risk of
39 overfishing. And that's the P* value. And that would move, where
40 we're going to set the ABC away from the MSY value to a slightly
41 lesser value based on whatever the risk of overfishing that they
42 will be accepting. So, that's why we had to do something to
43 generate the variability there. And this is something that will
44 come up to the Council because they're going to have to set the P*
45 values to go actually to get our ABC recommendations. And then
46 finally to get down to the ACLs.

47
48 Next slide.

1
2 So, we had to look through a lot of things, and I'm going to go
3 through these not in great detail, but I'm going to bring them all
4 up. If only because, this is the record of what we discussed, and
5 I wanted this stuff on the record. So, there were a lot of
6 parameters in this model that are fixed. We had to make choices
7 about what these things would be. And we wanted to know how
8 sensitive everything was. So, one of these things is L Infinity,
9 the maximum size they would achieve. And we had actually two sets
10 of data. One for the U.S. Caribbean, but also one that included
11 fish from the Carolinas, which grow larger and get much older.

12
13 And so, we wanted to see a full sensitivity analysis to L Infinity.
14 what we really got was the comparison between the combination of
15 U.S. and the Caribbean and Carolina data, or just the Caribbean
16 data. And we went with just the Caribbean data on that. So, we
17 didn't get the full range of sensitivity that we would like, but
18 as the model is implemented, the real important factor was what
19 was the maximum age that was coming out. And for this, we used the
20 maximum age found in the U.S. Caribbean. And these are stuff that
21 had been worked up by Virginia Shervette. And so, while we didn't
22 get the full range of sensitivity analysis, it ends up, the real
23 driver is the age factor and not necessarily the L Infinity.

24
25 Selectivity was a real important point as well. And the question
26 is whether we should be using a logistic equation that just, you
27 know, starts at a low value and then sweeps up and maximizes, or
28 we should be using a dome shape factor that would come back down
29 again. And there are factors such as gear, market and availability
30 particularly with respect to depth that might suggest a dome shaped
31 selectivity curve might be appropriate. And this is, like market
32 is really important, in the Virgin Islands as something that
33 potentially leads to a dome shaped selectivity function that might
34 be used. Anyway, for Puerto Rico we use the logistic because it
35 was more precautionary. There are still questions about whether
36 dome shape would be more appropriate, but frankly we don't have
37 enough data to tease that out. Uh, for Saint Thomas is -- I'll get
38 to that in a minute, but they're dome shaped selectivity curves
39 which seem to be more appropriate and that will be explored in the
40 future.

41
42 We had two indices of abundance. One was catch per unit effort and
43 one was from visual census work done at the National Core Reef
44 Monitoring Program. Um, the SSC decided to reject the NCRMP based
45 index of abundance. And I should point out that for this species,
46 this is not something that's critical of that survey protocol but
47 for this species and for Puerto Rico, it has a limited time series
48 over the broader shelf. There is a question about how this fish is

1 distributed relative to the reef habitat, hard bottom habitat,
2 that is targeted by NCRMP. queen triggerfish tend to spend a lot
3 of time out in more sandy areas. That's kind of where they nest or
4 rubble habitat or, rhodolith habitat. And so, was this
5 representative also, there's a depth limit for how deep the divers
6 can go, especially in Puerto Rico. And there's a feeling that there
7 is a substantial amount of population deeper than that.

8
9 So again, were we representing habitat and depth appropriately for
10 this species?

11
12 Next.

13
14 MSY is something else that is obviously critical because it's one
15 of the key parameters that we're trying to get that center line.
16 And initially we thought that this could be estimated with the
17 data available. And upon looking at the results and the variability
18 around that, the SSC decided that the data is not-- there's not a
19 sufficient number of variabilities in the data in conditions in
20 the population. [inaudible] the variability in the data over time
21 to be able to estimate that from the data itself. So, we chose an
22 MSY proxy, which is the spawning potential ratio of 30%. And I put
23 a little asterisk there because that decision drives much of what
24 the model will do after that. Because once you choose that, then
25 you're basically fixing a lot of other parameters. And steepness
26 is one of those.

27
28 Steepness is the strength of the stock recruitment relationship.
29 And again, we initially thought we could estimate this in the
30 model. We did not think the model did a very good job. It was
31 basically saying there was no stock recruitment relationship. And
32 we don't think that's the case for something that's a nest building
33 species that then protects the eggs and they advance at a very
34 fairly advanced, you know, larval stage. So, there should be less
35 mortality associated with that and therefore your relationship
36 with the number of eggs actually spawned would be good. But on the
37 other hand, if there's a deep spawning population, maybe that's
38 what's feeding it in. Anyway, there was a lot of discussion about
39 this, and we finally said, "Okay, based on forcing the model to
40 accept an SPR30% MSY proxy forced the model to tune its steepness
41 to that proxy," which we did. And when we did that, what was coming
42 out of the model seemed to be a lot more reasonable. Initial
43 equilibrium catch is also another parameter that goes in. And there
44 were a number of things that were talked about in terms of whether
45 things are at equilibrium. There was the diadema die-off that
46 occurred during that time, and this species is one of the major
47 predators that of diadema. So, a good chunk of its food supply
48 disappeared. And prior to 1983, when we were starting the data

1 set, where we had good species-specific data set, we were coming
2 off a much higher rate of fishing and higher catch rates of fishing
3 in the late seventies in Puerto Rico. So, you know, what is our
4 assumption about equilibrium there as well? So again, we let the
5 model choose the initial catch based on its best fit after we
6 forced it to deal with the MSY assumptions and steepness.

7
8 Next slide.

9
10 And then we needed estimates for management target
11 recommendations. So, this would be for the most recent years, the
12 correction factors that would be used in Puerto Rico when the
13 correction factors had not yet been calculated. So, we used the
14 average correction factors for the most recent years, and the
15 averaging was done by coast. And then we needed to project the
16 catch and forward. And so, we used the most recent catch to project
17 that forward as we looked at what the model would say about OFL,
18 which is really what we're trying to get to. And then from that
19 ABC and the ACLs.

20
21 Next.

22
23 So given all these decisions that were made above, the SSC did
24 accept the model as being both the best available data and
25 acceptable for generating management advice. Now, this is Puerto
26 Rico we're talking about only, at the moment. But we point out
27 this is for short term data or advice only. We have, again, chosen
28 a lot of the parameters and are using just two points of data, the
29 catch per unit effort index and the length composition information.
30 And so, it's really a minimum amount of information we have going
31 into the model because we had to estimate or just, you know, select
32 certain other things about how we do things. So, we're not
33 comfortable with going too far with this analysis but we did accept
34 it for that short term.

35
36 Okay. So, following that, we generated ABCs over a range of P^*
37 values, the risk of overfishing, from a value of 0.3, which would
38 be a 30% chance of risk of overfishing to 0.45 or 45% chance of
39 risk of overfishing because we can't set ABC until the Council
40 selects their P^* value. So, we did it over a range and so these
41 would be available for the Council. And based on our experience
42 with spiny lobster, where the Council came back and said we would
43 much prefer a constant three-year average recommendation on these
44 limits, rather than a changing value over time, we also calculated
45 those. So, those would be available for the Council right away.
46 So, as a result of those calculations, and I'll show those in a
47 minute, with all the ABCs that were generated across these values
48 of P^* would be acceptable to the SSC, which means once the Council

1 chooses their P^* value you will immediately get your ABC because
2 we already made those calculations.

3
4 Okay. So, the final depends on the choice of P^* by the Council.
5 So, that's a Council decision. However, the SSC cautions the
6 Council that relative to the case that was done with spiny lobster,
7 which you did take a value of 0.45, here we have a lot more
8 uncertainties than we had with lobsters. And so, we'll point you
9 to be a little bit more cautious. There are a lot of management
10 uncertainties due to its current status as a, quote, "non-targeted"
11 species. By this I mean, no one's going out specifically to catch
12 queen triggerfish. So, trying to develop management that targets
13 that, other than maybe a size limit, would be difficult. You'd
14 actually have to target the fisheries where it's actually being
15 caught. And we actually have good data that shows that the
16 fisheries most related to catch a queen triggerfish in Puerto Rico
17 are spiny lobster and queen conch. And that probably doesn't make
18 sense until you think about how the fishery operates.

19
20 So, the divers that are going after lobster and queen conch are
21 also carrying a spear gun, and if they come across the queen
22 triggerfish of the appropriate size, they're going to shoot it.
23 The trap fishery for spiny lobster also catches queen triggerfish
24 and most of the trapped fishery in Puerto Rico actually targets
25 spiny lobster, because that's where the high valued species is.
26 But there's lots of other good species that enter those traps that
27 they keep. So, that's the explanation why it links to something
28 you wouldn't think conch and lobster for a fish.

29
30 So, if you really wanted to worry about how to manage that species.
31 You'd almost have to manage those other two fisheries, other than
32 giving like a size limit where you either keep it or put it back.

33
34 Um, last thing, that was pointed out to the SSC was that when the
35 concept of P^* was originally derived the thinking was that the
36 Councils would have P^* value with more like 0.3 and 0.35. That has
37 generally not been the case. So, I'm not forcing the "you have to
38 do that," but please keep in mind that's kind of what things were
39 looking like. And this is a Tier 3. This is our minimum level to
40 actually do a stock assessment. So, there's a lot of uncertainty
41 here.

42
43 So, what does the model look like? Next slide.

44
45 So, this is what came out of the analysis. And this is, you know,
46 I'm not sure actually that this is the final analysis, but they
47 all look the same. So, what this is saying, so in blue is the past
48 reconstruction of the fishery based on the available information.

1 Green is the projection of the fishery into the future, at which
2 point the red is when the new, if you accept the recommendations,
3 when the new ACLs would go into effect and what they would look
4 like.

5
6 So, what this says is that if you're above this value called MSST,
7 that's the minimum stuck size threshold. If you're above that, the
8 population is not overfished. And if you're above the ratio of the
9 spawning stock biomass to the MSY proxy that we had, you're not
10 undergoing overfishing. And so, you can see from very early on,
11 the population was estimated at being actually substantially
12 overfished. And then it gradually improved. And then, in the early
13 or mid-two thousand, or getting up toward 2008-9, we started coming
14 in with what looks like a fairly healthy time. This is when the
15 original ACL values were starting to come into play. And then the
16 population has come down again and it's still legitimately healthy,
17 but it's getting near that threshold. So, what we will see is that
18 because we're above the MSST, it does allow for a little bit more
19 fishing. But as we get into, as we're projecting those catches,
20 but once we implement the new recommended values, we will bring
21 that down back to the catch levels that would support MSY.

22
23 What do they look like, the actual values? I know this is confusing
24 and I'll try to work you through it. So, these are the projections
25 of ABC across the years, 2023 to 2027. Although realize that
26 through the amendment process, they probably wouldn't go into
27 effect if you accept that until 2024. As you go down the table,
28 we're looking at P* values that go from 0.3 to 0.45. And as you go
29 down the table in a year, you will notice that the values get
30 larger and larger. Which you'd be expect because you're accepting
31 a greater risk of overfishing, which means you would be allowed to
32 take more fish. And that last column on the right, that's part of
33 the big table, gives the percent reduction that you would get from
34 choosing a value of 0.45, which is probably the maximum you could
35 choose, that's what was done for spiny lobster. So, if you chose
36 the minimum P* value of 0.3 here, the ABC would be basically two
37 thirds of what you would get from a value of 0.45. And that's
38 regardless of what year, that percentage is constant. So, it just
39 means, the more conservative you want to be about the risk of
40 overfishing, the lower the ABC is going to be. Makes perfect sense.
41 These values are all, by the way, in thousands of pounds. And over
42 on the far right are the recent landings. And you can see that
43 those have dropped quite a bit. And the ABC, for most of the values
44 of P*, would be substantially above what the most recent landings
45 have been.

46
47 So, I'm showing you these now and I'll share this graphically in
48 a minute because I'm confident you're going to forget the values

1 later on because when you choose the P^* value you have to do this
2 on the basis of what you perceive the risk of overfishing is going
3 to be and not at what the potential ABC would be. Because if you
4 do it the other way, you're just cherry picking the catch levels
5 you want and then pretending you know what the risk of overfishing
6 is.

7
8 So, here's what it looks graphically. These are three separate
9 graphs. But these, the blue line on top is the OFL level. And, of
10 course, that gets reduced to get down to your ABCs. And so, the
11 first graph here is looking at the values of P^* between 0.3 or
12 0.34. So, the lowest values are the most conservative ones for
13 assessing risk of overfishing. So, you can see they're all, you
14 know, substantially lower than the OFL. Here's on the next line,
15 the next set from 0.35 to 0.39, you can see basically they just
16 moved up closer to that 0.45 level.

17
18 On the next slide is 0.4 to 0.45. They moved up even closer to
19 that OFL level. So, and you see that these are all slight curves.
20 They're not straight lines because we're gradually moving the
21 catch, which can be greater than it is now, back down to where
22 eventually it would match the predictions for our MSY proxy.

23
24 And then, we also conducted what would be the three-year running
25 average for 2024, 2025 and 2026 assuming that if the Council wants
26 to go with not a number that's changing over time, but with the
27 flat three-year value. This is what that three-year average would
28 look like, again, assuming that if you accepted this it would not
29 go into effect until 2024. And again, it just shows that if you
30 are more conservative, your average is going to be less than if
31 you're less conservative.

32
33 Next slide.

34
35 We then turned our attention to the U.S. Virgin Islands for queen
36 triggerfish. And basically said, the model for Saint Thomas, Saint
37 John needs more exploration. And I'll give you a list of some of
38 the stuff that we talked about. At the moment it was not deemed
39 suitable for management advice, but we thought that with further
40 analysis, this may prove fruitful.

41
42 Everybody at the meeting was of the opinion that it would be really
43 great not to lose momentum on this issue and therefore no one
44 wanted to kick this back to the SEDAR process. The representatives
45 from the Center said they would look into their scheduling issues
46 and see if they could schedule time to do this greater exploration
47 somehow in their, what everybody thought was, already overworked
48 schedule. But one would have to talk to the Center people to see,

1 and I don't think they've done that yet, this was just last week,
2 but whether we can move forward with that. So, there's some hope
3 there. For Saint Croix, the model was deemed not to be useful for
4 management, and this was because the data there was just too
5 limiting. Um, and so, the calculations for OFL and ABC will remain
6 in Tier 4 for that stock.

7
8 You know, we're hoping, and I'll comment more on this, but, you
9 know, the pandemic was not good for data collection. And so, the
10 most recent years were missing a lot of information we would've
11 already have. And that's one of the problems that was leading to
12 having too few data, really for the Saint Croix situation.

13
14 Next slide.

15
16 This is just a list of the most critical things we wanted to
17 understand as we move forward for Saint Thomas, Saint John. I'm
18 not going to go into these in detail. These are specific modeling
19 kinds of issues, but you can see there's seven or eight of them
20 there that we want to look at. Again, I'll talk about the use of
21 the NCRMP data or not. This is an issue in Saint Thomas now where
22 their coverage of the shelf is a little bit better, although still
23 seems to be a shift from when-- initially in the early time series,
24 we're only looking at a few places extensively, and then later, as
25 in Puerto Rico, they move out into a broader shelf area. But then
26 they also included using rebreather diving to get into mesophotic
27 areas where we think a lot of the adults reside. When you do this,
28 the index shows like a threefold increase in population size. So,
29 we don't think the population in three years tripled its size. We
30 think this might be accounted for by the extension of the survey
31 into areas where the populations are more abundant. So that needs
32 to be looked at. There are some issues there about the actual
33 method used to weight length data coming in from different sources,
34 how you estimate mortality, etcetera. So, there's a lot of things
35 that need to go on. We're hoping the center will find the time to
36 do that and you know, cautiously optimistic we might get management
37 advice yet.

38
39 So, that's SEDAR 80. And the next thing is going to be SEDAR 57.
40 I would point out SEDAR 80 is a discussion we had over all of our
41 meeting in October and most of our meeting last week. And it was
42 contentious at a number of points about what we were doing and how
43 many assumptions we were making and is this really going to be
44 valid or just bear the choices that we are making, are we pre-
45 dicting the outcome, so to speak? And because it was
46 contentious, we actually got through a lot of things. Through, you
47 know, questions and answers and it took a long time but if the SSC
48 and the Center personnel were ever going to get together with a

1 stock assessment kumbaya moment, this was probably it. So, I think
2 our discussions, although really long, turned out to be really,
3 really useful, informative, and will lead to improvements in the
4 future.

5
6 So, next slide will get to the spiny lobster.

7
8 So, this is an update assessment, and it follows the past procedure
9 on how we did this. I'm not really going to go into that. What it
10 did was use the last years of landings that we did not have before
11 to estimate the provision-- Well use the last years of landings as
12 before to estimate the provisional landings--

13
14 **GRACIELA GARCÍA-MOLINER:** Can we discuss the queen trigger and
15 stop and then the lobster after.

16
17 **RICHARD APPELDOORN:** Yeah, we can. So, there's a request to discuss
18 queen trigger before we move on to spiny lobsters. That's fine
19 with me.

20
21 **Discussion- SEDAR 80 Queen Triggerfish**

22
23 **MARCOS HANKE:** Open for discussion to Council members.

24
25 **GRACIELA GARCÍA-MOLINER:** So, Mr. Chair, the guiding principle
26 here is that you have to decide on how much risk you want to take.
27 So, that's what we're expecting from the Council today, at least
28 for Puerto Rico. Because that's the number one issue.

29
30 **MARCOS HANKE:** Miguel.

31
32 **MIGUEL A. ROLÓN:** Graciela, puedes poner el P*, las opciones que
33 menciono Richard, and then the Council can ask question and come
34 up with a--

35
36 Okay. If you look from the top to the bottom, it'll give you an
37 idea of the presentation that you are going to be considering. so,
38 this is the--

39
40 Okay, so, this is for the discussion, so this is the time. If you
41 have any question, please ask the question to Richard for
42 clarification.

43
44 **VANESSA RAMÍREZ:** Thank you, Marcos, Mr. Chair. Vanessa Ramírez,
45 for the record. I don't have a question. I just want to make some
46 comments about how this fishery is managed commercially in Puerto
47 Rico, because I know that the numbers have changed a lot and
48 Richard says practically most of our divers are practically going

1 for queen conch and lobster, and it's because of the price. So,
2 they don't have any benefits to bring the queen triggerfish because
3 it's pay, practically. I have been in fish market since 2012, and
4 at that time the pay was .50¢ per pound or \$1 per pound, if it was
5 clean. So, 10 years later it's \$1 if it's complete and \$1.50 if
6 it's clean. And when you compare that with the lobster and queen
7 conch that it \$10 per pound, for them, it's much better to just go
8 and target the queen conches and the lobsters.

9
10 There's also another situation that change the numbers. We know
11 that the numbers that practically are using here are the one from
12 the statistics reports from the state landing. And sadly, I have
13 to say this, when they go in the closure for queen conch, they put
14 that it was triggerfish, those pounds, so that also changed the
15 numbers. And another thing also is that because they always have
16 in their mind that if they put a lot of pounds of what they get
17 better pay, they are going to lose their benefits from government.
18 So sometimes they cash hundred pounds of queen conch, and they
19 divide it. They put 50 queen conches, 50 queen triggerfish. So,
20 that's something that is real and it's still passing in there.
21 From my experience, and I am from Cabo Rojo, so we have more than
22 400 divers in there that go out practically daily.

23
24 If we want queen triggerfish, practically, we make the order. I
25 have one fish market in my town that have an order for a restaurant
26 of 300 pounds weekly. So, the commercial fisherman goes out and
27 brings that order, just special for that fish market. But it's not
28 that they want to bring it, it's just because the owner, if they
29 don't bring it, then he will not take the other things just because
30 he wants to also sell to that restaurant.

31
32 So, this is practically the situation that we have with the queen
33 triggerfish. We have a lot, if you need more, I can ask my fisherman
34 to bring the amount that you need. But the thing is, if the price
35 is still so low after practically 10 years, commercial fishermen
36 will not target queen triggerfish. Thanks.

37
38 **MARCOS HANKE:** Thank you, Vanessa. Always good feedback from the
39 industry is helpful. Go ahead.

40
41 **MIGUEL A. ROLÓN:** Yes. A question to Vanessa, and also to the
42 Council. Remember that this morning we were talking about island-
43 based FMPs, so what is good for Puerto Rico might not be that good
44 for Virgin Island. So, you're talking about Puerto Rico, in this
45 case we're talking about island-based FMP.

46
47 So, the question here posed to the Council is, what percentage of
48 risk are you willing to bet for the protection of the triggerfish?

1 From what I hear, it seems that the triggerfish is not as
2 important, put it that way, economically speaking for the fishers
3 of Puerto Rico at this time. So, we need to be mindful of that.
4 That doesn't mean that the fish is good or bad or it's in good
5 shape or bad shape, but at this time, what the SSC is providing to
6 the Council are the numbers that will provide you--

7
8 That P*, by the way, you can translate it into the risk that you
9 want and are willing to take. And that's what that table has there.
10 Based on the base information that they have, the Council, you
11 need to tell us, the scientists on the staff, how much risks are
12 you willing to take based on the information presented to you so
13 far.

14
15 **MARCOS HANKE:** Jack.

16
17 **JOHN MCGOVERN:** I have a question for, excuse me, Richard, or maybe
18 Clay.

19
20 I know, Richard, you said that spiny lobster, the P* used there
21 was 0.45, and the SSC felt like it should be less than that because
22 there's a good bit more uncertainty with this assessment than with
23 spiny lobster. Did the SSC talk about where or did the Science
24 Center talk about where they felt that risk should be? I know it's
25 a Council decision, but it would probably be good to give some
26 information about that.

27
28 **RICHARD APPELDOORN:** So, no, we did not discuss that per se because
29 it is a Council decision other than we're clearly suggesting it
30 shouldn't be something as high as 0.45. And it was the Center
31 people who were aware of the initial development of the P* system
32 where the thinking was it would be at this lower edge for these
33 more uncertain assessments.

34
35 Spiny lobster was considered at the time something that had a
36 lesser chance of over exploitation because of a number of things.
37 But one of them, specifically, was the very large size that was
38 at-- was the minimum size that they were [shipping?]. And so, that
39 was relative to, say, assessments that were done in Florida,
40 whatever, you know, if it's okay there and we're even more strict,
41 it should be okay here. Um, we don't have that confidence obviously
42 with this species and, you know, but we don't have a track record
43 to go by either.

44
45 **MIGUEL A. ROLÓN:** Richard?

46
47 **RICHARD APPELDOORN:** You know, I'm not sure we can really help
48 with that.

1
2 **MARCOS HANKE:** Richard, Miguel has a point and I have a follow up.
3
4 **MIGUEL A. ROLÓN:** Not a point but make it so we all understand. If
5 you look at the table for the higher the P^* , the less available
6 catches you have for landings.
7
8 **RICHARD APPELDOORN:** No, the other way around or other way around.
9
10 **MIGUEL A. ROLÓN:** Or is it the other way around? Can you explain
11 that in very simple terms?
12
13 **RICHARD APPELDOORN:** Yeah. So, at the bottom of the graph is the
14 P^* values, the highest you could possibly consider. And you're
15 getting the highest values of catch you would be allowed to take.
16 At the top of the graph is the lowest P^* , lowest risk of
17 overfishing. So, a 30% risk of overfishing. And those give you the
18 lowest values of recommended catch because you're being more
19 cautious. You know, the more cautious you're being, the less fish
20 you're going to take out. And so, that's, what that's saying.
21 Again, note relative to recent landings, most of these P^* values
22 are giving you values of fishing that are bigger than have occurred
23 in the last five years. so, there's room to grow and that's what
24 the model, for the most part, is saying.
25
26 **MARCOS HANKE:** Clay.
27
28 **CLAY PORCH:** Yes, thank you. The way you need to look at the choice
29 of P^* is what's going to happen if you do overfish? So, what are
30 the consequences of overfishing? So, if you overfish long enough,
31 then the population becomes overfished, then you have to have a
32 rebuilding plan, you have to rebuild the population as soon as
33 possible. And in some cases, I don't know about this fishery, but
34 in some cases the only way to rebuild the stock as fast as possible
35 would be to stop the entire fishery. So, let's say queen trigger
36 might not be a target, but if when you're targeting other things,
37 you're still catching a lot of queen trigger. It's conceivable, we
38 haven't done that analysis, but it's conceivable that you would
39 have to shut down the whole fishery for a time to rebuild the
40 population. So, the point is to think about it in terms of if you
41 did have overfishing, what would be the consequences and how badly
42 do you want to avoid overfishing? so, if you pick P^* equals 0.45,
43 you're saying, I'm not really that worried about overfishing. The
44 consequences to my fishery aren't very great. If you pick something
45 like a P^* of 0.3, it says, you are kind of worried about overfishing
46 and if there is overfishing of queen trigger, either it could lead
47 to eventual extrication of the stock or it could have some
48 consequences for my fishery that I don't want to face.

1
2 **MARCOS HANKE:** Yes. And on the same point, I would like to know,
3 maybe Richard can give me the information or Graciela, we have a
4 gear that doesn't select very much and catches a lot of
5 triggerfish, which is traps, which is a different case for the
6 spearfishing that they have the selectivity on their hands. Right?
7 It is two different scenarios. I'd like to know which of those
8 catch more triggerfish for me to follow up. Which level of risk we
9 can follow or should follow. Which gear catch more triggerfish
10 traps, poundage per year, traps or spearfishing.

11
12 **RICHARD APPELDOORN:** Adyan, would you have that information
13 available? It was presented, but I don't have it with me. Maybe
14 Adyan can call it up. You could? The analyses are-- she's looking
15 at it now. So, analyses do look at both fisheries separately and
16 then, you know, uses ways to combine data from the trap and dive
17 fisheries to come up with an overall catch per unit efforts and
18 size matrices that are used to put into the model.

19
20 **MARCOS HANKE:** Okay. And another thing that I want for the whole
21 group to understand is, on this table is the range of options
22 accepted by the SSC that we need to choose from it? Or there is
23 any of them that SSC-- I was at the meeting, but I want the group
24 to know if there is something that the SSC, in the majority,
25 decided on it, or is it just the range that we need to choose.

26
27 **RICHARD APPELDOORN:** Well, you need to choose a value. We looked
28 at a range because we didn't know what value you were going to
29 choose. And we wanted to look at that range over, you know, a
30 reasonable expectation. So, if we did it from say, 0.4 to 0.45,
31 that would be like, we weren't-- it looks like we were suggesting
32 that the value only had to be in that range. So that's why we went
33 down to 0.3. Because again this is your basic minimum assessment
34 and short term, a lot of uncertainty. So, we did not want to put
35 only the values in high thinking that that was okay. We have them
36 going that high because that range was included with spiny lobster.
37 So, that's least what the Council was looking at last time, but we
38 didn't want to presuppose an answer for the Council. And I would
39 also point out that you probably don't want this graph up here
40 while you're discussing this.

41
42 **MARCOS HANKE:** Yes. Carlos. Adyan, please let me know once you
43 have the information.

44
45 **CARLOS FARCHETTE:** Yeah, I just heard about which gear catches
46 more, but you have to remember that if it's not an important
47 targeted species for Puerto Rico being caught in trap but not
48 retained. So, I think retention is more important. So, what are

1 they keeping as to what they're releasing back into the water? You
2 can be catching 80% more in trap, but you're releasing just about
3 all, or not all, but—

4
5 **RICHARD APPELDOORN:** I don't know what the current situation is,
6 but I know when I looked at that kind of data in the past, very,
7 very little of anything is not retained in the trap fishery. So,
8 I would think they go into the market just as Vanessa says. It's
9 not going to sell for very much.

10
11 **CARLOS FARCHETTE:** Well, a little follow up here because I know
12 that in Saint Thomas, they—

13
14 **RICHARD APPELDOORN:** Saint Thomas is very different. Very, very
15 different.

16
17 **CARLOS FARCHETTE:** Yeah. Okay. All right.

18
19 **MARCOS HANKE:** Just a follow up on his point. And this is where I
20 was trying to make the distinction between the trap and the
21 spearfishing. Now we are getting into the analysis of, once we
22 release what's going to happen with those fish. The triggerfish on
23 traps do suffer by barotrauma, even though they're capable of
24 swimming down very often. We don't know the consequences and the
25 true mortality of it, I just want the Council to be aware of that.
26 There are other fishes that their look seems to be more sensitive
27 to that barotrauma effect than triggerfish. Adyan, do you have the
28 information, or we keep going and we get it later?

29
30 **ADYAN RIOS:** So, on the screen we have figure six from the Puerto
31 Rico SEDAR 80-- Adyan Rios. On the screen we have figure six from
32 the Puerto Rico SEDAR 80 stock assessment report. And we have
33 landings by fishery with the trap in blue and the dive in red. And
34 you can see that, you know, the majority comes from trap, but there
35 is an increase over time of the proportion that comes from diving.

36
37 **MARCOS HANKE:** Yes. And that's the reason I want to say, for the
38 group to be informed. There is a growing, even though on the West
39 is not the case, and I know that it's the fact, on the East coast
40 of Puerto Rico, there is an increase of use of queen triggerfish,
41 and we need to be mindful of that. Nelson.

42
43 **NELSON CRESPO:** Thank you, Mr. Chair. Nelson Crespo, for the
44 record. I'm curious if you are taking into consideration the last
45 five years. During the past five years, we saw issues like
46 Hurricane Irma and María, we got the earthquakes, the Greenland
47 tidal wave, covid, and the last hurricane Fiona. That affects the

1 report because the fishermen are limited to go out fishing. I think
2 we have to think twice when you are going to select the P*.

3
4 **MARCOS HANKE:** I understand. What you're trying to say is that
5 there was less pressure on this fishery due to those factors and
6 based on your expertise and what you see out there?

7
8 **NELSON CRESPO:** Yep, that's correct.

9
10 **MARCOS HANKE:** Thank you. Vanessa.

11
12 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
13 record. In the same line as Nelson says, I think that we should
14 investigate or ask, I don't know if I can ask Wilson who's is right
15 here, if he knows how many commercial fishermen, of traps, we have
16 now after the hurricanes. We know that many of them lost their
17 equipment and many of them also retire.

18
19 **MARCOS HANKE:** Vanessa, that's important. Wilson, you can look for
20 this information, but we are just making -- I'm allowing this
21 conversation to put a context of information based on the expertise
22 of the people on the table to create a record to decide on the P*.
23 Clay, then Julian.

24
25 **CLAY PORCH:** Yeah. Just looking at this, even though most of the
26 landings, half to two thirds were from the trap fishery, what I
27 understand is that the discard mortality rate is pretty low. And
28 if that's the case, then at least you have the answer to one
29 question that if the stock were overfished and you had to cut back
30 severely on the landings of gray trigger, it would not probably
31 shut down the trap fishery because they can let them go and they
32 would live. So, that's one thing. So, that to me means the primary
33 question is whether queen trigger might be more vulnerable to an
34 extinction risk or at least being heavily depleted because of their
35 particular life history and I don't know if the SSC talked a lot
36 about that.

37
38 So, in other words, based on the information I'm hearing, there's
39 not a lot of risk in terms of shutting down the fishery. The
40 question is, is there some special risk to that particular species?
41 If you overfish it, you could be on a slippery slope to severely
42 depleting it.

43
44 **MARCOS HANKE:** Richard.

45
46 **RICHARD APPELDOORN:** Well, there's two aspects to that. One is the
47 fact about their mode of reproduction. They are nest builders, the
48 female lazy eggs, the male will fertilize it and then he will guard

1 the eggs for a period of weeks or a week until they hatch as a
2 fairly late stage, relatively speaking, larvae with fairly good
3 swimming capabilities. Generally, those species do not have a long
4 time period in the water. So, they're not putting out a large
5 number of eggs that a broadcast spawner would be, but they're
6 taking care of the number of eggs that they're producing, so it's
7 minimizing a lot of the early mortality that eggs and larvae would
8 normally have. So, that might make them a little bit more at risk
9 because their fecundity is low, but they're really taking care of
10 what they do produce.

11
12 The other factor is that there is a feeling-- well, what data we
13 have, shows that large individuals are found fairly deep and
14 therefore for the diving population or the divers just won't have
15 access to those because of the depth. Some trap fishing can occur
16 in those areas, so that's a place where maybe trap fishing is a
17 little bit more putting it at risk than the divers would. But those
18 kind of offset each other, so there wasn't really a strong feeling
19 how that would play one way or the other. So, normally you would
20 say, "Oh, less fecund fish more vulnerable" but that's not
21 necessarily the case. This is a different reproductive strategy
22 with the goal of ending up with the same on average, you know,
23 replacement value of the parents. So, you know, I don't see it
24 being particularly more vulnerable than other species and, you
25 know, without specific studies on that--

26
27 **MARCOS HANKE:** Thank you, Richard and Clay. I think because of the
28 time, and we have a strong record about this discussion, we need
29 to start addressing numbers and decide the P*. Council members you
30 guys--Richard.

31
32 **RICHARD APPELDOORN:** I strongly recommend you take this graph off
33 for the rest of that discussion, so you're not picking the catch
34 level you want.

35
36 **MARCOS HANKE:** I'm sorry. I was missing the participation of
37 Julian.

38
39 **JULIAN MAGRAS:** Julian Magras for the record, can you pull back up
40 the screen for one minute please? The last slide.

41
42 So, I know this is the Puerto Rico fishery, but I work very close
43 with my counterparts and just like Nelson would say, if you look
44 at your recent landings of the last five years, you can see the
45 landings have dropped significantly from 2016. The hurricanes were
46 2017, then you had two years of pandemic. So then, you move over
47 to your actual, where the Council has to decide on the P* and the
48 percentage that's going to be used. All I'm trying to say here is,

1 you don't want to come up with a P* that's going to end up driving
2 these fishermen into an overfishing situation due to the fact that
3 now they're recovering from the pandemic and the hurricanes, and
4 their fishery has a potential to build back up to those actual
5 numbers that they were harvesting before.

6
7 If you set the number too low, what you're going to because is
8 them to go into an overfishing state and then accountability
9 measures will be implemented. So, I'm just throwing that out there
10 for when you guys have that discussion, take into mind what we are
11 looking at and where those numbers actually came from. Thank you.

12
13 **MARCOS HANKE:** Vanessa.

14
15 **VANESSA RAMÍREZ:** Thanks, Mr. Chair. Vanessa Ramírez, for the
16 record. As Julian says, I also recommend that we should go up to
17 the maximum, 0.45, because we can see in the numbers and also, we
18 know that our fishermen are giving better numbers now, better
19 reports. Also, the app is giving data that is more recent.

20
21 So, I would go for the 0.45, so we don't penalize them because
22 they are given better data. And of course, we are practically, as
23 Marcos says, in the East, we know that we have traps in that area.
24 I think that the best way that we can work for the fishery, it's
25 taking care of it of course, but we know that also we have the
26 economic situation. So, I don't think that we should go lower than
27 we have for 2014 because once they start making again the fishery,
28 and as I said, many restaurants use the queen triggerfish to make
29 turnovers, like it was with boxfish. So, we know that there's
30 restaurants that are using it and we know that we have commercial
31 fishermen with traps that go for the queen triggerfish but in the
32 case of the divers, they only go for the -- they select the size.
33 So, I wish that all the Council members considered that for the
34 motion to go to the maximum of 0.45. Thanks.

35
36 **MARCOS HANKE:** You can make the motion if you want to. Richard,
37 then we get back to you, Vanessa.

38
39 **RICHARD APPELDOORN:** Two things. One, we are doing exactly what I
40 warned you not to do, which is looking at the catch levels and
41 then deciding what kind of risk you have. And you're supposed to
42 be assessing what kind of risk you have, the catch limits come out
43 of that.

44
45 If you go to the previous slide, what this was saying is that, up
46 until the end of the data series the fishery was in fact
47 approaching the level where it would be undergoing overfishing,
48 not overfished, but overfishing. But the projections based on the

1 low levels of recent catch, as Nelson and Julian rightly pointed
2 out, have been low for lots of other reasons, is allowing the
3 fishery to take more in any of these scenarios than what is being
4 taken now. But then will gradually drive that thing back down to
5 the level of our maximum sustainable year proxy, which is where
6 you basically kind of want it to be. So, you know, we were very
7 close to that before. If we're going to allow a lot more fishing,
8 you could easily drive it below that line. So, you have to
9 understand what we're talking about when we talk about the dynamics
10 of the fishery and the risk of overfishing. This would suggest
11 that the risk of overfishing is or could be high if you set your
12 catch levels too high. Thank you.

13
14 **MARCOS HANKE:** Vanessa.

15
16 **VANESSA RAMÍREZ:** Vanessa Ramírez, for the record. I have a
17 question. Is this number going to be considered for three or five
18 years?

19
20 **MARCOS HANKE:** Richard.

21
22 **RICHARD APPELDOORN:** We are estimating -- if you go for the --
23 Well, all our estimates are based on, if you go, let's see, two
24 graphs down, two slides down. Just as an example, you can see there
25 are five years from 2023 to 2027, included in that. If you accept
26 this, it's going to take you a year to get the amendment through.
27 So, it's really 2024 that you would be starting this regime. And
28 we estimate if you're going with the affix value, so we did the
29 averages for both, the OFLs and the resulting ABCs, for 2024, 2025,
30 and 2026. So, three years. And then we're getting out into areas
31 we're not happy with. Just because it's, you know, as I said, short
32 term management advice.

33
34 **MIGUEL A. ROLÓN:** Vanessa, remember this is counting the time that
35 you amended the plan. And the more data comes into play, etcetera,
36 we always -- this is flexible, we can amend it.

37
38 I remember, Stephen Monsanto, a long time ago was the Chair of the
39 Council, and he always said, "Tell me how much I can get away with,
40 without jeopardizing the resource." And this is the role you need
41 to play. You know, looking at the table, looking at the information
42 that you receive. What is the P^* value that will allow you to fish
43 to obtain the best benefit to the nation without jeopardizing the
44 sustainability of the resource. So, if your motion is 0.45, then
45 the discussion will be, will that be a precautionary approach at
46 the same time that we allow the socio-economy not to suffer as
47 much.

1 This is more or less the summary that was presented by Julian in
2 this case on what has been discussed. So, once you have the motion,
3 then you have to have a discussion, so you can supply more
4 information, more support for this.

5
6 **MARCOS HANKE:** Before-- one second, Vanessa. Clay, then Vanessa.

7
8 **CLAY PORCH:** Thank you, Chair. I was just going to say, from my
9 perspective, I didn't hear a strong argument for a very low P^* .
10 There doesn't seem to be a high risk to the population or a high
11 risk that the fishery would have to be shut down if queen trigger
12 were overfished. Except for one thing that concerns me a lot and
13 that is that I heard that fishermen are intentionally misreporting
14 queen trigger as conch. If that's a problem, then we're in a
15 riskier situation. And you might argue for a lower P^* .

16
17 **MARCOS HANKE:** Yes, but that also is a very important report from
18 Vanessa, from her fishing area. It's not necessarily on the East
19 Coast, for example, that they sell them. It's not across the board,
20 is what I'm trying to bring to the table.

21
22 **MIGUEL A. ROLÓN:** Guys, you are guessing. Okay. I haven't met a
23 fisherman for 40 years that tells you exactly what their catch is.
24 Okay? And it all depends on the situation. Let's put it that way.
25 Your role is to see the numbers, everything that you have, all the
26 experience that you have, and come up with almost a guesstimate.
27 But you have to err on the size of the resources.

28
29 If the number that you have here allows you to do that, then you
30 have to pick that one. The motion that is on the table, I guess,
31 or proposed to be on the table, I don't know if somebody seconded
32 the table, is 0.45. So, the question is, if we adopt a P^* of 0.45,
33 is that something that the resource can sustain? number one. Taking
34 into consideration everything that you said. After, when you go
35 back home, be careful because they're going to kill you there.

36
37 The thing is that once you have clear for the record, what are the
38 consequences of the P^* , what are your responsibilities from the
39 scientific point of view and the management point of view under
40 MSA, that's what you should be going with.

41
42 So, at this time, Mr. Chairman, for the record and Jack is raising
43 the hand, so I'll stop here.

44
45 **MARCOS HANKE:** Jack and then Vanessa.

46
47 **JOHN MCGOVERN:** No, I just, we've heard a whole lot and I don't
48 feel like 0.45 is supportable and that we have to be more

1 conservative, as Richard has said, for the resource. You know,
2 it's not really a targeted species. There are possibly people
3 discarding them. As Clay said, there might be a situation where
4 you might have to shut down a fishery and it is a co-occurring
5 species with other species. And so, I feel like we need to be more
6 precautionary with a lower P^* value than 0.45.

7
8 **MARCOS HANKE:** Thank you, Jack. Vanessa?

9
10 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
11 record. After the discussion, I will suggest then, let's do 0.40.

12
13 **MARCOS HANKE:** Can you make it in a motion form?

14
15 **VANESSA RAMÍREZ:** Yes, *I will move a motion to present P^* at 0.40*
16 *for the queen triggerfish.*

17
18 **MARCOS HANKE:** Any second?

19
20 **CARLOS FARCHETTE:** Carl Farchette, second.

21
22 **MARCOS HANKE:** Let's have further discussion on this. Anybody else
23 wants to add any point or discuss this 0.40 motion proposed by
24 Vanessa and second by Carlos Farchette? James.

25
26 **JAMES R. KREGLO:** I'd like to say something. I don't know the
27 Puerto-- Oh, excuse me. James Kreglo. I'm a diver. I've been
28 spearfishing, in the V.I. would call them, old wife, but queen
29 triggers since 1980s. And when I get orders, queen triggers,
30 usually down here, for a number of reasons, one, ciguatera and a
31 lot of people, if they've been hit with ciguatera, they don't want
32 to eat a triggerfish again. They may take another chance.

33
34 Also, I don't want to give you all the other points, but the other
35 thing, if you've ever been diving and you're spearing triggerfish,
36 we have something called "you've been kissed by triggerfish."
37 Anybody here been kissed by Triggerfish? You know what that is?
38 Yeah. And if you're a diver and you've been bitten a few times, I
39 was bitten probably two months ago by one. And as a diver and
40 spearfishing, I will shoot a lot of other fish before I shoot a
41 triggerfish. I usually pass them up unless somebody specifically
42 says, "I want a certain size trigger fish." That's my comment.

43
44 **MARCOS HANKE:** Excellent comment. What I'm hearing from the group
45 is, because of the flexibility on the gears that mainly catch queen
46 triggerfish, on traps they are able or capable to release them
47 with a fair amount of release, that are good for the fish, they
48 are going to survive. And in case there is need to do something to

1 prohibit the landing of triggerfish, the spearfishermen, for sure,
2 can stop shooting them. We also heard the good reproduction
3 strategy that the queen triggerfish have to have bigger juveniles
4 introduced after they are fostered by their parents, and they can
5 go on better than other species. It is market driven, it's not an
6 open source of market there. It's possible of product substitution
7 like the gray triggerfish, like the black triggerfish and other
8 things for filling "pastelillos" and other things. There's other
9 fish that are used for that.

10
11 I mean, there are options for the fishing industry that doesn't
12 add socioeconomic problems. Less effort, because of the less effort
13 by hurricanes and other things that Nelson described, we most
14 likely in the future are going to have high landings. All of those,
15 guys, this is expected, and we have already an explanation for it
16 or a partial explanation for it. In the future the highest catch
17 -- yeah, this is what I just said. And the other point that Kreglo
18 just brought to the table, which is the ciguatera.

19
20 All of this is part of the rationale of why Vanessa is presenting
21 the 0.40. I would like to ask Vanessa if I was able to put
22 everything together as part of the rationale why she chose the
23 0.40. Does this make sense to you, what I heard from the group,
24 and I just tried to put it all together?

25
26 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Yes. That's a great summary
27 of everything.

28
29 **MARCOS HANKE:** Okay. Is there any other question? Hearing none,
30 let's vote. Vanessa.

31
32 **VANESSA RAMÍREZ:** Vanessa Ramírez, yes.

33
34 **JAMES R. KREGLO:** James Kreglo, yes.

35
36 **JEAN-PIERRE L. ORIOL:** Jean-Pierre Oriol, yes.

37
38 **CARLOS FARCHETTE:** Carl Farchette, yes.

39
40 **MARCOS HANKE:** Marcos Hanke, yes.

41
42 **JOHN MCGOVERN:** Jack McGovern, yes.

43
44 **MARCOS HANKE:** *Motion carries. All in favor except one absent,*
45 *Puerto Rico DNR.* Thank you.

46
47 Next on the agenda is-- go ahead.

SSC Report- Cont.

RICHARD APPELDOORN: So, SEDAR 57 was next. As I mentioned, we're following the past procedures using the last year of landings to estimate the provisional landings for those years that we don't have either the full landing data set or the correction factors. And I'll point out right from the start, that there were only marginal changes in the predicted OFLs, ABCs and hence ACLs that would come out of that. These were looked at for each platform, so I'll go through each of those.

So, the next slide.

This is two slides showing the model output for Puerto Rico spiny lobster. Those values at the end in purple, or bluish I guess it is, represent the update, the expansion of the update. It actually shows both models all the way through, but the benchmark that we use is on top, so that's the one you see because it's almost exactly the same as the update.

And so, for Puerto Rico, we do have a situation here where we're basically right at the edge of where we want to be. We're right at the MSY limit in terms of biomass, that's the bottom graph. You can see we're approaching that dotted line. And for fishing mortality, again, we actually just sort of crossed it, but, you know, there's variability associated with these estimates. But it basically says we're near where that's supposed to be.

So, what comes out of this? next slide.

You'll see the top set of figures is the original benchmark, results. And the bottom set of figures is the update. And so, again, we're looking at the years 2024, 2025, 2026. You get both the OFL and what that average would be of those three years, which is what the Council chose to use last time. Three-year average. And what the ABCs would look and that average over those three years. This is all based on continuing the use of the P* value that was chosen previously for spiny lobster.

And at this point, I will mention that there's been a very slight update or will be coming from the Science Center on these numbers. Apparently, there were some tweaks in the model they did, but the changes are on the order of 1%. So, the numbers you're looking at here are going to be very reflective of the levels we're talking about here.

Uh, having said this, for Puerto Rico, there's a big butt. First of all, we know that due to the pandemic, there is very little length information from the last two years. And length data's the

1 principal data input to the model. Not the only, but the principal
2 one. So, this is an update, but it's an update without very much
3 new information. So, there's some precaution that goes with that.
4 And as I said before, we noticed that the population's effectively
5 at the limit set by biomass and also fishing mortality.

6
7 So, having said that the DAP members were reporting, and this is
8 not just Puerto Rico, but also the Virgin Islands, are reporting
9 significant pulls in lobster catch. As to say, new recruitment, a
10 big recruitment class seems to be coming in, it's being now
11 reflected in the catch. If that's the case, this may be led to
12 some unintentional overage in Puerto Rico because the model's
13 saying we're already at the limit. And this is what was referred
14 to initially as perverse feedback. If you set a quota level that's
15 allowing your stock to get bigger you will constantly go over that
16 because your stock is actually healthier than you say. And so,
17 we're sort of stuck in this situation because we already had
18 previously accepted this model as being valid.

19
20 So, our recommendation following that situation is that we
21 recommend prioritizing spiny lobster for a new benchmark
22 assessment. Not an update, but a whole new assessment, which we
23 based on new length information that's now coming in, it would be
24 based on, new estimates of selectivity from studies that are now
25 ongoing, etcetera. So, we would be in a much better position to
26 try and try to pin down where our, particularly, our MSY is and
27 then the variability around that, relative to then setting OFLs
28 and ABCs.

29
30 At the moment we're kind of stuck with this situation and hopefully
31 if we can get a new benchmark in, we can avoid undue hardship,
32 potential hardship on the fishery in Puerto Rico. Puerto Rico only.
33 Um, so, to be continued that's the story.

34
35 Here's the model for Saint Thomas Saint John. You can see on the
36 top graph the population and the projections are well below the
37 fishing mortality that would be recommended at MSY. And the
38 population is well above the biomass that would be at MSY. So,
39 it's looking fairly healthy.

40
41 Here are the numbers that come out of that. And same as before.
42 You're getting the OFL in the middle there and the ABC on the
43 right, including the individual years that in this case, decline
44 because you're allowed to -- Oh, sorry. Yeah. Next slide. Sorry.
45 Here we go. So, the bottom is the update. The top is the original
46 values. We're seeing in the middle, it's the OFL values. And in
47 the right, we're seeing the ABC values that would come with that
48 0.45 P* value. And again, the values here are declining because

1 we're saying, initially there's room in the fishery to expand, so
2 go expand if you want to, but then as you fill that, we're going
3 to bring it back down to that MSY suggested level. And so, that's
4 good news. And so, we certainly recommended accepting the Saint
5 Thomas Saint John update.

6
7 Next slide.

8
9 This is the situation in Saint Croix. Again, according to the
10 model, the population looks healthy. And so, not a problem here.

11
12 So, next slide.

13
14 We're recommending accepting this update. And again, you get the
15 OFL values in the center and that average OFL. And on the right,
16 the ABC values and that average ABC, on the far right. And again,
17 these values are high and dropped down because, again, we're saying
18 there's room for the fishery to expand and therefore you could
19 fish at these higher levels but then we would bring that back down
20 to working toward the level appropriate to the MSY.

21
22 So, things were looking good for the Virgin Islands data in that
23 regard. Puerto Rico is the one where we have this question and we
24 don't know what will happen in the future, but we are concern for
25 a potential of going into an accountability situation where maybe
26 the population is actually healthy.

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

29
30 **RICHARD APPELDOORN:** These models are predicted on some constant
31 level of recruitment. There's some variability around that, but I
32 don't think they necessarily incorporate a big year class event,
33 which seems to be what's happening. Again, we don't know how that
34 will play out for the rest of the, well, the rest of the year we
35 do, but next year and the year after. So, you know, there's a lot
36 of, again, a lot of uncertainty in what will happen, but we did
37 want to point out that there is that potential and that's why we
38 want to get back to a full benchmark re-analysis of everything for
39 spiny lobster. Particularly for Puerto Rico because that's the one
40 at risk, as quickly as possible.

41
42 **Discussion SEDAR 57**
43

44 **MARCOS HANKE:** Richard, I have a question. At this point, what do
45 you need? What are you expecting from the Council to decide or to
46 follow up? I have something to say after you respond.

1 **RICHARD APPELDOORN:** Yeah, that's not my call, but I assume you
2 have to say whether you're going to accept these updates and
3 therefore the OFL and ABC values and whether you want -- well,
4 last time you wanted a three-year average and so, that's what we've
5 calculated. Do you want to stay with the three-year averages?

6
7 I'll also point out for SEDAR 80 Queen Trigger. You did not say
8 whether you want three-year averages or not, or whether you're
9 accepting the results at all, for that matter.

10
11 **MARCOS HANKE:** The discussion is open to the Council. Council
12 members, DAPs, anything to say? Julian.

13
14 **JULIAN MAGRAS:** Yeah, Julian Magras, for the record. I would
15 recommend that the Council move forward with the new lobster OFLs
16 and ABCs that have been set forth here. We spent a lot of time
17 discussing and looking at the landings, and we know there are some
18 gaps out there still that need to be filled, and we will be working
19 on getting those gaps filled here very soon, next year. I'm working
20 with the Science Center and getting the information together,
21 that's going to be needed for revisiting the lobsters in 2024
22 because they're going to go through the assessment process once
23 more. But I would ask if the Council can move forward with the
24 Saint Thomas, Saint John recommendations and I'll leave Saint Croix
25 and Puerto Rico speak for their zone. Thank you.

26
27 **MARCOS HANKE:** Council members? Graciela.

28
29 **GRACIELA GARCÍA-MOLINER:** In terms of what the Council needs to
30 do, Richard and Julian addressed the situation. But also, for the
31 SEDAR Steering Committee, you need to make sure that if you want
32 to have the lobster assessed again, that has to come into the
33 schedule. So, those are things that don't have to be decided here.
34 You can say that "Yes, we want," and then you'll go to the steering
35 committee and find out what year you can schedule it.

36
37 Additionally, if there are gaps in the data that need to be
38 addressed between now and the next assessment, then this is the
39 time to do it. And again, it would be a collaboration with the
40 Science Center and the fishers to fill in the gaps that we have in
41 the data that we need for the next assessment.

42
43 **MARCOS HANKE:** Yes. And I have -- I'll go with you, Nelson. I have
44 a question for Clay. We have the lobster reassess or the
45 reevaluation in 2024 already in schedule. Correct? Okay. Nelson.

46
47 **NELSON CRESPO:** Thank you, Mr. Chair. I'm strongly in favor of
48 what Dr. Appeldoorn says. It's necessary to review the lobster in

1 Puerto Rico. And I really worry because on the last reports, the
2 size of the lobster doesn't show big lobsters on that report. And
3 I am under the impression that it is because of the lack or limited
4 number of port samplers we have in the island. I see big lobster
5 commonly. But for example, and I was talking with Wilson this
6 morning about this, I have been fishing with traps for little bit
7 more than one year and nobody has come to my area to do the port
8 samplers. Same in Añasco. I can see the videos that Carlitos
9 Velázquez post on his webpage, and he's showing huge lobsters and
10 that's telling me that here there is something wrong and maybe
11 this Council, maybe, can evaluate the possibility to assign more
12 funds to have more port samplers in the Island.

13
14 **MARCOS HANKE:** Richard.

15
16 **RICHARD APPELDOORN:** Yeah, just to actually support what Nelson's
17 saying. I mentioned, actually for all three islands, we have very
18 little new information that actually went into this because there
19 weren't people out collecting length measurements primarily
20 because of the pandemic. Which, you know, we hope is the situation
21 that will be corrected now in the future, but he's right. Those
22 low sample sizes, we're going to miss things like this. And that's
23 one of the reasons, again, we'd like to have an update or a full
24 re-analysis in the near future.

25
26 **MARCOS HANKE:** And this is very consistent historically. I had a
27 conversation during lunchtime, addressing the conversation, one of
28 the things that we have to facilitate or entertain into the future
29 is to expand or to add capability on port sampling or to acquire
30 that kind of data that is missing, and this is a reflection of
31 that.

32
33 And also, as a Chairman, I would like to answer the question that
34 Graciela stated, if you want the evaluation of the lobster 2024,
35 I strongly say yes from what I'm hearing from everybody on the
36 table. Is anybody in disagreement on the SEDAR assessment for that
37 to be the case? Hearing none, nobody in opposition to that. You
38 have your answer already, Graciela. The Council wishes for the
39 lobster to be a priority as soon as possible on the SEDAR schedule.
40 Go ahead.

41
42 **GRACIELA GARCÍA-MOLINER:** You also need to move forward with the
43 presentation that Richard just gave you with the assessment that
44 the SSC has done and whether or not you accept the-- So, you need
45 a motion to move forward. We're talking about spiny lobster right
46 now, so we can do spiny lobster first. You still need to address
47 the situation with the year or the three-year running average for
48 the queen triggerfish.

1
2 **MARCOS HANKE:** Any Council member would like to make the motion
3 or-- who has a hand up? Gerson? Go ahead, very quick please.
4

5 **GERSON MARTÍNEZ:** Just to elaborate. We also, in Saint Croix, agree
6 with the information you have for the overfishing levels and the
7 annual allowable biological catch for the island of Saint Croix of
8 lobster fisheries.
9

10 **MARCOS HANKE:** Carlos, are you asking to speak? Graciela, can you
11 help on the language of the motion that you just referred to.
12

13 **GRACIELA GARCÍA-MOLINER:** For the spiny lobster, you will be
14 requesting that we update the information that we have with what
15 the SSC has recommended as seen on the discussion.
16

17 **MARCOS HANKE:** Can you put the suggestion for the language on the
18 screen to see if that is acceptable by any Council member to start
19 the discussion and to move forward?
20

21 **GRACIELA GARCÍA-MOLINER:** So, request to update the information on
22 the island-based FMP for the spiny lobster based on SEDAR 57 for
23 all three islands.
24

25 **CARLOS FARCHETTE:** So, moved.
26

27 **MARCOS HANKE:** Any second?
28

29 **JAMES R. KREGLO:** James Kreglo, second.
30

31 **MARCOS HANKE:** Open discussion. Any further discussion for this
32 motion? Richard.
33

34 **RICHARD APPELDOORN:** Yes. What we're recommending, it says there
35 "request to update the information" and what we're actually
36 recommending is a full benchmark assessment. A new benchmark
37 assessment.
38

39 **GRACIELA GARCÍA-MOLINER:** Yeah, but we need to update with the
40 information that you have, the new OFLs and the projection. And
41 then we also need to do the assessment for the--
42

43 **MIGUEL A. ROLÓN:** Graciela, you can say, "updated the information
44 and" add the phrase. You can add the phrase that Richard mentioned.
45 It will add to the motion without--
46

47 **MARCOS HANKE:** Kate.
48

1 **KATHERINE M. ZAMBONI:** Kate Zamboni, for the record. I actually
2 think it would be better to keep those as two separate motions.
3 So, you have one to make the request to do the benchmark assessment
4 and then a second one in terms of what is the Council going to do
5 with the updated information that the SSC presented. So, I would
6 keep those as two separate motions.
7
8 **MARCOS HANKE:** Yeah, we're going to do that then.
9
10 Any further discussion. So, you should really say, request to
11 accept the update of information and the assessment.
12
13 **MIGUEL A. ROLÓN:** Marcos. The thing is, you're talking about two
14 different things. Okay? So, the language that Richard is proposing,
15 if you amend the motion, will read as-- and that's what we need to
16 answer.
17
18 **RICHARD APPELDOORN:** so, this is just talking about accepting the--
19
20 **MIGUEL A. ROLÓN:** Okay. Can you help us with the language, Richard?
21
22 **RICHARD APPELDOORN:** The motion would be that the Council accepts
23 the updated spiny lobster assessment from SEDAR 57 for all three
24 islands.
25
26 **MARCOS HANKE:** SEDAR 57 is already referring to the lobster, right?
27
28 **MIGUEL A. ROLÓN:** ¿Graciela, los puedes ayudar para que ellos lo
29 puedan escribir como él lo dice?
30
31 **MARCOS HANKE:** María.
32
33 **MARÍA LÓPEZ-MERCER:** So, what we need is the Council to accept the
34 recommendation from the SSC and then decide what to do with that,
35 which will be an amendment to the island-based FMPs to do this.
36 So, that could be another motion, and we are prepared to do that
37 as well.
38
39 **MARCOS HANKE:** Okay. But the motion, the first motion that we are
40 discussing now presented by Carlos and second, is still in play
41 and is appropriate, or is it better for him to withdraw that motion
42 and follow your instructions?
43
44 **MIGUEL A. ROLÓN:** No, no, no, no. Marco.
45
46 **MARCOS HANKE:** I'm getting really confused with you guys now.
47

1 **MIGUEL A. ROLÓN:** The motion as is, is what you need to have at
2 this time. The second part of the discussion today is the second
3 motion that María just proposed. So, for the record, the motion is
4 "the Council request staff start amendment to the island-base,
5 blah blah blah" that's the second part.

6
7 So, Graciela, la tiene clara. La primera es aceptar la vaina esa
8 y la segunda es que vamos a hacer con eso.

9
10 **GRACIELA GARCÍA-MOLINER:** So, that what it says. It says "to amend
11 the spiny--

12
13 **MARCOS HANKE:** Adyan, please somebody help me here.

14
15 **ADYAN RIOS:** Adyan Rios, for the record, I just wanted to add or
16 suggest additional clarification and request from Rich. So, for
17 U.S. Virgin Islands, there was only one update model each and for
18 Puerto Rico, just to clarify, the recommendation is the sensitivity
19 model. Correct? Because there were two models presented for Puerto
20 Rico. So, the one that incorporates the revised correction factors
21 for 2020 and 202-- going forward. Rich?

22
23 **RICHARD APPELDOORN:** They'd be the values that I showed on the
24 screen, which remember are going to be tweaked very slightly less
25 than or like 1%. So, not a factor for discussion here, but the
26 actual, you know, something near hundreds or maybe a thousand of
27 pounds change.

28
29 **MIGUEL A. ROLÓN:** Liajay, la moción es de Carlos y second by
30 Kreglo.

31
32 **MARCOS HANKE:** Está invertido.

33
34 **MIGUEL A. ROLÓN:** Okay, the owner of the motion is Carlos. Do you
35 agree with the new language, Carlos?

36
37 **CARLOS FARCHETTE:** Yes. Yes.

38
39 **MIGUEL A. ROLÓN:** Okay. So, for the record, *the owner of the motion*
40 *amends the language to read, the Council requests staff start an*
41 *Amendment to the Island-based FMPs to update OFLs, ABCs projected*
42 *from the SEDAR 57 Spiny Lobster Update Assessment for 2024-2026*
43 *using the constant-catch (i.e., average) values recommended by the*
44 *SSC.* Did you memorize it and know what we're talking about. So,
45 James, do you agree with the new language?

46
47 **JAMES R. KREGLO:** James Kreglo, yes.

1 **MARCOS HANKE:** Jack.
2
3 **JOHN MCGOVERN:** Jack McGovern. It would be good to have ACLs in
4 there as well. OFIs ABCs and ACLs.
5
6 **MARCOS HANKE:** It's suggested and added. Do you agree, Carlos?
7
8 **CARLOS FARCHETTE:** Yes.
9
10 **MARCOS HANKE:** Yes, thank you very much. Further discussion? Don't
11 see any hands. I think we finally got there, and let's vote.
12 Vanessa.
13
14 **VANESSA RAMÍREZ:** Vanessa Ramírez, yes.
15
16 **JAMES R. KREGLO:** James Kreglo, yes.
17
18 **JEAN-PIERRE L. ORIOL:** Jean-Pierre Oriol, yes.
19
20 **CARLOS FARCHETTE:** Carl Farchette, yes.
21
22 **MARCOS HANKE:** Marcos Hanke, yes.
23
24 **JOHN MCGOVERN:** Jack McGovern, yes.
25
26 **MARCOS HANKE:** Thank you all. *There is one absent which is Puerto*
27 *Rico, and the rest of the Council members are in favor.*
28
29 **MIGUEL A. ROLÓN:** Graciela, what else do we need to do at this
30 time with the SSC report?
31
32 **RICHARD APPELDOORN:** Well, you need to, if you are-- we've
33 requested to the Council that a new benchmark assessment for
34 lobster be done as soon as possible. This would be through the
35 SEDAR process. If you accept that, I don't know whether you need
36 to make it a motion to then do that, or this is just something--
37
38 **MARCOS HANKE:** Richard to avoid the same route that we got into,
39 can you suggest the language and put it there and somebody move if
40 they agree?
41
42 **RICHARD APPELDOORN:** Yeah, I'm not sure I'm the one to do that.
43
44 **MARCOS HANKE:** Clay.
45
46 **CLAY PORCH:** Yeah, I almost would leave it vague in terms of
47 assessment, because as some of us have discussed, we need to maybe
48 think about revamping the SEDAR process a little bit for the

1 Caribbean to make it a little more nimble. I'm not sure Benchmark
2 in the way it's applied for some of the other Councils is
3 necessarily the best way to go here.

4
5 So maybe for this language we just say we want to make sure that
6 it's a priority on the ticket. Right now, it is listed as an
7 operational assessment, but that's just because of the way that
8 SEDAR characterizes assessments as research, meaning no management
9 advice coming from it, versus operational that have management.
10 But among other things, I think we need to get SSC engagement a
11 little earlier in the process. I don't think that happened as much
12 for these last two assessments. So then, when the SSC got a chance
13 to look at it, they said, "Oh, but let's look at this and let's
14 look at that" after the fact. And we need to do that actually
15 during the assessment because we just don't have the horsepower to
16 do an assessment and then, you know, it gets reviewed again and
17 then, a bunch of other things get tacked onto it. We need to all
18 kind of do it simultaneously.

19
20 **MARCOS HANKE:** Just because of what you said-- Richard, you go
21 now-- any of you after you make your participation can put the
22 language there, please.

23
24 **RICHARD APPELDOORN:** Well, the committee discussed this, and we
25 were really adamant about it not being an operational, but it had
26 to be benchmark. If I recall correctly, the rationale was a full
27 review of data in-person meetings is really needed. And so, that's
28 why the term benchmark was in our recommendation. But the key thing
29 is to get it on the SEDAR agenda in a timely manner regardless of
30 kind of assessment you're doing.

31
32 But, you know, Clay is right, the benchmark assessment is a much
33 more involved thing, and it takes their time. And yes, we need to
34 get this to SEDAR a little bit earlier. We did have substantial
35 discussion peppered through all this, and the SEDAR 81, about
36 things we could standardize for future modeling that would make
37 this thing much more, well, not sorry, automatic, but smoother.
38 And so, we agree with Clay that those things are coming forward.
39 There were suggestions that were given to Shannon about that, and
40 we think there's a basis there for moving forward with that kind
41 of assessment.

42
43 **MARCOS HANKE:** Graciela and Clay.

44
45 **GRACIELA GARCÍA-MOLINER:** Kate, correct me if I'm wrong, but I
46 think that it's the direction of the Council that we need in terms
47 of getting the lobster into the SEDAR schedule or some type of
48 assessment. We need to talk to the Science Center, we need to

1 evaluate the situation, and it's very clear that the Council would
2 like to move forward with an assessment, we just need to get the
3 language straight in terms of what exactly are we needing and how
4 we're going to conduct the assessment.

5
6 **MARCOS HANKE:** Clay, I will please ask you to help the Council
7 with the language.

8
9 **CLAY PORCH:** Well, that's what I was saying. I don't know that I'd
10 put the word benchmark, because that means something very specific
11 to SEDAR in the way they conducted with the three workshops and
12 all that. We might want to do something a little bit different
13 here. So, it's already listed on the books as an operational, but
14 that doesn't really matter. We can change the terms of how that
15 assessment would be conducted to make sure it covers all the issues
16 that the SSC is concerned about. So, again, I don't know that I
17 would put the word benchmark specifically because that means
18 something special to SEDAR, but I think you can certainly put that
19 the assessment that's conducted in '24 would include and then you
20 could put a list of the things you want to make sure that it
21 includes. Does that help?

22
23 **RICHARD APPELDOORN:** I'm not sure I could specify the list of
24 things, but it would really revolve around making sure we had lots
25 of fishermen input on the data in particular, and we didn't see a
26 way of that happening without having in-person, you know, live
27 meetings for each platform.

28
29 **CLAY PORCH:** Yeah, we agree we'd like to have the in-person
30 meetings but that doesn't mean it has to be with the benchmark
31 assessment in-person data, in-person assessment, in-person review
32 workshop. I think we can do it a little bit differently, so we
33 don't have to follow the SEDAR formula for a benchmark.

34
35 **RICHARD APPELDOORN:** Well, I'll leave that up to you. The SSC was
36 concerned that we need to revisit this stuff in a much more
37 rigorous way than we were doing now.

38
39 **MARCOS HANKE:** Clay, maybe the moment for the motion on that,
40 because we are all adapting and learning this process is not a
41 good moment now. I will invite the Council. I asked the Council if
42 they rely on the coordination between Graciela and Clay to find
43 the better way to address our request that the record is already
44 strong, that we want to get the better information about lobster,
45 and they are trying to find a way, a Caribbean way, of doing this
46 and adapting to our needs. Is that fair enough for the Council? Is
47 anybody in opposition to that? Hearing none, this is what we're
48 going to say, you and Graciela and myself and Miguel and whoever

1 you guys' think is appropriate, will, and María, will be involved
2 on this and will be reporting the outcome to the Council members.
3 You want to say something?
4
5 **JEAN-PIERRE L. ORIOL:** Yeah. Thanks Mr. Chair. I would just
6 recommend that we sit on offline and develop the language. There's
7 nothing that says we have to present the motion right now. So,
8 we've got another day and a half that we can still present that
9 motion.
10
11 **MARCOS HANKE:** That's another option too. That's why I ask, right?
12 Yeah. So, and I invite you to support the group on that.
13
14 **JEAN-PIERRE L. ORIOL:** Yeah.
15
16 **MARCOS HANKE:** Thank you. We will leave it like it is for now and
17 we keep the discussion as appropriate in the future. Next
18 presentation. There is still more?
19
20 **RICHARD APPELDOORN:** There's more. But most importantly under queen
21 triggerfish the Council did not specify whether they want to go
22 with the three-year average OFL, ABC determinations or whether
23 they wanted to go with the moving values for each year. Remember
24 for spiny lobster, you took the average.
25
26 **MARCOS HANKE:** Carlos.
27
28 **CARLOS FARCHETTE:** I moved for a three-year average.
29
30 **MARCOS HANKE:** Any second?
31
32 **VANESSA RAMÍREZ:** Vanessa Ramírez, second.
33
34 **MARCOS HANKE:** Further discussion. This is for queen triggerfish,
35 correct, Carlos?
36
37 **CARLOS FARCHETTE:** Right, right. I'm sorry. Three-year average for
38 queen trigger.
39
40 **MARCOS HANKE:** In all areas?
41
42 **CARLOS FARCHETTE:** In all three areas, yes.
43
44 **RICHARD APPELDOORN:** Okay, it's only two areas. We did not accept
45 the model for Saint Croix.
46
47 **MARCOS HANKE:** Okay. do you agree, Vanessa?
48

1 **VANESSA RAMÍREZ:** Yes.

2
3 **MARCOS HANKE:** Yes. Further discussion? Anybody in opposition? I
4 don't see any hands.

5
6 **RICHARD APPELDOORN:** Actually, let me rephrase that. It's only for
7 Puerto Rico that we accepted the model. We are hopeful the model
8 will also eventually produce for Saint Thomas. We're not there
9 yet. So, it's only for Puerto Rico. Sorry.

10
11 **CARLOS FARCHETTE:** Okay. *Three-year average of queen trigger for*
12 *Puerto Rico only.*

13
14 **VANESSA RAMÍREZ:** Second.

15
16 **MARCOS HANKE:** Anybody in opposition. Hearing no hands, no request
17 for the floor. *The motion carries. It was one absent.* Graciela.

18
19 **GRACIELA GARCÍA-MOLINER:** So, the other thing is to make sure that
20 we follow suit with the Quin trigger for Saint Thomas, specifically
21 being the symbol of the Saint Thomas Fisherman Association for so
22 long. The queen trigger needs to be further looked into for the
23 Saint Thomas area, Saint Thomas/Saint John area. So, I think that
24 we are in in the right direction working with the Science Center
25 on that, so the Council, you know, has heard from Richard and the
26 SSC, and that's the way to go.

27
28 **MARCOS HANKE:** We don't need any motion or anything from the
29 Council. Thank you. Next on the agenda. Do you have anything else,
30 Richard?

31
32 **SSC Report- cont.**

33
34 **RICHARD APPELDOORN:** Yeah, there's lots more. But I'll go through
35 it very quickly. So, if you go to slide 25.

36
37 Alright. A quick summary on what's called SCS7. This is the group
38 of SSC sort of throughout the entire Council system to getting
39 together to look at things. We were looking at adapting fishery
40 management to a changing ecosystem. It was really more generally
41 EBFM. We had three sessions on how to incorporate ecosystem
42 indicators into stock assessment, developing information needed to
43 do that and EBFM in general and how assess developing
44 recommendations for species exhibiting distributional changes. And
45 really, I'll take a slightly cynical look at this. We really were
46 kind of presented with two kinds of scenarios.

47
48 The next slide.

1
2 This is an example from Alaska and it's the collapse of the Eastern
3 bearing sea snow crab population fishery. This hit the news about
4 a month ago, I guess. In the upper slide was the distribution. So,
5 high, red is good that's in 2018, by 2021, you don't see any red
6 and there's a little bit of orange in the very, very Northern area.
7 On the right it's the retreat of the cold-water area and this only
8 goes up to 2015. So, by 2021, that cold area was reduced to a very,
9 very small spot in the Northern area. They worked out the biology
10 of all this and basically the snow crabs were starving because
11 their food base was collapsing with warming temperatures. So, this
12 is an example of the kinds of things they're talking about in
13 climate change.

14
15 Here's a situation in Puerto Rico. So, in Alaska they're talking
16 about temperature changes over a span of 670 miles. In the U.S.
17 Caribbean, we have a North South range of about 55 miles. We're
18 not going to see these kinds of changes per se coming in. It's not
19 that we're not going to have them, it's just that we're not going
20 to have the large geographical range to pick up that signal.

21
22 What we're more likely to see is something that's showing up in
23 the South Atlantic. So, poor recruitment of reef fishes in the
24 South Atlantic. So, those ones in red are showing a decrease in
25 abundance, that's evident of low recruitment. Those in green are
26 the ones that are having an increase and no problem with
27 recruitment. If you look at the graph when they're spawning the
28 ones in trouble are all spawning basically January, February,
29 March, April. Maybe a little bit in November, December, but earlier
30 in the year, the ones in green are doing fine. They're out in June,
31 July and August.

32
33 If you go to the next slide, this shows the increase in temperature
34 above past normal values. So, the more red it is, the hotter it's
35 getting, and this is by a monthly basis. And you can see those
36 first four months are much hotter than the normal baseline relative
37 to those later months. So again, it looks like temperature in this
38 case is driving a reduction in reproduction and or recruitment
39 somehow. The mechanism has not been worked out. This is the kind
40 of thing we could expect to see more readily in Puerto Rico, either
41 because something like queen conch, which is now thought to be
42 very sensitive to higher temperatures. So back reef areas where
43 they still have back reef populations like in Florida, those are
44 not reproducing. The four reef areas are doing fine because they're
45 in deeper water. So, we may see distributional shifts of
46 reproduction of something like queen conch into 60 feet of water
47 versus 20 feet of water.

1 For something like some of the groupers where we think they need
2 to reach a minimum cold temperature for them to trigger the
3 spawning, if that cold temperature doesn't get down there, we may
4 have problems that may drive them, again, into deeper waters and
5 kind of re-shift where their spawning aggregations are taking
6 place. We haven't seen that yet, but to be expected.

7
8 Next slide.

9
10 Apart from the presentation that we gave, which was very different
11 from any of those, and I'm actually not going to go through that,
12 I'm hoping maybe that can be given to the Council directly by Dr.
13 Cruz Motta, who led that effort. We heard a presentation by Sarah
14 Gaichas using ecosystem information and stock assessment advice
15 process. And here she was not trying to generate models, or somehow
16 [inaudible] this would come right into the model and say, "okay,
17 this is how we adjust our values." She was talking about how we
18 get an idea of where the fishery is in much more real time and how
19 this affects uncertainty in our values and where you can plug that
20 increase or decrease in uncertainty in the process. And a lot of
21 it's based on what they developed as a state of the ecosystem
22 report, which is they go out to the fisher, actually the DAPs I
23 think it was, and they poll them with a series of questions for
24 every species every year. It's an evolved process.

25
26 So, something like this is trying to be developed through the EBFM
27 TAP led by Tarsila Seara, and so, you'll be hearing more about
28 that in the future. But she was laying out here, you know, how do
29 we deal with uncertainty? Where does this plug into the various
30 decisions? That for her, the Mid-Atlantic Council had to deal with.
31 And we were all very impressed with that as being something that
32 was very, very useful and getting away from, how do we develop the
33 models to do this? to kind of what can we do right now? because
34 the models aren't there yet and will not be there for at least
35 some while. And so, we recommended that the Council invites Sarah
36 Gaichas to give basically her presentation, so you can see how she
37 was using information from the fishery and trying to plug us in to
38 look at how this affects the decisions that the Councils will make.
39 Largely reflecting uncertainty, but-- So, that's the only real
40 recommendation we had coming out of that meeting.

41
42 Um, and I'm going to skip a few slides. Go to slide 33.

43
44 Yes. So, here are just some of the recommendations that came out
45 of this. Basically, we're all saying we're in a new dynamic
46 environmental situation, and this is going to change a lot of the
47 way we do things. So, we want to ensure that the Management
48 Councils have the capacity to adapt fisheries to management and a

1 changing environment. So, we need to continue and expand efforts
2 that are using monitoring and new technology to gain information.
3 How do we process these and how do we throw these into
4 retrospective studies, so we can look at changes over a longer
5 period of time? Models have to be developed. So, that's still
6 emerging, but we can still use management strategy evaluations as
7 a way to explore what climate changes problems might ensue and how
8 to incorporate those uncertainties or models that might look at
9 this.

10
11 Um, Sarah Gaichas and her position, but certainly a lot of other
12 people were talking about, we need to get multiple ways of
13 detecting change. So, it's not just the science state of the S and
14 the N, it's local knowledge and traditional knowledge has to be
15 further brought into the process, which is what she was trying to
16 do with her social state of the ecosystem reporting.

17
18 And there's going to have to be evolving standards because the
19 whole system we're working with is changing. And interdisciplinary
20 research teams are going to be needed for success, for training
21 students and succeeding at what we need. In other words, you're
22 going to have the stock assessors, you're going to have the EBFM
23 people, they're going to have to get together and make sure that
24 one's reflecting concerns of the others. So, I'll just leave it at
25 that. There's some other data or some other comments in the
26 presentation about where we are and whatnot but those are the
27 major, I think, recommendations that would apply to our situation
28 here in the Caribbean.

29
30 So, my second to last slide is on conflict of interest. Just to
31 point out that we implemented at both our meetings, the new
32 guidelines for conducting meetings. These were read at the start
33 of each meeting with reminders each day that we're still following
34 that. In a general sense, it was felt that these new guidelines
35 have worked to facilitate a more directed and amicable discussion.
36 So, we thank the Council for passing those on to us. However, there
37 are some still issues of past accountability that we felt remained
38 unaddressed. I'm not going to go into those, but they're there.

39
40 And then lastly. So, for those of you who haven't heard, I am
41 resigning my position as Chair of the SSC, not as a member, but as
42 a Chair effective tomorrow, but I won't be here tomorrow, so that's
43 a little more effective today. There are various reasons for that,
44 and mostly it's the fair amount of stress associated with running
45 these meetings. You do deal with conflicts of opinion. On the one
46 hand, you also have to extract the committee to respond to things
47 and make decisions and push discretion and while you're doing that,
48 you're not able to act in a deeper level with the issues. I can't

1 stop the meeting and say, let me think about this for a while. So,
2 I'm constantly driving things as you well know. And there's a level
3 of stress involved with that. I've been at this for 10 years.
4 That's well beyond what the Chair of the Council's allowed to do.
5 So, this is an accumulated thing. And you know, it's also involved
6 the defense of some of the SSC members and those accountability
7 measures. So, having said that I'm resigning that position. I want
8 to thank the current, past members of the SSC. I want to thank or
9 recognize the help of the Science Center, especially the stock
10 assessment staff and especially Shannon, who's been particularly
11 good at being patient, explaining clearly in ways that some other
12 assessors cannot, what the issues are, what do they do, getting it
13 through to not just the people with stock assessment experience on
14 the SSC, but the others as well. Uh, the assistance of the Council
15 staff, especially Graciela, for keeping me focused. And certainly,
16 the current/past members of the Council whom I've had the pleasure
17 to report our results forward and I look forward to continuing to
18 work with the Council and the SSC as an SSC member. So, thank you
19 all.

20
21 **MARCOS HANKE:** Thank you, Richard. And I want to say that your
22 leadership on the SSC is very much appreciated by all the fishermen
23 and manager and everybody that is involved with the Council. Thank
24 you very, very much for being patient, kind, and very professional
25 on every level and aspect of the Chairmanship that you conducted.
26 And for sure that kind of leadership is going to be with you even
27 though you're not a Chairman anymore. Your presence there is
28 extremely important. Thank you for your support and availability
29 to stay on the SSC. Thank you very much.

30
31 **RICHARD APPELDOORN:** Thank you very much, Marcos.

32
33 **MARCOS HANKE:** And now we are going to the point. You have the
34 recommendations in there. I want to, because we don't have the
35 time, addressing Tarsila and J.J.'s work that you make historic in
36 other region similar approaches—

37
38 **RICHARD APPELDOORN:** But that can be done at another time. The
39 only recommendation we actually made, was to have Sarah Gaichas
40 present to you the kind of approach she was doing in Mid-Atlantic.

41
42 **MARCOS HANKE:** Yes.

43
44 **RICHARD APPELDOORN:** And you don't necessarily need a motion, I
45 guess, but sometime during the meeting decide whether that would
46 be a good idea.

1 **MARCOS HANKE:** We can do it at another time. Let's go with the
2 agenda. Graciela, very quick.

3
4 **GRACIELA GARCÍA-MOLINER:** So, we've already approached Sarah and
5 Mandy specifically from the Science Center because the movement of
6 the EBFM Technical Advisory Panel and the development of the
7 ecosystem models that Lenfest is providing with additional
8 stakeholders. So, the idea would be to have a joint meeting of the
9 SSC and the EBFM TAP, probably along the same days of the Council
10 meeting. We've done this before or two days for the SSC and the
11 EBFM TAP and then the Council meeting. So, we need to get dates on
12 the calendar and have everyone involved in those aspects of fishery
13 management involved during those two meetings.

14
15 **MARCOS HANKE:** Miguel.

16
17 **MIGUEL A. ROLÓN:** Yeah. Graciela and I talk about this before, you
18 don't need another motion. But rest assured that Graciela will be
19 coordinating this meeting to make as effective as possible. That
20 will be in the first half of 2023. And now that I'm talking. I
21 would like to personally thank Richard Appeldoorn. I remember when
22 you came to the Marine Science Department and gave us your talk
23 about when you were a candidate, and everybody thought "Meh, he's
24 another 'gringo'". But he became another Puerto Rican. We adopted
25 him. And through the years, not only have I learnt a lot through
26 Richard Appeldoorn, I have a lot of respect for everything that
27 you do. I saw your little kid when he was a kid, and now he's going
28 to be another doctor. And for that, we are really grateful.

29
30 At one time, this is the last anecdote, I was invited to go to a
31 big meeting, and I couldn't make it because Washington called me
32 for another meeting. So, I asked "Richard, can you go there?" So,
33 he went, and he defended the University of Puerto Rico and the
34 Virgin Islands, like he was a native. After he came back, one of
35 the coordinators called me and said, "Miguel, you didn't come, but
36 you sent another guy who's worse than you." I said, "Well, that's
37 who tell you. We have a lot of people that we respect." So, we are
38 really grateful, Richard, for all your 10 years as an SSC member
39 Chair, and for all your friendship during all these years, and
40 professionalism. We are really in debt with that, and I'm sure
41 that Graciela will be talking to you a lot through the years as a
42 member of the SSC. So, I want to reiterate on behalf of the whole
43 staff, our appreciation for everything that he has done for this
44 Council. Thank you very much.

45
46 **MARCOS HANKE:** I will ask for a round of applause, please.

47
48 **RICHARD APPELDOORN:** Thank you, Miguel. Thank you everybody.

1
2 **MARCOS HANKE:** Thank you. And next agenda item is going to be
3 presented by Orian.
4

5 **Proposed Rule to Designate Critical Habitat for the Threatened**
6 **Nassau Grouper**
7

8 **ORIAN TZADIK:** Okay. Good afternoon, everyone. Buenas tardes a
9 todos. My name is Orian Tzadik. I work with NOAA Fisheries in the
10 Southeast Regional Office Protected Resources Division. Today I'm
11 going to be presenting on two separate topics regarding the
12 Endangered Species Act. First has to do with Nassau Grouper
13 Critical Habitat proposed listing. And the second will be queen
14 conch proposed listing under the Endangered Species Act.
15

16 All right, so, like I said, alright, great. So, we're going to
17 start with the Nassau Grouper. As many of you know, the Nassau was
18 listed under the Endangered Species Act as threatened in 2016 and
19 under the Endangered Species Act, what happens is that next we
20 have to designate critical habitat for the species.
21

22 And as a quick aside, the major reason that we're designating
23 critical habitat is for something under the Endangered Species
24 Act, section seven, which requires consultations from different
25 federal agencies. So, it's basically for big projects that occur
26 in the area, and we want to know what the effects would be on any
27 endangered or threatened species.
28

29 So that's what this is all about, the critical habitat. So, after
30 considering public comment and consulting with experts in the field
31 the proposed critical habitat rules was issued in October of this
32 year, and it is currently open for public comment until December
33 16th.
34

35 Next slide, please.
36

37 So, it's important to note that for the critical habitat of Nassau
38 Grouper, we didn't just go to a map and circle anywhere that we
39 thought a Nassau might exist. We instead chose two essential
40 features to consider when making these kinds of designations. The
41 first is based on designating habitat from nearshore to offshore
42 to accommodate development and the growth of the species. And then,
43 considering within that the benthic habitat that occurs. And then
44 the other feature was known spawning aggregation sites.
45

46 Next slide, please.
47

1 There's a lot of text on this slide. I'm not going to read it, but
2 I just want it in there for the record if anybody wants to go back
3 to look for it. And this is a description of the two essential
4 features. And you'll see on the first one, we're looking at
5 contiguous areas from nearshore to offshore that are necessary for
6 the development and growth of Nassau grouper containing a variety
7 of natural or artificial benthic types that provide cover from
8 predators and habitat for prey. And they consist of these following
9 components, the nearshore shallow subtidal marine nursery areas,
10 the intermediate hard bottom and seagrass areas, offshore linear
11 and patch reefs, and then the structures therein. And then again,
12 the second essential features were these known spawning
13 aggregation sites and the immediate area next to them.

14
15 Next slide.

16
17 So, in the rule, you can go in and take a look. We have maps
18 throughout the U.S. Caribbean and Florida of different units. And
19 so, these maps are particularly focused on the first essential
20 feature that I was talking about, that kind of shallow water to
21 deep water connectivity area. So, the first is the Navassa Island
22 unit, and that's what it looks like. It's basically a ring around
23 the island.

24
25 Next slide.

26
27 Potentially of more interest to a lot of people in this room. We
28 have the West Puerto Rico units. One for Mona, one for Desecheo,
29 and one for Southwestern Puerto Rico. And if you guys know these
30 habitats, you'll notice, again, we're looking at that area where
31 we think we have recruitment of the larvae that then grow up and
32 go out to the offshore reefs.

33
34 Next slide.

35
36 We did the same thing in Eastern Puerto Rico, and you can see those
37 kind of shallow water habitats there. And then the Northern side
38 of Vieques and the East part of Culebra and the Western part of
39 Culebrita.

40
41 Next slide.

42
43 Same thing for the Virgin Islands. In this case, it happens to be
44 kind of the East side of all the islands. Saint Thomas, Saint
45 Croix, Saint John, and Water Island. And again, this does not
46 include a few other areas where we know the spawning aggregations
47 exist. Now, one important thing to consider here, when we zoom
48 out, you'll see that all of these units are within the coral

critical habitat that's already been established. So, any one of these consultations that needs to happen, already needs to happen for these areas for corals. The kind of exception here is we're going to be putting in a few of the spawning aggregations.

Next slide.

And you can see that it's not coming through very well, but the shaded areas are the coral critical habitat, and then the kind of the hexed areas on top of that are the nassau critical habitat. And you can see for the majority of the cases they line up on top of each other.

Next slide.

Part of the critical habitat ruling is that we have to do an economic analysis as well. If you want to go through the details, it's all in the proposed rule. But one thing I just really want to point out here is that last point there, where it says, "No significant impacts to a substantial number of small entities," right? So, we don't anticipate the designation of this critical habitat having any real economic implications towards small businesses or large ones for that matter.

Next slide.

Very quickly. I kind of need to mention this, that there were areas that were not considered, and that's basically areas that the Council manages, but that didn't include those essential features.

Next slide.

All right. And so, if anybody has any information that they would like us to consider further with regards to critical habitat and nassau grouper, I encourage you to please go to [regulations.gov](https://www.regulations.gov). Uh, Liajay's going to put a link in the chat directly to the comments. And for us to consider any comments that anybody has, we have to do it in this forum and we're very much looking forward to anything that we may have missed. And we'd encourage you guys to submit anything if you have any further information. That's the end of the presentation for nassau. I can move on unless there's questions.

Discussion

MARCOS HANKE: Just keep moving on. I just want to highlight in Spanish. If you want, I can do it, because there are fishermen from Naguabo here and attending the meeting.

1
2 Esa información que está en la pantalla es donde ustedes deben,
3 para que sea de manera oficial, emitir sus comentarios.

4
5 **ORIAN TZADIK:** Exacto y para el reglamento final tenemos que
6 contestar a esos cometarios. Pero solo tenemos que hacerlo si lo
7 hacen de esta manera.

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

10
11 **JEAN-PIERRE L. ORIOL:** Just one quick question. So, right now,
12 because again, it's in the public common period for the critical
13 habitat designation, is NOAA Fisheries at all planning or looking
14 at any, what's it called, like areas under the 4(d) rule right
15 now? Or you guys are waiting until the public comment comes back
16 in?

17
18 **ORIAN TZADIK:** Um, there is no current 4(d) rule process underway.
19 If one was to be initiated, it would be a completely separate
20 process from the critical habitat and the listing and everything.
21 It's a totally separate process with separate public comments.
22 However, if there's something that somebody would like to suggest
23 for a 4(d) rule, you're more than welcome to put it in the public
24 comment period at this time as well.

25
26 **JEAN-PIERRE L. ORIOL:** Okay, thank you.

27
28 **MARCOS HANKE:** Thank you. Please proceed with the other
29 presentation.

30
31 **Proposed Rule to List the Queen Conch as Threatened Under the**
32 **Endangered Species Act**
33

34 **ORIAN TZADIK:** All right, let's go to queen conch. Next slide.

35
36 Alright. So, very quickly just want to talk about the process here.
37 So, I'm going to give a presentation on the potential ESA listing,
38 the Endangered Species Act listing, for queen conch and the
39 proposed rule. Then we're going to have a question-and-answer
40 session, but that question-and-answer session is going to be
41 restricted to the clarification on the listing process and the
42 proposed rule itself.

43
44 Um, please note, if you want to make a public comment on this
45 topic, please do so, at the link provided there. Liajay's going to
46 put it in the chat as well. Also, if anybody has a smartphone with
47 them, you can do so with the QR code that you see on the screen.

1 And the public comment period in response to stakeholder request
2 has been extended till December 15th of this year.

3
4 So public comments should be made online in this forum.
5 Alternatively, you can mail them in. And comments that are given
6 during the question-and-answer session or during the public
7 comment that go to the Council will not be considered in the
8 official record. And this is important because the official record,
9 as I mentioned with the grouper, the official record, is where we
10 then as NOAA Fisheries have to respond to the comments. Any
11 comments that are received right now are not technically on the
12 official record, and therefore I cannot respond to them.

13
14 I'd also encourage, I've been seeing a lot of posts on that have
15 been sent to me via social media, and I would recommend that
16 anybody who's got things to say, do it through the official forum,
17 because again, the social media is not a recognized platform that
18 we can actually engage in.

19
20 Kate.

21
22 **KATHERINE M. ZAMBONI:** Kate Zamboni, for the record. Just on the
23 social media platforms, those can be very powerful tools for
24 sharing information and getting the word out that the comment
25 period is open. They can also be the source of misinformation, so
26 I just would encourage that if anyone is using social media to
27 convey anything about the proposed rule, avoid perpetuating
28 incorrect misunderstandings.

29
30 **ORIAN TZADIK:** All right. Thanks, Kate. Alright. Next slide.

31
32 Alright. The first thing I wanted to do is just back up a second
33 and talk about how a species gets listed under the Endangered
34 Species Act in the first place. In this process, NOAA scientists
35 use the best scientific and commercial information that is
36 available as a basis for making a listing decision. Importantly,
37 science scientists cannot include considerations for economic
38 impacts at this time during the listing process. What we are
39 required to do is evaluate five factors in particular. These are
40 listed out in the Endangered Species Acts. Factor A, present or
41 threatened destruction, modification, or curtailment of its
42 habitat or range; factor B, over utilization for commercial,
43 recreational, scientific, or educational purposes; C, disease or
44 predation; D, inadequacy of existing regulatory mechanisms; and E,
45 other natural or human made factors affecting its continued
46 existence. The Endangered Species Act requires listing
47 determinations that are based solely on scientific and commercial

1 information and evaluating these factors. And again, economic
2 impacts are not considered at this time during the listing process.

3
4 Next slide.

5
6 Under the Endangered Species Act, scientists can choose to list
7 something as either endangered or as threatened. And the biggest
8 difference here has to do with the timeframe that we're talking
9 about. So, an endangered species is a species that's considered
10 endangered if it's endangered of extinction, and this is important,
11 throughout all, or a significant portion of its range. So, an
12 endangered species is interpreted to be presently at risk of
13 extinction. If a species is listed as endangered, under section
14 nine of the Endangered Species Act, there's automatically
15 prohibitions that kick into gear, such as several types of takes.
16 So, including harming, harassing, collecting, or killing and those
17 become automatic.

18
19 However, if a species is listed as threatened, that's defined as
20 any species which is likely to become an endangered species within
21 the foreseeable future. Again, throughout all or a significant
22 portion of its range. The foreseeable future varies by species,
23 and I'll go into how we did it for queen conch in a minute. So,
24 this is a species-- a threatened species is one that is not
25 currently at risk of extinction but is likely to become so in the
26 foreseeable future. Now with a threatened species listing, there
27 are no protections, there's no regulations that go into play
28 immediately.

29
30 As JP mentioned earlier, there is something that's called a 4(d).
31 Under section four of the Endangered Species Act we can provide
32 provisions and regulations specific to the species that we deemed
33 threatened. So, these are much more variable and much more
34 customizable. And if we were to enact a 4(d) rule, that is a
35 completely separate process from what we're doing right now.

36
37 So, the first-- well, I'll go through that in a second. Next slide.

38
39 Alright. So, the way that the species gets listed under the
40 Endangered Species Act. This is the process that you see here. And
41 I'll note on the side of the screen you'll see the red little
42 stars. That's a theme throughout the presentation. When you see
43 that, that designates a time that we are looking for public input
44 and we will then address that kind of public input for the next
45 step of the process.

46
47 So usually what happens is that NOAA Fisheries will receive a
48 petition for a particular species. Within 90 days we then must

1 publish a finding that states the decision whether to accept the
2 petition or not. If we don't accept it, it's called a negative 90
3 day finding. If we find a positive 90 day finding, we initiate
4 something called a status review for the species. Within one year,
5 after conducting the review, we can then decide whether the
6 petition was warranted or not warranted. If it's not warranted, we
7 publish a negative 12 month finding. If it was warranted, we
8 publish a 12-month finding in the form of a proposed rule, and
9 that's what we're discussing today.

10
11 After publishing the proposed rule to list the species, we consider
12 public comments and any new data before making a final decision.
13 That decision may also include withdrawing the proposed rule, if
14 we find there's not sufficient evidence to justify the action. The
15 final rule is then generally published within one year of the
16 proposed rule.

17
18 Next slide.

19
20 Alright. So, let's bring it back to queen conch. So, for the queen
21 conch, we had a status review and there's a QR code there on the
22 top right, if anybody wants a link to the status review itself.
23 It's very in depth and long document. The status review team
24 consisted of seven science and policy experts from NOAA Fisheries.
25 And importantly, the status review summarized the best available
26 scientific and commercial information on the species and presented
27 an evaluation of the queen conch status and the extinction risk.
28 And this was then published as a NOAA technical memorandum. So,
29 specific to this status review, this status review considered
30 information from approximately 39 jurisdictions throughout the
31 Caribbean, evaluating landings data from two different
32 international databases, considered the best available data on
33 things on all sorts of biological processes, including
34 reproduction, compensatory processes, and reproductive density
35 thresholds. It looked at a population connectivity model that was
36 developed in order to inform impacts of low localized adult
37 densities. And it considered the best available information on
38 existing regulatory measures.

39
40 This status review was then passed on to peer review, and it was
41 independently peer reviewed by three separate experts in the field.
42 And again, those are all public information. You can look at the
43 peer reviewed comments through the QR code at the bottom of the
44 screen there, on the right-hand side. And there's a link on the
45 website as well.

46
47 Next slide please.

1 Out of the status review, there were several key findings that
2 were used to inform the extinction risk analysis. The most
3 significant threat to queen conch was evaluated as over
4 utilization, and this is through commercial, artisanal and
5 illegal, unreported and unregulated fishing.

6
7 Next was regulations. There are significant issues with compliance
8 and morphometric regulations, enforcement and poaching throughout
9 the range of the species. Next was compensatory processes. So, the
10 majority of the places we looked at were found to be below the
11 minimum adult density that's needed for reproduction of queen
12 conch. We next saw broken connectivity, as I alluded to earlier,
13 lower densities in certain places are not allowing for the same
14 reproductive output, thereby breaking connectivity within the
15 region. And last, we evaluated climate change as a serious impact
16 to the species.

17
18 All these were used to inform the extinction risk analysis. It
19 kind of cut off at the end there, but I think you got it. And the
20 extinction risk analysis provided a status of moderate. So, it was
21 discussed and agreed upon that the species is at a moderate risk
22 of extinction. Which means it's on a trajectory that puts it to a
23 high level of extinction risks in the foreseeable future. And as
24 I mentioned, the foreseeable future is a term that's used in the
25 Endangered Species Act but changes by species.

26
27 So, for the queen conch, the foreseeable future was decided on 30
28 years, and that has to do with different life history
29 characteristics of the queen conch, as well as landing's data
30 availability. The only exception was when we were evaluating the
31 topic of climate change in which we used a little bit longer of a
32 time horizon, and we were looking at a target date of 2100 for
33 that.

34
35 Next slide.

36
37 Alright. So, we evaluated the status review and then we got to the
38 proposed rule, right? So, the key findings from the status review
39 were used to inform the proposed rule listing determination, and
40 the status review found that queen conch were at a moderate risk
41 of extinction throughout the range of the queen conch. This is a
42 very important that we're talking about the entire species here
43 and not, you know, localized populations.

44
45 The external peer review comments were then addressed, and it was
46 decided that the best available science indicates that the queen
47 conch warrants the listing of threatened under the Endangered
48 Species Act.

1
2 Now, I mentioned those five factors at the beginning of this
3 presentation, and I want to discuss them briefly, one at a time in
4 the order of their importance to this listing.

5
6 Next slide.

7
8 So, the most important factor was decided as factor B, the
9 overutilization for commercial, recreational, scientific, or
10 educational purposes. This is the most significant threat to queen
11 conch which is overutilization for commercial purposes. Illegal,
12 unregulated, and unreported fishing, in particular, is a threat
13 that's significantly contributing to the species extinction risk
14 currently and into the foreseeable future. There's a lot of
15 information on all of these slides and we purposefully put it all
16 there, so that you guys can all look at this at your own time. But
17 I'm going to kind of just blast through all these things pretty
18 quickly. But I'm happy to discuss them further later if you want.

19
20 But as a few points to emphasize this, only about 10% of the
21 jurisdictions that were reviewed were fishing at or below a
22 sustainable exploitation rate and also have conch densities that
23 are capable of supporting successful reproduction.

24
25 41% of the jurisdictions were exceeding that exploitation rate and
26 have median densities below the threshold required for successful
27 reproduction. And 33% of the jurisdictions were exceeding the
28 exploitation rate and have median conch densities well below that
29 minimum threshold needed for reproduction.

30
31 Very, very key to all of this also. Illegal, unregulated and
32 unreported fishing is contributing potentially over more than 15%
33 of the landings throughout the region. So, this is a big problem
34 with this species.

35
36 Next slide, please.

37
38 The next most important factor was factor D, the inadequacy of
39 existing regulatory mechanism. There are significant issues with
40 regulatory compliance, efficacy of minimum size regulations to
41 prevent juvenile harvest, limited enforcement of regulations,
42 sparse and inconsistent population monitoring and substantial
43 poaching.

44
45 So, things like minimum meat weight, shell length, and flared lip
46 regulations indicate that immature queen conch are being legally
47 harvested in 20 of the jurisdictions that were evaluated. The
48 majority of these fisheries do not have requirements to land in

1 the shell, thereby undermining enforcement and compliance. 15 of
2 the jurisdictions don't have regulations that include a seasonal
3 closure, and some that do have seasonal closures don't necessarily
4 concentrate on the queen conch. They have seasonal closures for
5 other species, and then they include the queen conch. 21% of the
6 jurisdictions do not have regulations that prohibit scuba gear,
7 thereby limiting the efficiency of the deep-water refuge. And only
8 a fraction of the jurisdictions are conducting periodic surveys to
9 gather the relevant information on the status of the population.

10
11 Next slide.

12
13 The last factor that was thought to be of importance with regards
14 to this listing is factor E, and this is other natural or manmade
15 factors that are affecting the species' existence. And in this
16 case, we're talking about climate change. The available
17 information indicates that climate change, specifically sea
18 surface temperatures, ocean acidification, and potential changes
19 in circulation patterns are likely to affect the reproduction,
20 growth and survival of queen conch into the foreseeable future.

21
22 Things like carbon dioxide levels that are expected in the year
23 2100 are likely to negatively impact shell formation. The sea
24 surface temperature in the Caribbean may exceed 31 degrees Celsius,
25 and that will have negative implications for early life stage and
26 reproduction. And possible changes in the circulation patterns
27 would have significant implications for recruitment processes and
28 reproduction.

29
30 Next slide.

31
32 The last two factors, again, had to be considered, but they were
33 deemed as not contributing to the status of queen conch. While we
34 recognize these exist, these factors do contribute, they were not
35 thought to substantially impact the status enough to warrant
36 listing. So, these are factor A, present or threatened destruction,
37 modification, or curtailment of the habitat and factor C disease
38 or predation.

39
40 Next slide.

41
42 Alright. As I alluded to earlier, one question we've been asked
43 quite a bit, will listing the queen conch under the Endangered
44 Species Act create new prohibitions. Threatened species do not
45 automatically receive protective regulations. Therefore, the
46 listing of queen conch as a threatened species does not create any
47 additional or more specific prohibition on queen conch trade or
48 harvest.

1
2 Any new regulations that are deemed necessary and advisable for
3 the conservation of the species would have to be done through a
4 separate process, which is under Section 4(d) of the Endangered
5 Species Act called the 4(d)rule. So, 4(d)rules allow us to
6 customize prohibitions and then regulate activities to provide for
7 the conservation of that specific species. So, these can be very
8 unique and very customized to the individual species that we're
9 talking about.

10 Any future 4(d)rule would go through a complete separate notice
11 and public comment period. So, this is not something that once we
12 list the species, we can then just list a 4(d) rule. It would need
13 a separate notice and public comment period.

14
15 As reference Puerto Rico and the U.S. Virgin Islands currently do
16 have queen conch fisheries in their territorial waters. There's
17 also a federal queen conch fishery in Saint Croix in the U.S.
18 Virgin Islands. The proposed rule does not establish any new
19 prohibition on conch harvest in these or any other jurisdiction.
20 For reference harvesting queen conch in Florida has been prohibited
21 since the eighties.

22
23 Next slide.

24
25 I wanted to put this slide up to really emphasize what we're doing
26 here and what we're listing. We're listing a species that exists
27 throughout a pretty large range. What we're discussing here is a
28 very small percentage of that range. So, while we can discuss
29 strategies that would affect the populations in this particular
30 region, we're more interested in the recovery across the range of
31 the species.

32
33 Very quickly, if you look at the percent of total estimated conch
34 habitat, Puerto Rico accounts for roughly 3.25% and the U.S.V.I.
35 for less than half a percent. Percent of the total estimated
36 abundance of queen conch, you're looking at Puerto Rico at 0.2%
37 and U.S.V.I. roughly about 0.2% as well. Therefore, the U.S.
38 Caribbean, in total, comprises roughly 3.7% of the total conch
39 habitat and less than 1% of the current estimated conch abundance.

40
41 This is just important to remember when we're going to discuss any
42 sort of strategies to bring back the species. We're going to be
43 talking about the species throughout the range, not necessarily
44 only in this habitat.

45
46 Next slide.

1 Okay, so, what's next? So, the proposed rule is currently out,
2 it's in the federal register. The public comment period has been
3 extended, and that was in response to stakeholder input. What we're
4 looking for, specifically new or updated information regarding any
5 of the following factors would be of particular interest. So, one,
6 information regarding queen conch landings and illegal,
7 unregulated and unreported fishing. Two queen conch fisheries
8 dependent or independent data, including stock assessments. Three,
9 information on the status of the species, including surveys,
10 density and abundance. Four, information regarding queen conch
11 population structure, age structure and connectivity. Five,
12 information on queen conch range, habitat use and distribution.
13 Six, data concerning any threats to the queen conch. Seven,
14 information on efforts being made to protect the species throughout
15 the range. And eight, queen conch fisheries management, measures
16 or other pertinent information regarding the species.

17
18 As you saw with my presentation regarding Nassau grouper, the next
19 step in the process, if this was to go final, would be the
20 designation of a critical habitat for the queen conch. So, at this
21 time, during this public comment period, we are also soliciting
22 information on critical habitat. And again, this has to be within
23 U.S. jurisdictions for the purposes of what we're doing right now.

24
25 And again, I'll reiterate any protective regulations that are under
26 the section 4(d) of the Endangered Species Act would need to be
27 done through a separate process. However, if you would like to
28 include factors that would inform that process during this public
29 comment period, we're open to that as well.

30
31 Next slide.

32
33 The final listing determination needs to be completed by September
34 of 2023. This determination will consider all the public comments
35 and then make a decision to complete or withdraw the listing. If
36 the decision is to list the species, then the final rule must
37 publish within one year of the proposed rule.

38
39 And again, the final rule will consider and address public
40 comments. Everyone that gets submitted through the appropriate
41 forums will be addressed in the final rule. And again, this listing
42 at this time cannot consider economic factors. After that, if that
43 passes, then we will go through a critical habitat process similar
44 to what you just saw with the Nassau grouper. That'll be done
45 within a year of the final listing, so September 2024. And again,
46 the 4(d) rule, if that is something of interest, then we will start
47 that process after the final listing. So, that would have to start

1 after September of 2023. And just to be clear, we are not proposing
2 any such regulations at this time.

3
4 Next slide.

5
6 Okay. So, this is just again to reiterate to please submit public.
7 Through the appropriate avenues on regulations.gov. And again,
8 Liajay has that link directly in the chat.

9
10 The next slide.

11
12 And again, that's the link there and that's the QR code if you
13 want to go directly to it. The next slide is just asking for
14 questions. So maybe we can leave this one up in case anybody wants
15 to take their time with the public comments, maybe go back a slide.

16 17 Discussion

18
19 **MARCOS HANKE:** At this time, we are open for questions. We're going
20 to go with the participation. Okay. Let's go first with the Council
21 members and DAPs. Gerson.

22
23 **GERSON MARTÍNEZ:** Good afternoon. Gerson Martínez, for the record.
24 Both nassau grouper and conch, when you say critical habitats,
25 when you're speaking about those, are talking about more closure
26 of submerge lands or-- elaborate on that for me please.

27
28 **ORIAN TZADIK:** No problem. So, the critical habitat is primarily
29 used for Section 7, which is consultations of other federal
30 agencies. So, we, as the protected resources division, will, for
31 example, if the Army Corps of Engineers wanted to dig, dredge a
32 channel, they would have to submit a proposal through Section 7,
33 a consultation through Section 7 that would come to our office and
34 we would say, "That's critical habitat for coral, nassau grouper
35 or conch" and that would inform that process. It's nothing to do
36 with more closures.

37
38 Yes.

39
40 **MARCOS HANKE:** That's for the -- he asked two, he asked for the
41 nassau grouper presentation, and he also asked for the conch. Can
42 you elaborate?

43
44 **ORIAN TZADIK:** That's critical habitat in general. That's what we
45 mean by critical habitat. That's different, I think what you might
46 be thinking of is essential fish habitat and that's a sustainable
47 fi-- No, I'm not going to go there. I don't know. But that's

critical habitat. That's what that means. It's for the Section 7 consultations.

MARCOS HANKE: Thank you. I have Jean-Pierre, then Nelson, Vanessa and Julian. No? Jean-Pierre.

JEAN-PIERRE L. ORIOL: So, I'm trying to -- I'll just say that the use of the ESA for coral has impacted things for Puerto Rico and the U.S. Virgin Islands. I will say that abundantly, because particularly the critical habitat designation of zero to 90 feet with no real carve out for anything, which means every single thing that has gone into the water has gotten through a Section 7 consultation, which has not been done in a timely manner. And so, that has had impacts on Puerto Rico and the U.S. Virgin Islands.

But I was very glad that you had the graph that showed that 3.2% of the actual habitat area and less than 1% of the abundance for the species that we're looking at. And again, ESA is a tool, it's a great tool. I don't think it can be applied equally across the board to all species. And that's kind of where we're having this issue here because we're looking at the range of the Caribbean in totality, and yet there is less than 5% of the actual abundance area.

So I guess my question is actually more for Sam and how NOAA, when it receives a proposal like this and we're looking at jurisdictions that are primarily from the international community that we share this resource with, but yet the ESA itself, if used as a tool, although right now it doesn't result in any prohibitions or take restrictions or anything like that, it also puts a spotlight on something that could progress later on as well. That's basically what happened with us with Coral. But does NOAA have any mechanism now, let's say, even from its international programs or some type of standpoint where, "hey, we've done the research, we've come up with something that shows that we believe that this species is threatened or has a risk of extinction in some portion of the future. But a lot of the abundance actually and the connectivity issues, the U.S. Caribbean actually isn't responsible for it." And so, if we're looking at using the ESA, how do we now tailor whatever our international programs are to try and work with our partners in the international community to say "How can we stop. What better way can we improve or lessen the extension risk?" Because I don't think applying, like, let's say the numbers were much, much worse, applying the ESA in the U.S. Caribbean, particularly in Florida, lower portions of Florida, the U.S. Virgin Islands and Puerto Rico is actually going to make a difference. Particularly when we have the catch limits, we have the reporting; we are doing all of these things already.

1
2 So, that's sort of my question is that the ESA as a tool works
3 great for certain species. To me there's an issue here, but also,
4 we've identified that there is something that's at the threat of
5 a risk. How does NOAA then work with the international partners to
6 ensure that that extension risk is lowered?

7
8 **ORIAN TZADIK:** So, do you want to go?

9
10 **MARCOS HANKE:** One second? There was a question to—

11
12 **ORIAN TZADIK:** Right. That's fine. Yeah. I'm happy to answer one
13 part and then do you want to answer this?

14
15 **MARCOS HANKE:** Okay.

16
17 **ORIAN TZADIK:** Yeah. Just quickly. There's a difference between
18 threatened and endangered. So, an endangered species, you're
19 right, it's one size fits all. All the prohibitions would apply
20 across the board everywhere the same. Threatened species in the
21 application of a 4(d) rule, we have that flexibility to make a
22 distinction and to say certain things in one place, other things
23 in another place. But I'll let Sam speak.

24
25 **MARCOS HANKE:** Sam?

26
27 **SAMUEL D. RAUCH III:** Yes. Thank you. Sam Rauch, Deputy Director,
28 National Fishery Service, for the record. I appreciate the comment.
29 Both we and Fish and Wildlife Service have numerous species that
30 we list that are not in the United States EEZ at all. They're
31 almost completely foreign or they are entirely foreign. The ESA
32 still has tools that help us to recover those species.

33
34 So, first of all, it requires us to engage in those listings, even
35 if it's not in U.S. waters. There are clearly trade mechanisms
36 under the Convention for International Trade and Endangered
37 Species that apply. So, once you list them as threatened or
38 endangered, that has implications for international trade. There
39 are, even once you get beyond that, we often use the fact of a
40 listing in many of our position settings in international forum to
41 reach agreement, to try to reach understandings with other
42 countries on how to recover them collectively, recognizing that
43 the U.S. alone cannot or cannot at all recover on our own. And
44 still, we are required to list them and to begin the process of
45 working on recovery, particularly with the U.S. as a marketplace.
46 And there are provisions there under what's called CITES,
47 Convention for International Trade and Endangered Species, that do
48 create market mechanisms once it is listed.

1
2 **MARCOS HANKE:** Thank you. Do you want to say anything else?
3

4 **ORIAN TZADIK:** Yes, just one more thing. Even in the absence of a
5 4(d) rule or any of the Section 9 prohibitions, part of the
6 Endangered Species Act is developing a recovery plan. And that's,
7 I mean, central to this whole thing. And so, what you're talking
8 about could very well be one thing in one location and another
9 thing in another location.
10

11 **JEAN-PIERRE L. ORIOLO:** So, I'm glad you brought that up because I
12 think that from Puerto Rico and the U.S. Virgin Islands, the issue
13 is the lack of that recovery plan, being that we are dealing with
14 a designation from 2007 and it's now 2022. Revision, even on the
15 critical habitat designations, because again, I think under the
16 4(d) rule in Puerto Rico, I think there's only two or three
17 exemptions. In Saint Thomas, it's only the Saint Thomas Harbor.
18 And so, zero to 90 really, really affects what's happening in
19 island designations. And we've been looking for that recovery plan
20 or even the discussion on it because we think that those are the
21 types of things we need to revise based on what has worked and
22 what has not worked over the 15 years that we've had the listing
23 of, particularly, the Acropora species.
24

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

27 **NELSON CRESPO:** Thank you, Mr. Chair. Nelson Crespo, for the
28 record. These comments I'm going to make are based on--
29

30 **MIGUEL A. ROLÓN:** We're still not in the face of comments. This
31 time is question-and-answer to Orian about his presentation.
32

33 **NELSON CRESPO:** Okay.
34

35 **MIGUEL A. ROLÓN:** When he finishes, the comments that are going to
36 be received are comment for the Council and the Council only.
37 However, any comment you may have, you should send it to Orian to
38 the address that they have here, so those comments can be
39 incorporated into the official record that they have to respond
40 to. So, just to make that clear.
41

42 **MARCOS HANKE:** Okay. Keep going on. If it is a comment related to
43 the issue that you think the Council will benefit from hearing.
44

45 **NELSON CRESPO:** Okay, can I start my comment now? The comments I'm
46 going to make are based on conversation I've had with fishers
47 around the island and some legal accessory I received in the past
48 weeks.

1
2 During the past weeks. I have been talking with conch fishermen
3 from various sectors of the island and the frustration and
4 impotence they feel regarding listing conch as threatened on the
5 ESA.

6
7 **MIGUEL A. ROLÓN:** Nelson, those are comments, at this time, do you
8 have any questions for Orian?

9
10 **NELSON CRESPO:** No.

11
12 **MIGUEL A. ROLÓN:** Okay. That's it. So, we need a five-minute break
13 for the translator to go somewhere and then we can come back.

14
15 **MARCOS HANKE:** Five minutes break. We'll be back at in five
16 minutes.

17
18 (Whereupon, a brief recess was taken.)

19
20 **MARCOS HANKE:** Thank you for everybody for the little break. All
21 very well needed. And we had Richard with the hand up.

22
23 **RICHARD APPELDOORN:** Thank you. This is Rich Appeldoorn. I just
24 wanted to reiterate some points that were kind of being made here
25 about what might be potential regulations should they come in the
26 future, and would these affect the Caribbean? And if you're going
27 after extinction, 95% of the fishery, 90% whatever, it's coming
28 out of like five countries. Okay? Colombia, Honduras, Nicaragua
29 Cuba's not coming out of it, but they have a large population,
30 Turks and Caicos in The Bahamas. If you want to stop anything about
31 overfishing and get these populations in a more healthy state,
32 basically you want regulations that target just those
33 jurisdictions. All but Bahamas, which is has banned exports for a
34 while. What's driving those fisheries is export, with the exception
35 of Jamaica, and -- well, let's just say with the exception of
36 Jamaica, it's export into the U.S. So, if you really wanted to do
37 something, you would be looking at how do we use that mechanism to
38 enhance the populations of conch from where these landings are
39 coming from.

40
41 And yes, there is a CITES mechanism for this, but it's very loose
42 and it has a big loophole. You have a CITES scientific authority
43 in each country, and they have to certify that the conchs that are
44 being exported are coming from a sustainable population. Those
45 committees run from ones that are super, super way-- for mining--
46 way too critical, as in Jamaica. You know, they closed the fishery
47 because the 95% [confidence interval?] on the density was just
48 below their cutoff threshold, whereas the mean estimate was almost

1 at unexploited levels. And then you have others that are basically
2 run by the industry. So, they're going to rubber stamp whatever
3 comes through.

4
5 And there, I've seen reports that are, you know, it's kind of like
6 if you believe what they say, it's okay, but there's no data, no
7 nothing to back up what they're saying. And so, you know, one
8 avenue would be to put teeth into CITES and say, "if you're
9 importing into the U.S., we want to see your actual assessment
10 report of the data, the assessment and everything like that." Force
11 them to actually do that kind of work.

12
13 I've mentioned this story in the past and he agreed that would be
14 -- and so, that's something you, as an example, something that
15 could be done. It would have a huge impact, at least in the short
16 term, improving situation. The loophole to that one is that they
17 could go to China for replacement market, I suppose. But as was
18 mentioned, the U.S. would still have to engage in that kind of
19 activity, so maybe there's a control on that. Thank you.

20
21 **MARCOS HANKE:** Vanessa, then Miguel.

22
23 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
24 record. First, I want to first recognize the presence of the
25 commercial fisherman from the East and the West side of the island.
26 Thank you for being here and my respect to you. Also, I have to
27 make a question, from all these reports that are the ones that
28 this action is based, which one or what was the last year that the
29 study was made in the EEZ for Puerto Rico?

30
31 **ORIAN TZADIK:** There was a study from 2020 that was evaluated in
32 that report. I might be misremembering there might be one more
33 recent than that, but that was the last I remember seeing.

34
35 **VANESSA RAMÍREZ:** The 2020 was in the EEZ zone.

36
37 **ORIAN TZADIK:** I'd have to look. I'm not a hundred percent sure.
38 Rich was an author; he could probably tell me.

39
40 **MARCOS HANKE:** Richard.

41
42 **RICHARD APPELDOORN:** Oh, you're talking about Puerto Rico or just
43 the U.S. Caribbean?

44
45 **VANESSA RAMÍREZ:** Yes. Well, the reports that are being used for
46 this action. In the case of Puerto Rico, when was the last study
47 made in the federal zone?

1 **RICHARD APPELDOORN:** Okay, the studies that have been done that
2 have been primarily through the SEAMAP sampling program and the
3 last study for that was 2012, I believe. The last one for Virgin
4 Islands was 2010. However, there have been some studies that were
5 done subsequent to those, that were looking at some parts of the
6 population or weren't part of the SEAMAP thing. So, in Puerto Rico,
7 there was a woman who was doing her dissertation work on a new
8 sampling device, which was a camera sled array, and she went
9 through a bunch of the areas that the SEAMAP used in Puerto Rico.
10 And they found a much higher abundance of conch at those same
11 stations.

12
13 Now, her study, I don't think went into the federal zone. The
14 normal SEAMAP study does. In the Virgin Islands, I don't think
15 they go in the federal zone because of the depth limitations on
16 diving. In Saint Croix there was a study by, Doerr-Hill around
17 Buck Island, a very extensive study, but mostly focused on Buck
18 Island and the Eastern part of Saint Croix [inaudible]. That also
19 is not part of the SEAMAP study, but that also found increased
20 numbers of conch relative to past studies. SEAMAP program is, this
21 year, doing pilot studies to revamp their study going from
22 transects to circles and based on the results of that, new studies
23 will be starting next year.

24
25 So, it's kind of like the worst time because, you know, it's been
26 so long since we've done the past studies, but new ones are on the
27 books to be done now that we're out of pandemic.

28
29 **MARCOS HANKE:** Thank you, Richard. Vanessa.

30
31 **VANESSA RAMÍREZ:** Well, I will please ask if we can give the
32 opportunity to the commercial fisherman to make their questions.

33
34 **MARCOS HANKE:** Yes, we will. We are living the best for the end/
35 We are addressing the body of the Council and before we start with
36 the fisherman, I want to make a question to Orian. Orian, what is
37 the difference in terms of quantity or quality of scientific data
38 from the 2006, I believe it was when it was first evaluated for
39 the same reasons, and now? And why the difference in pursuing this?
40 What is the motive, what is the reason you guys are doing this
41 again after not granting any-- already addressing that in 2006?

42
43 **ORIAN TZADIK:** It's a good question, Marcos. Give me a second here.
44 Christina, can you pull up, the last one, slide 30.

45
46 So, as Marcos mentioned, I didn't really want to go through, I
47 mean, I didn't want to bring all this up. I think there's a lot of
48 processes that were involved here, but this is a much longer

1 process. Yeah. We originally were petitioned in 2012 and then in
2 2014 it was determined that it was not warranted. The petition was
3 not warranted. I think that's what Marcos is referring to. Yeah.
4 Okay. So then, in 2016, the original groups that wrote the petition
5 filed a lawsuit in the U.S. District Court challenging the
6 decision. And then in 2019, the court vacated the determination
7 and then remanded the determination back to NOAA Fisheries. And
8 so, we then initiated a status review, a complete status review at
9 the time. And amongst other things there was the connectivity
10 modeling that had gotten done. And then obviously more surveys,
11 more population level surveys that we were aware of. And then, at
12 that time, yeah, the big thing was, I'm getting told, hold on.
13 Yeah. Species connectivity. There was new data on reproduction and
14 genetic connectivity. So, those were the main factors that kind of
15 changed between the original determination and then the next
16 determination.

17
18 **MARCOS HANKE:** Okay. One other question just for me and for the
19 group to understand. Like Richard said, there was a study, recent
20 study, that when it was compared to the SEAMAP, just evaluate the
21 density that come out of those methods. The same approach to other
22 assumptions that you guys do across the range. Are you guys going
23 to do the same assumption and using this level of that much of
24 density across the range too? Or are you going to stay on the lower
25 side of the coin on this type? How this work, how on the process
26 of ESA and the scientific discussion, how is this weighted?

27
28 **ORIAN TZADIK:** You are talking about the density threshold of adult
29 conch.

30
31 **MARCOS HANKE:** Yes. Because there is, in some instances, that
32 everything is spread down and make an assumption based on science
33 on this case, very specific question. It's unfair to think to, to
34 assume that that's true across the range and having higher density
35 based on this study or something like that.

36
37 **ORIAN TZADIK:** Yeah. So, a couple things. There's a lot kind of in
38 there, but you know, like I said right now, the comment period,
39 we're looking for information like what you're talking about. If
40 somebody else has better information, we want it, so that we can
41 evaluate it and put it towards, you know, making the best
42 scientific determination that we can.

43
44 In addition, we are looking, actively looking for more information.
45 So, for example, the fishermen and Cabo Rojo have put in for
46 funding to try and develop better survey methods to get a better
47 idea of the conch population down there. And importantly to make
48 it consistent, right? We have, in a lot of places, we have very

1 sparse density estimates from, you know, temporarily. We have one
2 year and then we don't have another survey for 15 years. And so,
3 one of the things that's very important is to try and get better
4 surveys, more frequently, more often.

5
6 And I'm going to wrap up a different question in here that I heard,
7 which is to do with the listing of threatened and whether that
8 then becomes a ticking clock to then list as endangered. And the
9 answer is no. Once it's listed as threatened, we want to get it
10 out of being threatened. Our primary goal is de-listing the
11 species. Our primary focus is kicking it back over to those guys
12 in sustainable fisheries. We want to create a situation where
13 there's a sustainable fishery and something that works for
14 everybody. So, I think, did that answer your question?

15
16 **MARCOS HANKE:** Yes. Then come another question. Which example do
17 you have of a threatened species that came back to the protected
18 resources? Which example you have on that path versus the other
19 way, which is going to full protection and to the ESAs more
20 complicated stages?

21
22 **ORIAN TZADIK:** Yeah. The most, I mean, I'm not necessarily, I can't
23 speak for everything. I just know that in -- So, the way that NOAA
24 is divided is that there's kind of a coral section, a marine mammal
25 section, a turtle section. I work with the species conservation
26 branch, which focuses on kind of the other species. So, fish and
27 elasmobranchs and that sort of thing.

28
29 We recently had a seagrass that was delisted. So, that would be an
30 example of one that I'm aware of. However, the majority of species
31 that were listed fall into those other branches, and I can't really
32 speak to that.

33
34 **MARCOS HANKE:** I just wanted to put a historical happening behind
35 this. Thank you very much.

36
37 I think this is a good moment to sit down with the real experts on
38 conch. They live out of it, the fishermen. I want to highlight, as
39 a chairman, as a fisherman, and have a discussion about anecdotal
40 information being transforming to science. We need to make sure
41 that we find a way to hear those voices in a valuable way that
42 doesn't drop in a lost basket and for everybody to be able to
43 support the conch population and other resources.

44
45 Please, the fishermen, whoever going to represent. Miguel first.

46
47 **MIGUEL A. ROLÓN:** Yeah, I spoke to Raymundo, Carlos and the other
48 fishers, and their comments are going to be addressed to the

1 Council. I have a letter from Pauco, I'm going to read it when
2 they finish. So, we would like to give five minutes each. And I
3 believe that Carlos told me you have a video that will be used.
4 So, the order of people will be Carlos, Raymundo, Alex. Okay. So,
5 please sit in the order that you wish. And then I have Nelson that
6 will be included in the list of people deposing today. Okay.

7 8 **Fishermen Anecdotes** 9

10 **ALEXIS BURGOS PÉREZ:** Muy buenas tardes a todos. Yo soy pescador
11 de la isla de Culebra.

12
13 **MIGUEL A. ROLÓN:** Perdóname. There are radios for those people who
14 like to hear the translation, and if you don't have it, please go
15 to the back and you can get it. Just to reiterate, all the
16 depositions could be done in Spanish or English.

17
18 Carlos y que se pegue al micrófono di tu nombre y a quien
19 representas.

20
21 **MARCOS HANKE:** Give me one second because there is a lot of people
22 that want to hear you. I just want to make sure that everybody
23 that needs the radio have it.

24
25 **ALEXIS BURGOS PÉREZ:** Muy buenas tardes a todos. Yo soy pescador
26 comercial. Me llamo Alexis Burgos Pérez. Soy pescador de la isla
27 de Culebra. Yo, en mi critica por lo menos, he evaluado parte de
28 la situación que está pasando aquí. Yo soy pescador de carrucho
29 diariamente. En las aguas de Culebra abunda mucho el carrucho, es
30 a lo que yo me dedico diariamente. Hasta el sol de hoy, llevo
31 treinta y pico años pescándolos, inclusive en Culebra hay una
32 reserva natural que tiene esa área protegida para el carrucho
33 exactamente y otras especies más.

34
35 Hay unas cosas aquí que yo no estoy de acuerdo con ellas porque el
36 sustento de los pescadores mayormente proviene del carrucho. Y
37 esto, yo espero que lo tomen en consideración y hagan otros
38 estudios más, a más profundidad, para que sepan la especie
39 verdaderamente como va abundante en carrucho. Si, yo sé que han
40 buscado profundidades más profundas, eso se sabe. Pues, por la
41 situación de que se ha [inaudible] el carrucho, pero no está
42 extinto todavía. El carrucho abunda bastante en la isla de
43 Culebra y en otras islas más.

44
45 Yo considero que deben de hacer otros estudios más profundamente
46 para que vean la condición del carrucho como abunda, y las vedas
47 que se respetan como tiene que ser y eso ha ayudado mucho a la
48 conservación del carrucho. Yo espero que tomen en consideración

1 eso para que pasen otras evaluaciones más para que no afecte a
2 nosotros los pescadores que vivimos de esto. Eso sería mi
3 comentario. Muchas gracias y buenas tardes.

4
5 **MARCOS HANKE:** Gracias por estar aquí. Próximo. Por favor decir su
6 nombre y donde pesca y un par de detalles. Y a quien representa.

7
8 **MARTIN SOTO:** Si, saludos. Buenas tardes, mi nombre es, Martin
9 Soto. Soy presidente de la Villa Pesquera de Punta Santiago. Una
10 de las situaciones que estamos viendo aquí relacionado a lo del
11 carrucho es que nosotros que estamos diariamente en el mar pescando
12 sabemos y conocemos las áreas en donde está el carrucho, donde
13 anda el carrucho y la cantidad de carrucho que hay.

14
15 A veces se hacen estudios simplemente sentado en una mesa, en una
16 computadora, porque fulano me dijo, o porque aquí dice, porque en
17 el internet dice, y cuando realmente vienen a buscar la información
18 prácticamente la información es bien nula. Se lo digo, yo he pasado
19 muchas experiencias. Yo también llevo años pescando tiburón
20 también y he pasado muchos tragos amargos relacionado con las
21 mismas personas y con los mismos reglamentos. Cuando usted va a
22 hablar de un tema o va a tomar decisiones sobre un tema, usted
23 tiene que estar bien claro que usted tiene que primeramente buscar
24 de las personas que tienen la experiencia y el conocimiento para
25 poder buscar la información verdaderamente porque sentado en una
26 mesa desde una computadora prácticamente eso no implica que la
27 información va a ser correcta.

28
29 Ahora mismo nosotros prácticamente pescamos en el área de Culebra,
30 donde también pesca Alexis, y a veces nosotros vamos y
31 prácticamente la cuota la completamos. En dos tanques completamos
32 la cuota prácticamente de carrucho y después nos vamos a coger
33 unas pocas langostas y eso.

34
35 Pero a veces hay fondos que uno va y prácticamente el carrucho
36 parecen alfombras juveniles o grandes, de diferentes tamaños. A
37 veces nos tiramos por ahí a inspeccionar algunas áreas llanas, ya
38 sea a penas a dos brazas, uno ve una alfombra de carruchos
39 juveniles ahí, una cosa bien preciosa donde se están ahí criando.

40
41 Pero aparte de eso también quería abundar sobre el peje puerco. El
42 peje puerco, le pueden preguntar a casi todos los buzos por ahí,
43 el peje puerco es un pescado que prácticamente no tiene valor
44 comercial. El precio que se paga por peje puerco no vale la pena
45 ni cogerlo. Nosotros apenas cogemos así, cuando una persona nos
46 ordena o nos pide o que se yo, pero salir a bucear para perder el
47 tiempo cogiendo peje puerco, más el riesgo de que siempre están
48 mordiendo a uno y esto o lo otro, realmente peje puerco eso está

1 por ahí bien, bien abundante. Y la pesca de peje puerco también es
2 bien mínima, casi no se coge peje puerco por el valor comercial,
3 como le estoy diciendo.

4
5 Nada, por lo menos en mi sentir, espero por lo menos que nos tomen
6 en consideración. Yo creo que nosotros somos el ancla principal en
7 este asunto, en cuestión del conocimiento y de la experiencia, y
8 que valoren a los pescadores. Aparte de eso si logran poner una
9 veda permanente de carrucho, después entonces van a venir con lo
10 mismo con la langosta. Va a venir con lo mismo con la langosta
11 porque entonces, si no se puede pescar carrucho, pues entonces
12 vamos a pescar langosta y van a venir entonces a sobre pescar la
13 langosta y entonces, ¿las consecuencias que van a ser? ¿Van a sacar
14 a los pescadores del agua? Gracias. Buenas tardes.

15
16 **MARCOS HANKE:** Muchas gracias. Próximo.

17
18 **ANDRÉS MALDONADO:** Buenas, mi nombre es Andrés Maldonado. Todo el
19 mundo me conoce como Andy. Estoy en el Consejo desde hace mucho
20 tiempo. Estoy representando a la Federación de Pescadores,
21 FEPDEMAR. Soy pescador de carrucho por 50 años. Estoy pescando
22 desde los 13 años; he visto cambios que ustedes ni se imaginan,
23 tanto en el medio ambiente como en las especies. En el 2017 con el
24 huracán Irma, María y una marejada ciclónica que hubo después, las
25 poblaciones de carrucho en las aguas llanas se fueron bien
26 afectadas. Los fondos cambiaron, se movió mucho fango. Los animales
27 que no murieron por ahogamiento de fango, me refiero a los
28 moluscos, se movieron a aguas hondas. Y de momento, en cuestión de
29 dos años, hay están. Son miles las manchas de los juveniles y de
30 adultos ni se diga.

31
32 Anteriormente cuando el carrucho se escaseó, que los pescadores,
33 obviamente por la necesidad se fueron a las aguas hondas porque en
34 agua honda hay muchas poblaciones, pero el límite es la
35 profundidad. Y le puedo nombrar por nombre y apellido los buzos
36 que han muerto allí sin contar los que han quedado inválidos. Ahora
37 no, ahora están en el llano. Esto fue a 40 pies de agua y hay
38 cientos sino miles. Te puedes cansar de nadar por encima de ellos.

39
40 Tomar decisiones tan drásticas como mover una especie a otro lado,
41 no nos garantiza nada. Porque dicen que no van a hacer nada, pero
42 así nos dijeron con Mona, "No, tranquilo vamos a hacer una reserva,
43 ustedes pueden seguir pescando" ¿y donde terminamos? No nos dejaron
44 entrar a Mona. Y yo fui de los primeros que les enseñé donde era
45 que desovaban los meros en Mona, porque nos iba a beneficiar a
46 todos. A los pescadores no, porque nos sacaron. En este caso, ¿nos
47 va a pasar lo mismo? Se mueve de categoría y ya estamos a un
48 empujoncito y lo sacan de carrera.

1
2 Hay maneras de cómo resolver el problema por islas, por terreno,
3 por país. El que tenga problemas, que lo resuelva. Pero el que no
4 lo tenga, bendito, no lo castiguen. Tenemos vedas, tenemos cuota,
5 tenemos tamaño y vamos a pasar por estas también. No, si quieren
6 usen el modelo de Puerto Rico y llévenlo a esta gente para que
7 aprendan como se maneja un recurso. Ahí está la prueba. Yo entiendo
8 que un video habla mejor. Muchas gracias. [Applause]
9

10 **MARCOS HANKE:** Gracias. Carlos.

11
12 **CARLOS VELÁZQUEZ:** Saludos y buenas tardes. Carlos Velázquez para
13 el récord. Soy miembro del Consejo de Pesca, pertenezco al Panel
14 Asesor de Distrito y también pertenezco a la Junta Asesora de Pesca
15 del Departamento de Recursos Naturales y Ambientales, y al
16 subcomité que también se estableció para la implementación de
17 enlistar a esta en peligro de extinción, el carrucho.
18

19 Tengo un videíto por ahí sí pueden ser tan amables de pasarlo por
20 favor. Gracias Graciela. Aprovecho y saludo a todos los miembros.
21 Gracias por la oportunidad que me dan.
22

23 Esto es un video tomado tan recientemente como hace dos semanas
24 atrás. Es de un pescador, que nos impresiono tanto el video, porque
25 como ustedes ven, en ese hábitat, eso es un hábitat de arrecife,
26 no es un hábitat hierba, no es un hábitat de thalassia. Es
27 totalmente un arrecife en cual están tanto los machos y hembras
28 adultas, como también vemos muchos, muchos juveniles mezclados
29 entre ellos.
30

31 Ahí vemos los buzos cuando están escogiendo, obviamente dejan el
32 carrucho juvenil y escogen el grande. Lo que pasa es que, pues, en
33 este foro hay que ser más que pescador para tu identificar donde
34 están los juveniles en ese arrecife porque se camuflan muy bien.
35 Pero, hemos aprendido, en estas secuencias, como el carrucho se
36 comporta en estos tipos de hábitat.
37

38 Tenemos la gran bendición de tener a la Doctora Megan Davis.
39 Tenemos también en la Universidad de Naguabo, juntamente con la
40 Organización Conservación ConCiencia y su presidente que esta
41 justo a mis espaldas, que hemos organizado el primer video de
42 carrucho aquí en el caribe. Y en ese sentido Megan ha sido una
43 biblioteca para nosotros y el conocimiento de ella nos ha atraído
44 porque es bien curioso lo que estamos viviendo en estos tiempos de
45 la abundancia tanto del carrucho que hay hábitats de arrecifes de
46 carrucho. Se pasan en estos tipos de hábitats.
47

1 Pero ¿por qué se pasan ahí? Sería una buena pregunta que me harían,
2 pues porque ahí le gusta la comida. Ahí hay sitios de comida de
3 carrucho que comen. Es como a usted, no le gusta ir a Burger King
4 pues posiblemente va a Texas de Brazil. Pues ahí ellos están en
5 Texas de Brazil, se mudan de Burger King y van a Texas de Brazil
6 y ahí entonces están saboreando esa yerba marina, según ella nos
7 cuenta.

8
9 Yo sé que Marcos se ríe porque a él le encanta. Después de esto
10 tenemos un dialogo, Marcos, para que nos vayamos a comer.

11
12 Entonces pues ahí, obviamente, ustedes pueden ver la abundancia de
13 carrucho que hay en ese hábitat porque obviamente le gusta esa
14 yerba marina. No yerba marina, si no lo que se adhiere al arrecife.

15
16 Hay un segundo video, no sé si pudieron pasarlo, que dura un
17 minuto. ¿Lo pudieron pasar? Ese video se ven-- no se si lo tienen
18 disponible. Solamente dura un minuto. ¿Lo tienen o no lo tienen?
19 Ay, qué pena.

20
21 **MIGUEL A. ROLÓN:** Carlos, el otro se le manda a Orian.

22
23 **CARLOS VELÁZQUEZ:** Pues okay, le enviamos a Orian.

24
25 En el otro video que tenemos también disponible, se ven más los
26 juveniles en concentración en lo que es la agregación de juveniles
27 con los adultos, pero se ve solamente mucho más que ahí.

28
29 Nosotros estamos dispuestos como pescadores comerciales,
30 Presidente de la Corporación de Pescadores Unidos en Playa de
31 Naguabo, y en la Universidad del Carrucho colaborar con la ciencia,
32 colaborar con los diferentes foros pertinentes para tener un mejor
33 equilibrio, balance, y ayudar a este recurso pesquero el cual no
34 es de un año para acá. Este recurso pesquero lleva más de un siglo
35 establecido. Tengo la experiencia de gente que ya no está con
36 nosotros cuando el carrucho valía diez chavos en paletas, los
37 [inaudible] donde se lavaba la ropa. Entonces esto es una pesquería
38 saludable que si desde esos años lo pescan, imagínese ustedes hasta
39 el día de hoy cuando vemos la sobre abundancia.

40
41 Yo podría hablar muchos temas relacionado al carrucho después del
42 huracán María. El huracán María fue un desastre tanto para la
43 naturaleza, para los ecosistemas, para los recursos marinos.
44 Alexis está aquí. Si ustedes ven a Alexis caminando cojo, es que,
45 Alexis no tiene un padecimiento, eso fue una burbuja que el cogió,
46 lamentablemente, después del huracán María por buscar el carrucho
47 más hondo, porque el carrucho fue allá.

1 Ahora ahí tenemos a [inaudible] Mofle, que esta allá atrás, como
2 cariñosamente le llamamos, con un bastoncito. Ahorita yo le pegué
3 un vacilón porque lo vi, creía que el bastón era para otra persona,
4 pero es de él. También Pinto. Que son pescadores de profundidad de
5 carrucho-- Yo sé que esto nos limita, pero son comentarios que se
6 quedan en el Consejo --que son tremendos pescadores de carrucho.
7 Que solamente se dedican a eso. Que cuando viene la veda estatal,
8 sacan sus botes, no pescan, por la razón de que respetan una veda.
9 Y esto son resultados, lo que ustedes ven ahí, de las vedas
10 establecidas localmente, federalmente, y las vedas de naturales.

11
12 Pero no venimos a hablar de eso aquí, sabemos-- y yo quisiera que
13 NOAA, tanto como el Consejo, cogiera de la participación de estos
14 pescadores y el insumo que están cogiendo, ya que poner una
15 especie, enlistarlo en peligro, da la facilidad de la importación.
16 Como hablo aquí Richard Appeldoorn, como mi colega también y mi
17 compañero que eso pone en peligro a tu traer una especie, cerrar
18 la pesquería, venir entonces esta importación. Entonces que queda
19 de los otros países, porque es una presión de pesca sobrenatural
20 que va a haber. Sobre eso, también se cierra la pesquería de
21 carrucho, como dijo el compañero Martin, vamos a poner una
22 sobrepresión a la langosta, al pescado porque de eso vamos a vivir.

23
24 Entonces esas mediaciones no se están tomando en consideración.
25 Hay que tomarlas en consideración antes de tu evaluar, hacer y
26 someter cualquier tipo de proyecto o cualquier cosa que venga
27 porque tienes que pensar no solamente en el carrucho que lo quieres
28 enlistar, es en las futuras pesquerías de las otras especies que
29 hay, porque se van a sobrecargar. Van a ponerle mucha presión a
30 esas pescas.

31
32 Entonces mi consideración a esto es que estamos dispuestos a
33 colaborar un 110% para que haya una mejor ciencia. Para que haya
34 un mejor efecto, una mejor responsabilidad en el manejo y el
35 recurso. Así que mucha gracias y linda tarde a todos. Estas son
36 mis palabras.

37
38 **MARCOS HANKE:** Gracias, Carlos. Yo quiero, como conozco la
39 trayectoria de Carlos, decir que no son solo palabras, él ha hecho
40 muchas cosas asociadas a lo que acaba de decir y es un ejemplo
41 para la comunidad pesquera en cuanto a crear los puentes y crear
42 mejor información. Así que dejo ahora la palabra con Raimundo
43 Espinoza.

44
45 **RAIMUNDO ESPINOZA:** Pues muchas gracias a todos. Ahora voy a
46 cambiar a inglés para beneficio de la gente que tenga que escuchar
47 esto a propósito.

1 So, hi everybody. My name's Raimundo Espinoza. I'm the director
2 for Conservación ConCiencia. We've been working in collaboration
3 with fishers throughout Puerto Rico and many places throughout the
4 Caribbean. Specifically on fisheries issues on how to collaborate
5 with the fishing sector and involving them directly in conservation
6 actions.

7
8 Since this process began with the conch listing, we've been working
9 to see what kind of information we could help generate including
10 efforts that incorporate the work that we're already doing with
11 the Naguabo Queen Conch Aquaculture Center. And so, part of those
12 efforts was to already begin to identify historically known or new
13 juvenile conch habitat, as well as known conch fishing grounds.
14 So, a lot of the videos that you've seen had been part of that
15 documentation through Fishers. So, I mean, they're available
16 online and on social media if you want to check them out. But one
17 of the things that those videos brought up was just the amount of
18 conch densities that we were able to find. And this is just random
19 times that fishers were going out to fish. So, both for conch, for
20 juvenile conch habitat and also for adults.

21
22 Additionally, it's it was really interesting to see Andy's video
23 and then the next video just to differentiate the habitat that
24 you'll find them. So, it's not the classic conch habitat that you
25 usually see. So, when we see that Puerto Rico has, I think it was
26 3.7 of the habitats, or was that population? Yeah, of the U.S.
27 Caribbean. It was really interesting because we want to see from
28 the literature up to where are we including conch habitat. For the
29 entire Caribbean as well like, Rich, mentioned, it's mostly five
30 countries that are doing a lot of the exports. But those five
31 countries also don't match with the countries that have the
32 majority of the conch habitat. So, it's also interesting to see
33 about that range.

34
35 Another thing that was mentioned earlier was the paper, the 2000
36 paper, the Marrero paper, which also brings up the bias or the
37 difference in the amount of conch were seen with the sled versus
38 the diver. So that's also something that's interesting just because
39 it creates the doubt in how many conches are really there or how
40 much bias is there in the diver surveys. Just implicit bias by the
41 diver being there. Which is something that the fishing sector has
42 been continuously bringing up of the capacity of divers, doing the
43 surveys. Not their scientific capacity, but their observational
44 capacity. Divers, commercial divers are able to see a lot of
45 conches in the same areas that other folks aren't able to see.

46
47 So, this is one of those things that the collaboration including
48 the sector, can either help provide better data with better

1 analysis, which it's right there for the serving. And so, what's
2 prevented this in the past is just further collaborations and lack
3 of trust between the sectors. But I think we're at a point that we
4 could continue to do that, to build on further improving the data
5 availability without having to be a fishery dependent.

6
7 And so, this is what you mentioned earlier in the past about us
8 doing something with the fishers in Cabo Rojo. That would be open
9 pretty much to fishers throughout Puerto Rico. Which again, it's
10 a very small island, very small jurisdictions, when you compare to
11 the rest of the conch range throughout the Caribbean, which is
12 also kind of something very interesting to see some of the data
13 provided on there, being that we are such a small portion of the
14 conch habitat, as well as the Conch population, but a lot of the
15 data is very different than what it seems to be the sector's
16 perception of conch in the water.

17
18 So, there's a lot of uncertainty and differences in what the
19 reality seems to be on the ground. Because again, nobody's
20 questioning the capacity of the researchers, but it's more so, of
21 who's driving the car. You know, I can drive a Ferrari and I'll
22 crash it into the wall, but someone that knows how to do it is
23 able to do it really well. So, it's not the car that's the issue,
24 it's who's driving it. So, this is one of the things that having
25 fishers being involved in where to find it, how to find it.

26
27 And so, this is again, part of the efforts that we've kind of began
28 to see. And it's really through processes that include transforming
29 traditional and historic knowledge into data that can be useful
30 for managers and stakeholders at the federal and local government
31 efforts.

32
33 And so, one of the things that we did want to bring up,
34 specifically, with some of the issues with the process was an issue
35 that we found on the process of the listing that it was seen as a
36 negative. Some of the regulatory aspects of it mentioning that
37 there's 21 locations or countries that have regulations that don't
38 prohibit scuba. And so, this is implicitly something that is, it
39 could be even counterintuitive because, for example, if you take
40 Puerto Rico a place where scuba is the main gear used to fish
41 conch. It's also the main limiting factor because, one, the depth
42 and, two, the gear itself. So, like Martin mentioned, we're going
43 to go and we're going to catch in Culebra, we'll use two tanks.
44 That means that's two hours of fishing, that's two hours of
45 fishing. And of course, if they're going even deeper, it's even
46 less time.

1 So that is already implicitly letting you know that the gear itself
2 and the depth is limiting the amount. However, that's something
3 that is a marker against a location. So, one of the reasons that
4 conch should be threatened is because they don't have-- or that
5 it's a mark against it, is because they don't have regulations
6 against scuba. And using scuba could actually be something
7 positive.

8
9 So that's one of the things that we want to bring up because that's
10 actually something that, you know, we did find that might be a
11 little bit counterintuitive. Because it's not hookah, which is a
12 very big difference. You know, hookah and scuba are very different.
13 And again, they're very different in the depth you can go, in the
14 amount of time you can spend on water. Especially, when you
15 consider that most of the Caribbean, except some of the large, big
16 boats, not just Puerto Rico, but they're fishing out of small
17 vessels.

18
19 The majority of queen conch fisheries are small scale. So, again,
20 if they are using scuba, that means they're only going to be
21 fishing two or three hours in a day. Because of the capacity, the
22 boats are able to take how many tanks under, unless they have a
23 big motorboat, which it changes everything. So, that's one of the
24 things.

25
26 The other thing as well, is saying how the perception that using
27 scuba, it gives you a lot more time to, or more access to the deep
28 water refugia. So, even as of last week, some rebreather divers
29 have been letting us know that they've been seeing conch at 260
30 feet. This is not scuba depth diving. So, where are we putting the
31 limit to the deep water refugia? So, again, this is some of the
32 parts where the science hasn't caught up to what we're actually
33 seeing in the field.

34
35 And so, a lot of these things are the best science available.
36 Where? Because the best science available might not be published.
37 And so, that's some of the parts that I think we need to continue
38 to improve because a lot of the best science available sometimes
39 isn't accessible to folks that are creating the proposed rule, the
40 listing and continuing on with these determinations.

41
42 At the same time a lot of the folks that have this data countries,
43 folks in the fisheries office in Belize, in Honduras, in Guatemala,
44 have expressed their discontent and having been able to provide
45 their latest data. And so, that's also something that's, of course,
46 very concerning just because if there is more recent data on
47 landings, that also needs to be included. Especially for places,
48 for example, when we see U.S.V.I. or Puerto Rico where we see

1 every-- or smaller islands Culebra, Vieques, where we see-- we
2 actually have the numbers of how much is being landed. And so, if
3 you take Saint Croix and there's only three nautical miles and
4 they're not fishing all of those three nautical miles, you can see
5 how many hectares-- you can just run the numbers, how much is the
6 landing by the amount of space available to fish. And that number
7 is going to give you numbers really close to what on the chart it
8 says that that's the critical threshold for conch.

9
10 So, it's really interesting to see how a lot of the commercial
11 data on the landing side can also help include it. And so, maybe,
12 hopefully I missed it, but I didn't see that, for example, the
13 commercial landings for Puerto Rico. So, a lot of this data I feel
14 needs to continue to be incorporated. And I feel for Orian, and I
15 think, you know, with sharks we're already starting to do it. But
16 the door is very open right now and, you know, whether this listing
17 goes through, or it doesn't, the door is open right now to continue
18 those collaborations on the ground, to really take into
19 consideration, to really include the historic and traditional
20 knowledge of the fishing communities throughout Puerto Rico.

21
22 Because, again, like Carlos mentioned, we work with one of the
23 many conch experts in the world with Dr. Megan Davis. And a lot of
24 the information we've found and shared has surprised her as well.
25 So, for example, conch nurseries at 80 feet. A lot of conch
26 nurseries beginning at 80 feet and going deeper waters.

27
28 So, there's a lot of things that could be shifting, could be
29 changing. Again, Puerto Rico does not have that much of the typical
30 and classic conch habitat that you see in Turks and Caicos or
31 Bahamas, but we are finding, like you saw, a lot of this coral
32 rubble. Coral rubble is one of the preferred conch fishing grounds
33 because of the high densities, which is really interesting to see.
34 So, again, we have the door open to, you know, invite
35 collaborations to folks and to really facilitate those
36 conversations with the fishing sector.

37
38 You said everybody was a fisher, but I'm not a fisher. And also,
39 the same thing, the best for last. They went before me. So, thank
40 you, Marcos. And thank you everybody for giving me the time. Thank
41 you, JP, for commenting on the Section 7 about Puerto Rico. So, we
42 didn't miss that much of the DNR, even though they were absent for
43 being present. And thank you Orian for giving us the time and being
44 so, open to hearing us, hearing our comments. And so, thank you
45 everybody.

46
47 **MARCOS HANKE:** And thank you to the whole group for being here and
48 for helping the Council understand better what is going on and

1 probably producing a letter including those comments and
2 submitting to the right channels. And I please encourage all the
3 fishermen to submit in Spanish or English, on the links and
4 information that Orian put up on the screen.
5
6 Orian, please be available to them to facilitate a little note or
7 whatever, just to make sure that they have the opportunity to
8 submit the comment on the right channel. Thank you. And we have
9 Nelson Crespo.
10
11 **MIGUEL A. ROLÓN:** No tienes a Pauco primero.
12
13 **MARCOS HANKE:** We have Pauco first, online?
14
15 **MIGUEL A. ROLÓN:** Okay, Pauco no está ¿verdad? No, puedes ir
16 después de Nelson.
17
18 **MARCOS HANKE:** En el orden. Te sientas allá y te voy a dar la
19 palabra ahora. Vas después de ellos, por favor. Gracias.
20
21 **MIGUEL A. ROLÓN:** Vas después de Nelson.
22
23 **MARCOS HANKE:** Nelson.
24
25 **MIGUEL A. ROLÓN:** No, va Pauco primero.
26
27 Okay. Pauco is not here, but he told us to read the letter for the
28 record and he has been waiting the whole afternoon for this. So,
29 Mr. Chairman, I will read for the record the letters sent by Mr.
30 Edwin Font. It's in Spanish. By the way, we have 50 more minutes
31 of the translation services after that, that's it.
32
33 Estimados miembros del CFMC, luego de dedicarle pensamiento a la
34 situación del carrucho me permito hacerle varias observaciones.
35 Considero que la intención de enlistarlo como especie amenazada
36 bajo la ley de especies en peligro está haciendo mal interpretada.
37 Se piensa por algunos, que equivale ponerle más restricción a lo
38 que ya tiene y eventualmente prohibir su captura y extracción
39 permanentemente, como en el caso del carey. Es mi parecer que esta
40 acción pretende ponerle más atención y vigilar más de cerca el
41 comportamiento de su extracción en términos de calidad, tamaño,
42 madurez, población, etcétera. Para que en un futuro se puedan
43 ejecutar las acciones pertinentes de acuerdo a los datos locales.
44
45 De no la instalo como amenazado, no impedirá que se adopten medidas
46 que resulten antipáticas para los pescadores de carruchos por las
47 agencias. Entiendo, pienso, y sugiero que el esfuerzo de los
48 compañeros pescadores comerciales de carrucho debe ir dirigido a

1 levantar evidencia sólida y contundente, que apoye su teoría de
2 que el recurso está saludable, dado que en un futuro predecible
3 esta información será fundamental para inclinar la decisión hacia
4 un lado o el otro. Las opiniones que no puedan ser medidas carecen
5 de efectividad. Los esfuerzos de nosotros, los pescadores, deben
6 estar dirigidos, enfatizó, a proveer evidencia poco refutable
7 acompañada de hechos y datos.

8
9 No se puede continuar pensando que solo está bien y tan solo está
10 en el [inaudible], y ahora el futuro se hace presente y es necesario
11 anticiparnos al debate que el futuro nos traerá si no se adoptan
12 medidas preventivas y precautorias. Tenemos que acabar de entender
13 que los recursos del mar no son infinitos. Por el contrario, se
14 acaban si no son bien utilizados, lo que eventualmente nos llevaría
15 a su extinción y es lo que queremos evitar ante la amenaza del
16 cambio climático y la degradación de los hábitats. Muchos
17 pescadores como yo, que llevan sobre cuatro décadas en la pesca,
18 lo sabemos. Y no quiero mencionar nombre por no estar autorizado
19 y no herir susceptibilidades.

20
21 No acabo de entender por que esta negación cuando la hemos vivido
22 y evidenciado, de hecho, la tenemos. Es necesario enfrentar la
23 consecuencias de nuestras acciones. Escuché el comentario de que
24 durante la veda al carrucho se capturaban más que fuera de ésta.
25 Si no tenemos el control interno para respetar las vedas, ¿por qué
26 nos quejamos de las restricciones externas? ¿Qué nos sucede?
27 Vivimos de recurso natural y nos oponemos a su protección. Pues
28 necesitamos levantar la evidencia de que no necesita protección.

29
30 Para terminar, también he escuchado que a profundidades que el
31 buzo no puede bajar, hay mucho carrucho. Pues dejémoslos donde
32 están, porque posiblemente están poblando a los que sí podemos
33 capturar. Practico el don de dar, servir y ser útil. Atentamente,
34 Edwin Font "Pauco".

35
36 Thank you, Mr. Chair.

37
38 **MARCOS HANKE:** Gracias. Gracias, Pauco. Gracias, Miguel, por
39 leerlo. Yo tome la Libertad de pasar la palabra al pescador de
40 Naguabo. Por favor, el nombre, a quien representa y para aprovechar
41 la traducción. Luego Nelson trae su punto. Adelante por favor y
42 muchas gracias.

43
44 **JONATHAN ORTIZ PABÓN:** Buenas tardes. Mi nombre es Jonathan Ortiz
45 Pabón. Soy pescador del area de Naguabo. Vengo de una familia de
46 pescadores, el papá de mi papá, de mi papá, mi tatarabuelo, mi
47 hermano es pescadore. Mi papá, que ese es mi compañero de pesca.
48 Soy pescador hace 15 años. Soy padre de 3 hijas que las mantengo

1 de la pesca. Mi profesión de estudio, es turner and maker. Yo soy
2 tornero, yo hago tornillos de operaciones. De muñeca, espina
3 dorsal, rodilla. Trabajé en Medtronic muchos años. Pero lo dejé
4 porque mi vida es la pesca. Hay pecadores, como nosotros, que
5 cuidamos y valoramos lo que nos da el océano. Hay otro pues que no
6 lo hacen, pero no por otro tienen que pagar todos.
7
8 Ahora mismo, el carrucho es inteligente, el carrucho es un animal
9 que muchas personas dicen "Ay, el no siente, no—" El carrucho es
10 inteligente. Muchos años atrás, tú cogias un carrucho y te ibas y
11 virabas y estaban ahí. Ya no. Ahora tu, pescando, tu los ves a
12 ellos corriendo y escondiéndose. El carrucho, el se camuflaje él
13 mismo.
14
15 Con estos mal tiempo que vienen de cada rato, los mal tiempos que
16 vienen cada vez que azotan. Ellos tienen que ir a esconderse. ¿Se
17 van a donde? a las profundidades, donde -- ¿por qué la resaca de
18 la orilla es más fuerte que en el mar adentro? Porque es mas
19 llanito. Ellos se van a esconderse. Son cosas que nosotros, los
20 pescadores, sabemos. Que vuelvo y digo, eso es lo que queremos,
21 que colaboren y nos tengan en consideración a nosotros los
22 pescadores. Porque nosotros tenemos mucho conocimiento. Ellos no
23 corren por todos lados, ellos saben. Si tú estás cogiendo un
24 carrucho aquí y ellos los escuchan en Ponce, ellos se van a ir, se
25 van a esconder porque es algo inteligente. Si tú vas pasando por
26 una calle, escuchas un tiroteo, ¿que tú vas a hacer? Por ahí no
27 voy, me voy por acá. ¿Sabes? Son muchas cosas que nosotros sabemos.
28 Nosotros tenemos una profesión, un doctorado, como dice Joel,
29 Carlos Joel, en el mar.
30
31 Por qué el pecador-- hay mucho pescador nuevo ilegal. Que es verdad
32 como estaban diciendo, que en la veda lo sobrepescan también. Hay
33 personas irresponsables que lo hacen. Pero de esos tres meses de
34 veda ¿Dónde estaba Recurso? ¿Dónde estaban las otras personas que
35 se supone que estén pendientes a los pescadores ilegales? Porque
36 los buenos no pueden pagar por los ilegales. ¿Por qué el pescador
37 coge más carrucho, se va a coger carrucho y deja la langosta? A
38 qué no saben. No es porque paga más, porque es verdad, paga más,
39 pero no es por eso, es porque el carrucho anda con una manada. El
40 pescador lo que quiere es llegar al sitio, pescar rápido y vámonos
41 para casa. Porque nosotros estamos en riesgo. Nosotros salimos
42 todos los días a esos riesgos, a abuchear a lo hondo, a hacer lo
43 que sea todos los días. Pero nosotros, podemos coger langostas,
44 podemos comer pescado, pero el carrucho es lo más rápido que se
45 nos hace al coger, tirarnos en un sitio y viste una manada, cogiste
46 la cuota, cogiste 50. Como está el carrucho ahora mismo, con una
47 pailita. Con un cubo de una paila de pintura ya son 500 pesos.

1 Vámonos, ya eso no da para ganarnos ciento y pico cada uno y ya
2 nos fuimos.

3
4 Lo que quiero hacer es ese acercamiento y decirles que nosotros
5 sabemos mucho. Hay personas como nosotros que somos dedicados, que
6 como yo, como yo, que soy dedicado, teniendo mi profesión, la dejé.
7 Mi esposa me quería matar. Trabajando en una fábrica, pagándome el
8 plan médico, pagándome todo, me fui porque me gusta la pesca. Me
9 encanta. Por favor ayúdenos a que no nos saquen de la mar. Eso es
10 lo único que pido. Muchas gracias.

11
12 **MARCOS HANKE:** Muchas gracias. Nelson.

13
14 **NELSON CRESPO:** Thank you, Mr. Chair. I would like to make some
15 comments to the Council, so they can include them, if pertinent,
16 when they prepare the reading comments to submit for the queen
17 conch proposal rule. The comments I'm going to make are based
18 conversation I have with fishers and some legal accessory that I
19 received in during the past weeks.

20
21 During the past weeks, I have been talking with conch fishermen
22 from various sectors of the island and the frustration and
23 impotence they feel regarding listing conch as threatened under
24 the ESA is heavy. This is a very serious matter, and they feel
25 that NOAA and Puerto Rico DNR have not done the job correctly. And
26 even though it is made crystal clear that the socioeconomic factor
27 will not be considered, this could affect many fishermen in the
28 Caribbean in the future. Many questions came to light among them,
29 what resident studies has not done to the mind the health of that
30 resource? What scientific studies are being considered to make
31 such an important? Has stock assessment been made in all the
32 regions that will be impacted by this decision? Has knowledge of
33 the scientific community that has worked in Puerto Rico and the
34 Virgin Island been taken into considerations as Dr. Schärer, Dr.
35 Reni García, Dr. Richard Appeldoorn, and Dr. Megan Davis? The last
36 two with extensive knowledge about conch. Has the knowledge of the
37 fishermen who have contributed so much to the management of this
38 resource been taken into consideration?

39
40 It's public knowledge that natural events such as hurricanes, Irma,
41 María, the Greenland tidal wave, past earthquakes, covid, and
42 recently Hurricane Fiona, in addition to causing a reduction in
43 the population because many people immigrate to the U.S. because
44 a reduction in the market and having no sales and there was no
45 fishing effort. It is true that at the moment the conch stop being
46 seen where it used to be, but there are report from fishermen that
47 they are deeper. I wonder if someone investigated if this was true.
48 However, this last season the conch has been seen again in large

1 group and the catches have been impressive. As proof of this you
2 can look for the page of Conservación ConCiencia, Queen Conch lab
3 among other webpages where they show several videos of young and
4 adult conch populations.

5
6 And if we get carried away from the webpage of Queen Conch Lab,
7 that is managed by Dr. Megan Davis, who has an extensive knowledge
8 on this subject, pearls in conch are not common and it's estimate
9 that one in 10,000 could have them. I know of one fisherman only
10 who has taken six pearls this season.

11
12 In addition to all these, conch fishing is not allowing federal
13 waters around Puerto Rico for a long time. In local water, we have
14 season closures and management plan. We know that given the limited
15 number of port samplers reliable data cannot be obtained but this
16 is a topic to be discussed at another time.

17
18 This is not personal. Here, the primary responsibility lies in the
19 federal government which must supervise federal water and does not
20 pay proper attention to the Caribbean. And even worse, they only
21 have a limited number of boat and NOAA agents for the Caribbean.
22 Even more, NOAA has been negligent in the management of the
23 Caribbean fishery with a lack of sound management and policies.

24
25 Contrary to other regions of the U.S. and the Gulf of Mexico,
26 Florida, among others, you have not made a single stock assessment
27 in Puerto Rico ever. It's necessary to start a stock assessment
28 for these species. And the problem here is that one size does not
29 fit all. This has a severe connotation because our population does
30 not have a valid representation in the U.S. Government, and we are
31 defenseless and at your mercy. However, the real victim here are
32 the fishermen that have been cooperating with all of you.

33
34 You cannot pretend to designate an endangered species without doing
35 the necessary studies. When you [inaudible] of mismanaged the
36 resource of the U.S. and with those actions destroy a whole region
37 you [inaudible] in a case of institutional racism and
38 discrimination. And I'm talking about equity and environmental
39 justice. Like I said once, soft science requires soft measures.
40 Thank you for your attention.

41
42 **MARCOS HANKE:** Thank you, Nelson.

43
44 **MIGUEL A. ROLÓN:** Nelson? This ends the comments, but are you going
45 to send that letter to Orian?

46
47 **NELSON CRESPO:** Yes.

1 **MIGUEL A. ROLÓN:** Thank you.
2
3 **MARCOS HANKE:** We are ready to adjourn--
4
5 **MIGUEL A. ROLÓN:** No, no, no.
6
7 **MARCOS HANKE:** To end this topic. I'm sorry. Gimme just one sec,
8 Yeah, go ahead, Richard.
9
10 **RICHARD APPELDOORN:** I'd just like to make some quick comments.
11 Mostly regarding Raimundo's presentation, but also some of the
12 other things here. Raimundo made really good points about having
13 the fishermen involved in surveys in some way. And I could see
14 where that would really be important in potentially training some
15 of the divers or maybe participating as divers if they get trained
16 in the methods for collecting the data. Having been involved in
17 quite a number of surveys myself, I can say that for the studies
18 that I have been in, there's been no problem trying to recognize
19 conch even in those very rugose coral rubble habitats. But when
20 I've done it with fishermen, they're picking out the conch from
21 the surface just as we get in the water, I have to go down to the
22 bottom to see them. So, they really could be helpful in training
23 the divers who are participating as divers.
24
25 But the place they could really help is designating where those
26 surveys would have their greatest impact. So, almost all of the
27 surveys done in Puerto Rico have been done on the West Coast.
28 That's mostly due to a lack of funds. There are more funds
29 available now. There will be studies done, particularly, on the
30 East coast, but also on the South coast in the upcoming surveys.
31 And that was looking for even more funds to conduct surveys to
32 really get our sample size way up, and that would also be for the
33 Virgin Islands.
34
35 So, those are stratified by areas we think the conch will occur or
36 used to occur, and areas that don't. So, the better maps we have
37 about where conch occur, the better we can allocate our sampling
38 effort to get a better estimate of where those areas are. And those
39 estimates are done with interviews for fishermen. Those will be
40 coming up probably next year. And hopefully we will be looking at
41 the East Coast a lot more than we have in the past. So, hopefully
42 people will be coming to Naguabo and other areas and saying, can
43 you help us in designing our surveys to get better information?
44
45 There was a comment about how scuba can be a limiting factor as
46 well as an exploitative factor. Our experience in trying to assess
47 conch, and I'll make a comment on that, is that basically every
48 trip that goes out reaches the bag limit. So, maybe that bag limit

1 is actually more of a limiting factor. He is right about hookah
2 being abused a lot in other areas, but scuba is abused a lot either
3 and that's why people end up in the hospital. Not so, much in our
4 jurisdictions, but certainly in others as well.

5
6 The thing to know about stock assessment, Nelson was criticizing
7 that, you know, the foremost thing you have to understand when
8 looking at conch, is conch not fish. So, almost all the models
9 that we've generated for fish don't apply to conch. Their biology
10 is just very different. They stop growing at some point and, you
11 know, reproducing, their shell dimensions change from length to
12 lip thickness and, well, it makes it very hard. But there are
13 things that we can do and these kinds of surveys that look at not
14 just density, but proportion of adults, how old those adults are
15 and how they're distributed are really important.

16
17 So, the last part is, for those fishermen who want to put comments
18 that we've been hearing here and want to put them into the NOAA
19 site, be kind of open to what Orian presented. Like, this is the
20 kind of information they're particularly looking for. And I would
21 say from what I heard, you want to be as quantitative as possible,
22 and even if that's just an approximation number or something, but
23 you know, the team needs something they could recognize as, this
24 is something that looks healthy or does not.

25
26 So, when you're talking about abundance, you're really talking
27 about density. How many do you see in a given area? And so, to the
28 degree that the conch fisherman can say, "On average, when we go
29 diving in a certain area, I see X amount of conch." Or even, "When
30 I go diving, if I'm in a good area," how far is one adult from the
31 next adult? So that's a minimum nearest neighbor distance measure
32 that can be used. Or "when I'm in a really good area" how close is
33 the next conch? "When I'm in an average area," how close is the
34 next conch? Those are kinds of information, even if it's an
35 estimation, it's quantitative enough to say, "you have a really
36 good conch population" or not if your data's not that good. But
37 that's not what we were hearing.

38
39 The other question is, how old are-- you know, what percentage are
40 adults? and how old are they? And you don't have to say, "oh,
41 they're 23 years old" or whatever. But you can give an idea of how
42 old they are by the thickness of the lip and the amount of erosion.
43 So, if you're saying, you know, "20% of the conch I see have really
44 thick lips and they're very eroded" or "50% of the conch" that's
45 telling the review team here that you have a very healthy
46 population. These things are living, despite the fishing pressure,
47 these things are living a long time. And so, that's the kind of
48 information they're looking for. From what I was hearing those

1 fishermen actually have that kind of information, but they need to
2 make sure they, to the best of their ability, get it into a form
3 that is useful for the review team. And I think Raimundo can help
4 them with that.

5
6 The last point I have is actually a question for Marcos and Miguel.
7 I sent you both a draft of my response, which is going to be, I'm
8 going to submit that separately to NOAA on that. It's being revised
9 right now, pending from reviews I got back from people like Allan
10 Stoner and Alex Tewfik who are really experts in areas. I don't
11 know if you want me to comment on that or just let me submit this
12 separately and you guys make your own comments or—
13

14 **MARCOS HANKE:** Because of time, maybe to submit is the appropriate
15 thing. Share it with Graciela and we can find a way to share it
16 with the Council members, your comments, and the SSC too. Miguel.
17

18 **MIGUEL A. ROLÓN:** Yeah. What Deanna and I were talking about, we
19 are going to have this part of the audio and we are going to do
20 the transcription. So, the Chair can prepare letter taking all
21 this in consideration as a letter from the Council. And certainly,
22 everything that Richards and everything else that has been said
23 here will be taken in consideration. We have to comprise it.
24

25 But yeah, the question, to Richard. Richard, send those comments
26 directly to Orian, because I believe they are top, as well as
27 Nelson. I spoke to Raimundo, and he's going to help the fishers
28 here, and Andy, to put together the appropriate correspondence
29 that is going to be sent to Dr. Tzadik. So, they will be taken
30 into consideration.
31

32 I want to say this for the record again. All the comments that you
33 have here are not the official comments for the actions that are
34 going to be taken by the office of Dr. Tzadik, but they will be
35 taken in consideration, and we will make sure that we be as close
36 as possible to all the comments that we have received here today.
37 And that will have to do with the science, with the socioeconomic.
38

39 And remember, socio-economy is not considered under the ESA. The
40 animal is first, but it doesn't hurt to include a little bit of
41 here and a little bit of there about it. Okay.
42

43 **MARCOS HANKE:** Thank you, Miguel. And Richard I want to comment
44 that for sure your support on the draft of the letter that we are
45 going to submit. I'm counting on your help on that too. Go ahead,
46 Richard.
47

1 **RICHARD APPELDOORN:** Yes. So, I was just reiterating that my
2 intention is to submit my comments directly to the NOAA team, but
3 I will make sure that you have a copy of the final version of that.

4
5 And one last comment, I forgot the name for the fisherman. One of
6 the major criticisms that is that the peer reviewers or the
7 knowledgeable peer reviewers on this issue had made was nobody
8 liked the habitat maps that were used to generate population
9 estimates. So, the more precise the information one has about where
10 conch are found and how deep they're found in various areas the
11 better that information will be. I don't think they will revise
12 the model, but they should understand the degree to which the model
13 can make errors.

14
15 **MARCOS HANKE:** Thank you, Richard. We really need to speed up.
16 Nick, your comments and then we go for the last presentation, which
17 will be Jannette.

18
19 **GERSON MARTÍNEZ:** Gerson Martínez, for the record. Miguel, eso no
20 era para ti. Okay. I'm going to compress my presentation and I'm
21 going to send you a copy directly, Mr. Tzadik. Everybody touched
22 a little bit on my comments and I'm glad I was told this because
23 it would take at least a lot of 15, 20 minutes and I know people
24 want to go home.

25
26 A hundred percent of the conch I fish are caught in a dive that
27 are more than half an inch thick in lip. And each dive I can catch
28 anywhere from 50 to 130 conchs per dive, dependent on the depth.
29 So, our fishery in our Virgin Islands has been so healthy because
30 of the strict regulations that we have into place, which I'm going
31 to elaborate more when I send you that email. And I just wanted to
32 make it the point that we have been doing our homework in a Virgin
33 Islands, and I believe, as a fisherman, that blanket laws cannot
34 penalize people who are protecting the resource and we have given
35 a lot to protect our resources in the Virgin Islands. And our
36 government has been there for us listening to our FAC who
37 recommends regulations to the commissioner, and he has been very
38 strict into listening to us and working those regulations. And
39 even more, we have put stricter regulations in our resource from
40 1994 to date, to prevent overfishing.

41
42 And I know my fisherman has been very responsible in where it comes
43 to protecting our resource and following regulations. I will send
44 you a more elaborated letter through email and even I'm going to
45 send you even GPS coordinates of different habitats with different
46 species in size because the bundle of juveniles over there is
47 ridiculous every four to six inches as far as you can swim as far
48 as you can see in all directions we have those juveniles, which is

1 showing that our recruits are there to show that our fisheries is
2 in good condition. That's all I have to say for now, and we will
3 send you that letter.

4
5 **MARCOS HANKE:** Thank, thank you very much, Gerson. I just want to
6 mention that in Cabo Rojo where the Conch fishery is very famous.
7 To be a good fisherman is a fisherman that for the last 30 years
8 and more they race to the dock at 10:30, 11 o'clock. Everybody
9 comes to the dock consistently over the years and that habit
10 happens over time for so many years. You just are able to do that
11 if you have a lot of conchs out there. They are not changing the
12 way they fish. They are just using the resort that have been there
13 forever. This is something very that we have to take in a
14 consideration, like a fisher related effort signal, right? And
15 those kinds of things should be considered some way somehow. And
16 now Jannette, next presentation. Vanessa, very quick.

17
18 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
19 record. I just want to say, as you said, practically, we have more
20 than 400 divers in there and for the first time we have a new
21 generation of divers also. So, we are looking for ways to bring
22 them the tools and also give them, by federal funds, in Cabo Rojo,
23 we are giving them the scuba diving license also. So, those are
24 going to be a generation that could participate in the next
25 studies. So please and I'm going to ask Alida to send more
26 information to teach all this new generation about these
27 recommendations that they don't even know. Thanks.

28
29 **MARCOS HANKE:** Thank you very much. Jannette let's change the
30 subject. Thank you for all the participation.

31
32 **Puerto Rico's Fishing Villages after Disaster**

33
34 **WILSON SANTIAGO:** Thank you, Mr. Chair. I'm Wilson Santiago, Puerto
35 Rico Fisheries Liaison, for the record. My partner is Jannette
36 Ramos, partnering crime. She's going to present later. Also, very,
37 very quick, we're going to make this presentation. This is a
38 presentation, an effort that Jannette and I made, like an
39 assessment, after the hurricane Fiona and what has happened to the
40 fishing villages in Puerto Rico after María and other natural
41 disasters that have been happening in Puerto Rico. So, Jannette is
42 going to present. So, I'll leave you with Jan.

43
44 **JANNETTE RAMOS-GARCÍA:** Gracias, Wilson. Thank you, Wilson. Well,
45 as you know, Fiona made landfall—

46
47 **MIGUEL A. ROLÓN:** Jannette, who are you for the record and who do
48 you represent?

1
2 **JANNETTE RAMOS-GARCÍA:** I'm sorry. I am Jannette Ramos-García an
3 OEAP member and I also work for the Sea Grant program. So, as you
4 know, Fiona made landfall on September 18th, 2023, and since it
5 made landfall between Cabo Rojo and Lajas in the Southwest coast
6 of the island, the first fishing villages visited were those of
7 Cabo Rojo and Lajas. Our first trip was three weeks after the
8 hurricane.

9
10 The trips were divided taking into consideration the areas that
11 were the most affected by the hurricane. We visited 17
12 municipalities where we interviewed fishmonger employees and some
13 independent fishermen and also, fisherwoman. The coastal
14 municipalities visited were in the Southwest coast, Cabo Rojo,
15 Lajas. In the West coast Mayagüez and Aguadilla. In the South coast
16 Guánica, Peñuelas, Ponce, Juana Díaz, Santa Isabel, Salinas,
17 Guayama.

18
19 **WILSON SANTIAGO:** As you see this photo, this is Villa Pesquera La
20 Mela in Cabo Rojo. This fishing village was very impacted by
21 hurricane Fiona. As Jannette said, hurricane Fiona enter between
22 Lajas and Cabo Rojo, so the municipality of Cabo Rojo was one of
23 the most, well, I can say it was the municipality that was most
24 impacted in Puerto Rico by hurricane Fiona.

25
26 So, you see this hole in the fishing village that was "velero"
27 sail. That was a sailboat that was in Puerto Real and hurricane
28 Fiona took it to the fishing village and it broke the wall. So, as
29 you see, this is another area too, Cabo Rojo was impacted. Jannette

30
31 **JANNETTE RAMOS-GARCÍA:** Thank you. And then, we went to the North
32 coast to Dorado, Vega Baja, Camuy, Loíza, Rio Grande, San Juan and
33 Cataño. In the East coast due to the road conditions and the
34 continuous rains, the East coast was not visited, but we are
35 planning to visit it during the next weeks and also, we are going
36 to Vieques and Culebra.

37
38 Next.

39
40 So, in the Southwest-- and then the other one, Christina, por favor
41 --what we found in the Southwestern area, in Cabo Rojo, as you see
42 in the first picture, sometimes there is a saying that goes "one
43 picture, say more than a hundred words." Well, what you are looking
44 in the first picture is, when you go to La Mela, you have to cross
45 a bridge. That bridge doesn't have railings. So, after Fiona passed
46 the bridge goes way on one side, putting all the people that passes
47 through it in a precarious situation. And for the fisherman who
48 needs to take out his boat, it can be very dangerous. So, in the

1 next picture, you see the fishing village, the roof is raised and
2 the "escamadero" in the next picture is about to collapse. It was
3 broken with the waves.

4
5 **WILSON SANTIAGO:** Just to add something. This fishing village,
6 like another fishing village in the South coast of the island that
7 we visited, they have been impacted in several natural disasters.
8 Starting with Hurricane María, the earthquakes in 2020, and now
9 Hurricane Fiona completed all the destruction.

10
11 **JANNETTE RAMOS-GARCÍA:** But La Mela during Hurricane María didn't
12 suffer like this, even when it was a category five hurricane. Well,
13 this time it suffered a lot.

14
15 As you see, the wet floor in La Mela fishmonger is a testimony of
16 the roof conditions after a rainy day. I went back to La Mela and
17 that's what I found. That day it was raining a lot and when I
18 entered the fishmonger, it was like, what happened in here? The
19 roof was leaking all the rain through it.

20
21 Next.

22
23 And then we went to the South coast to Guánica, Peñuelas, Ponce,
24 Juana Díaz, Santa Isabel, Salinas and Guayama. What we found in
25 Guánica at Playa Santa, the platform around the fishing village
26 was severely cracked as a result of swell caused by Fiona. So, you
27 are looking at that. And also, this is part of what began with the
28 earthquakes and then Fiona completed what the earthquakes began.

29
30 **WILSON SANTIAGO:** Yes. I just want to add, in Cabo Rojo too, the
31 Fishing Commercial Landing Center, is called El Corso-- my partner
32 Andy Maldonado lives over there --they use that ramp and that
33 "muelle" that duck. So, El Coroso is the area that is next to the
34 Salina in Cabo Rojo, everybody knows that area, you know that area
35 doesn't have a road, it's a dirt road, so the Caribbean Sea entered
36 completely to that area. So, the fishers, like one or two months
37 after the hurricane, were having difficulty throwing their boats
38 to use the ducks. So, right now, Jannette said to me that she
39 visited again, and right now it's clean, completely, but the damage
40 is done. Okay.

41
42 **JANNETTE RAMOS-GARCÍA:** Christina, next slide please. And then we
43 went to the South coast to Peñuelas to Santo Cristo de la Salud.
44 The Peñuelas Fishermen's Association in the EL Boquete Sector did
45 not suffer structural damage. However, since the impact of
46 Hurricane María, fishermen have been deprived of a safe dock, as
47 you will see in the following video. They have managed to have a

1 floating dock built for them on drones, but it was damaged and
2 useless after Fiona's impact. Christina, please run the video.

3
4 **WILSON SANTIAGO:** This was a video that we took. We had luck that
5 a commercial fisher landed that day. So, you can see the difficulty
6 they passed day by day in that fishing village. That day the wind
7 wasn't blowing a lot.

8
9 **JANNETTE RAMOS-GARCÍA:** But as you can see, it's very dangerous
10 for the fishermen to that every day. They have to take out their
11 equipment, their fishing [inaudible] and put it in the rail of
12 what is left of the dock. And then he has to take the boat out
13 with a ramp that is also broken.

14
15 Next slide.

16
17 Here we went to Aguirre in Salinas, this is a Google Map that I
18 took out. As you can see, the pier that you see in the photo no
19 longer exists since Hurricane María. So, next slide Christina.

20
21 In Aguirre we went to the fishing association to the fishing
22 village and Fiona raised the roof of the buildings, which had
23 already been affected since María. In the same way, the
24 "escamadero" was left in the open without a roof. There is a ramp
25 that is uneven in relation to the beach, making the process of
26 putting the boats at sea a hard and difficult one.

27
28 Next slide.

29
30 And then, we went to the North coast to Cibuco. What we found--
31 Next slide. What we found in Cibuco is that the Fisher Village
32 shares its ramp with recreational fishermen and with FURA. It was
33 covered with sand and the pier was in terrible condition, as you
34 can see in the second picture. And we also saw fishermen trying to
35 tie his boat to the dock and it was a horrible process. He went
36 away, went back, tried to tie the boat without-- it was practically
37 impossible to do that.

38
39 Okay? And then we went to Loiza. What happened in Loiza? Well,
40 Loiza was affected by hurricane Fiona but not the fishing village.

41
42 Next slide, Christina. We found Rafael, the president of the
43 Fishermen's Association, and he told us "They came to remodel the
44 village, they started and left everything lying around and they
45 haven't been back for months." He was talking about the
46 Agricultural Department.

47
48 Next slide.

1
2 **MIGUEL A. ROLÓN:** Jannette tienes dos minutos más to finish it.

3
4 **JANNETTE RAMOS-GARCÍA:** Yeah, I'm finishing. Thank you. This is
5 what we found in Loiza.

6
7 Next slide.

8
9 Okay. This is in Juana Díaz, also in the Southwest coast. Here we
10 found coastal erosion and even though we were looking for that,
11 those were the things that we were out to see. In both places, the
12 sea enters the facilities during the passage of Hurricane Fiona.
13 You can see the loss of beach at the space occupied by buildings
14 near the coast.

15
16 **WILSON SANTIAGO:** Yeah. One of the things that we found when we
17 spoke to the fishers-- because we make this effort, but
18 additionally to that, we talk and listen to the fishers. Okay? So,
19 over there in the Pastillo in Juana Díaz, as you can see, those
20 fishers, they are fishers from pot and traps, lobster traps and
21 lobster pots. So, they told us that they have found that the tidal
22 from the Hurricane Fiona take the pots like a mile, two miles away
23 in the sea. So, you can see the impact that it made.

24
25 **JANNETTE RAMOS-GARCÍA:** Even though it was not Fiona-- next slide,
26 please, Christina --we found abandon fishmongers, this one is in
27 Las Mareas, closed since 2014.

28
29 Next slide.

30
31 And in Papayo in Lajas, even though it is an area of fishermen who
32 report their catches and who have the facilities of a dock built
33 by them, the building that would house the fishermen's association
34 has remained closed and in disuse for years. It does not have water
35 or electricity facilities, nor permission for them to use it.

36
37 And then more important than reviewing and collecting the physical
38 damage suffered by the structures that house fishmonger, is what
39 the fishermen had to tell us. "I lost six 60 fishing boxes and 30
40 traps," fisherman in Santa Isabel. "The engines of my 'yola'
41 drowned," fisherman in Aguadilla. "We lost all the fishing," all
42 the fishermen interviewed. "We couldn't go fishing for several
43 weeks," all the fishermen interviewed. "The government has
44 forgotten us," all the fishermen interviewed. "We have been like
45 this since María," fishermen in Peñuelas. "You are the first people
46 who come to visit us and ask us how we are doing and what we need."

47
48 Next one.

1
2 These are the faces of some of the fishermen that we interview. In
3 the first one, you are looking at the fisherman who was in El
4 Coroso in Cabo Rojo; he was fixing his net. In the middle, this
5 fisherman was in his boat, and he asked for help to go out at the
6 boat and I said, "why?" well, he is a diver, and he got a bubble
7 in his spine, so he can't walk. He can't bend, thank you. He showed
8 me his walker and it was full of mold, and we went out and brought
9 another one, it's a Bentley of a walker. And in the third picture,
10 you see a fisherman in Lajas in La Parguera.

11
12 And the next one, in the first picture you see Cynthia Lugo from
13 El Coroso. And in the second picture down, two fishermen from El
14 Pastillo, Aguirre in the middle, and La Mela fisherman. And this
15 is us.

16
17 I have to say something to finalize our presentation. Even though
18 we have not finished the work, I want first to thank the Council
19 for the confidence it had in our work, but also, I want to thank
20 Christina Olán for being the voice of order and structure for
21 Wilson and me. And last, but not least, I want to mention that
22 inviting Wilson to make this visit, was for me the best decision.
23 Our ways complement each other perfectly and we can bring the
24 correct information that fishermen and fisherwomen need regarding
25 licenses, loss and other topics. We hear them and we think that
26 they appreciate it. Thank you.

27
28 **MARCOS HANKE:** Thank you, Jannette. Because this is an expression
29 of what we have been hearing since María in words, now we have
30 images. Thank you very much. Alida.

31
32 **ALIDA ORTIZ SOTOMAYOR:** Yes. I want to thank them. And also, I am
33 really sorry that we don't have anyone here from the Department of
34 Natural Resources because that's not just [crosstalk].

35
36 **MARCOS HANKE:** Thank you Alida. And we are going to pass now before
37 we adjourn to the moment for the public comments. Anybody on the
38 public that want to make public comment? Seeing none, we are ready
39 to adjourn. And thank you for your patience it was an interesting
40 meeting today even though we accomplished a lot. Tomorrow is
41 another day and we going to start at nine o'clock. I'll see you
42 all tomorrow. Thank you very much.

43
44 The people for the closed session, please stay in the room.

45
46 (Whereupon, the meeting recessed on December 6, 2022.)

47
48 - - -

1
2 DECEMBER 7, 2022

3
4 WEDNESDAY MORNING SESSION

5
6 - - -
7

8 **MARCOS HANKE:** Good morning, everyone. We are going to start the
9 meeting. It's 9:00 AM Today is December 7th. This is the 180th CFMC
10 meeting. I just want to remind everyone to ask for a turn to speak
11 by rising their hand. If you're in a virtual, also proceed with
12 the same, and I will do my best judgment to include all the comments
13 if it fit on the agenda from the virtual attendees. Close your mic
14 after we stop speaking and also make sure we speak close to the
15 mic to make sure the record is clear, and everybody can hear you.
16 I encourage everybody to speak to the agenda items and to be more
17 effective on our discussion. Also, I want to say thank you to all
18 the participants from yesterday meeting. We did a lot of things
19 yesterday under a very professional and productive way like we
20 always do, and I want to keep this positive momentum forward.

21
22 I want to read something that I forgot yesterday on our family.
23 Sometimes it's just a procedural thing, but I want to put the rules
24 out there as a reminder. Rules of conduct and all instructions for
25 all meetings. I want to remind everyone about those rules for the
26 hybrid or virtual meetings. All participants should mute their
27 sound until they are recognized by the Chair as a turn to speak.
28 Please don't interrupt anybody. Let's be very respectful to
29 everyone. Participants can indicate that they wish to speak by
30 using the chat or rising their hand using the reaction feature.
31 The chat will be monitored to identify people who wish to speak or
32 who need assistance or technical difficulties. The intention of
33 this Council is to hear everybody, but we have to do in an orderly
34 manner. The chat should not be used to address Council committee
35 panel or to make public comments. Please your comments, if they
36 are relevant to the agenda, we want to hear them in an orderly
37 manner. Unless the Chair permit, please raise your hand and I will
38 use my judgment to make sure that everything lines up with the
39 agenda items. Sidebar conversation or comments made in the chat
40 will not be read and will not become part of the record unless
41 permitted by myself, by the Chair. The idea on this is for
42 everybody to stay on the same page and all the rules of the game.
43 We are a family, and this family is going to start the meeting
44 now. Let's go forward.

45
46 Today we are going to readjust the agenda based on the
47 presentations that were left from yesterday. The first
48 presentation is going to be Caribbean Fishery Management Council,

1 Scientific and Statistical Committee Practices and Procedures
2 Concerning Objectivity and Conflict of Interest. After that, we're
3 going to have the Pelagic Fish Amendment to the Island-Based FMPs.
4 After that, we going to have Managing Trap Fisheries in the
5 U.S.V.I. Then we are going to pass to the Southeast Fisheries
6 Science Center presentation. After that, we're going to address
7 Recreational Fisheries by Russel Dunn. And then we follow the
8 regular roster on the agenda.

9
10 Uh, with no more to say we going to start with the with the roll
11 call. Christina.

12
13 **CRISTINA OLÁN:** Cristina Olán, Council Staff.

14
15 **LIAJAY RIVERA GARCÍA:** Liajay Rivera, Council Staff. Buenos días.

16
17 **GRACIELA GARCÍA-MOLINER:** Buenos días. Graciela García-Moliner,
18 Council staff.

19
20 **MARÍA LÓPEZ-MERCER:** María López, NOAA Fisheries.

21
22 **VANESSA RAMÍREZ:** Good morning. Vanessa Ramírez, Council Member,
23 Puerto Rico.

24
25 **JAMES R. KREGLO:** Good morning. James Kreglo, Saint Thomas, Virgin
26 Island.

27
28 **JEAN-PIERRE L. ORIOL:** Good morning, buen día. Jean-Pierre Oriol
29 DPNR.

30
31 **CARLOS FARCHETTE:** Good morning. Carl Farchette, Council members,
32 Saint Croix District.

33
34 **SAMUEL D. RAUCH III:** Good morning. Sam Rauch, Deputy Director
35 National Marine Fisheries Service.

36
37 **MARCOS HANKE:** Good morning. Marcos Hanke. Puerto Rico, Chair.

38
39 **MIGUEL A. ROLÓN:** Good morning. Miguel Rolón, Council Staff.

40
41 **DIANA T. MARTINO:** Good morning. Diana Martino, Council staff.

42
43 **JOHN MCGOVERN:** Morning. Jack McGovern, NOAA Fisheries.

44
45 **KATHERINE M. ZAMBONI:** Kate Zamboni, NOAA Office of General
46 Counsel.

1 **CLAY PORCH:** Good morning. Clay Porch, NOAA fisheries, Southeast
2 Fishery Science Center.
3
4 **ANDREW MCGRAW-HERDEG:** Good morning. Andrew McGraw-Herdeg, U.S.
5 Coast Guard, Sector San Juan.
6
7 **SARAH STEPHENSON:** Good morning. Sarah Stephenson, NOAA Fisheries.
8
9 **MIGUEL BORGES:** Good morning. Miguel Borges, NOAA Office of Law
10 Enforcement.
11
12 **HOWARD FORBES:** Good morning. Howard Forbes, DPNR Enforcement.
13
14 **MARÍA DE LOS A. IRIZARRY:** Good morning. María Irizarry, Council
15 Staff.
16
17 **GERSON MARTÍNEZ:** Good morning. Gerson Martínez, DAP Chair.
18
19 **ALIDA ORTIZ SOTOMAYOR:** Good morning. Alida Ortiz, Outreach and
20 Education Advisory Panel.
21
22 **JULIAN MAGRAS:** Good morning. Julian Magras, DAP Chair Saint
23 Thomas/Saint John.
24
25 **NELSON CRESPO:** Buenos días. Nelson Crespo, DAP Chair of Puerto
26 Rico.
27
28 **ALEX TERRERO:** Alex Terrero, NOAA Law Enforcement, Saint Thomas.
29
30 **ADYAN RIOS:** Adyan Rios, Southeast Fisheries Science Center.
31
32 **RUSSEL DUNN:** Russ Dunn, NOAA Headquarters.
33
34 **TIM SARTWELL:** Tim Sartwell, NOAA Fisheries.
35
36 **SEAN A. MORTON:** Sean Morton, NOAA Fisheries.
37
38 **SEAN R. MEEHAN:** Good morning. Sean Meehan, NOAA Fisheries.
39
40 **BRAD MCHALE:** Brad McHale, NOAA Fisheries.
41
42 **HELENA ANTOUN:** Morning. Helena Antoun, NOAA Fisheries.
43
44 **ANDRÉS MALDONADO:** Andy Maldonado, Puerto Rico Conch Fisher.
45
46 **NICOLE GRE AUX:** Nicole Gre aux, Caribbean Fishery Management
47 Council Liaison to Saint Thomas/Saint John
48

1 **NICOLE F. ANGELI:** Nicole Angeli, Director of the U.S.V.I, Division
2 of Fish and Wildlife.

3
4 **WILSON SANTIAGO:** Good morning. Wilson Santiago, Puerto Rico
5 Fisheries Liaison.

6
7 **MICHELLE SCHÄRER-UMPIERRE:** Michelle Schärer, SSC.

8
9 **ORIAN TZADIK:** Orian Tzadik, NOAA Fisheries.

10
11 **LIAJAY RIVERA GARCÍA:** I am going to read the names of the people
12 that are in Zoom. We have a person that his or her name is Dwame,
13 I do not know how to pronounce it. Kevin McCarthy, Laura Cimo,
14 Refik Orhun, Sarah Stephenson, Tania Capote, Virginia Shervette,
15 Yamitza Rodriguez, Rachel O'Malley.

16
17 **MARCOS HANKE:** Thank you very much for the attending virtually. I
18 want to remind everyone that every time we speak state your name.
19 First presentation. Kate, can you proceed please? Thank you.

20
21 **Caribbean Fishery Management Council, Scientific and Statistical**
22 **Committee Practices and Procedures Concerning Objectivity and**
23 **Conflicts of Interest**
24

25 **KATHERINE M. ZAMBONI:** Yes, sir. Good morning. My name is Kate
26 Zamboni. I'm an attorney in NOAA's office of General Counsel in
27 the Southeast section. And as a little bit of background before we
28 get into this, my colleague, Jocelyn D'Ambrosio, discussed several
29 principles regarding conflicts of interest as they relate to
30 members of the SSC during the Council's August meeting.

31
32 Her discussion actually starts on page 214 of the transcript if
33 anyone wants to go back and review what she talked about. During
34 that discussion, she refers to a document that she was working on
35 that reflects the principles of conflict of interest as they relate
36 to members of the SSC. Last week, a working draft of that document
37 titled Caribbean Fishery Management Council Scientific and
38 Statistical Committee Practices and Procedures Concerning
39 Objectivity and Conflicts of Interest was circulated to Council
40 members, and it is available in the briefing book materials for
41 this meeting on the Council's website.

42
43 The document suggests best practices that may be applied to SSC
44 members to preserve the objectivity and independence of the
45 committees work. There is no action associated with that document
46 today; nonetheless, I'd like to summarize that document for you
47 and answer any questions you may have about it, and if the Council

1 believes this document would be useful, it may consider it for
2 adoption at a future Council meeting.

3
4 Next slide please.

5
6 So, just as a little bit of a background on SSCs. The Magnuson-
7 Stevens Act requires each fishery management Council to establish,
8 maintain, and appoint members of a scientific and statistical
9 committee, what we refer to as the SSC. And the purpose of the SSC
10 is to assist the Council in the development, collection, evaluation
11 and peer review of such statistical, biological, economic, social,
12 and other scientific information as it relates to a Council's
13 development and amendment of any fishery management plan.

14
15 The SSC plays a very important role in the Council's efforts to
16 develop conservation and management measures that are consistent
17 with the national standards for fishery management, including in
18 particular National Standard 2. And that is the standard that
19 requires that the Council use best scientific information
20 available. The SSC assists the Council in doing that, by
21 identifying what we refer to as BSIA and often provides advice and
22 recommendations based on BSIA. This management advice can include
23 things such as recommending acceptable biological catch,
24 preventing overfishing, identifying maximum sustainable yield,
25 achieving rebuilding and reports on stock status and health
26 bycatch, habitat status, social and economic impacts of management
27 measures, as well as the sustainability of fishing practices.

28
29 I will note here though that although the SSC helps to identify
30 and ensure that conservation and management measures are based on
31 best scientific information available, it is ultimately NMFS's
32 responsibility to approve conservation and management measures and
33 certify that decisions are consistent with BSIA. As part of that
34 process, NMFS does evaluate and use the SSCs determinations and
35 other information as appropriate.

36
37 Next slide please.

38
39 So, some of the SSCs responsibilities that are relevant for our
40 discussion today and the functions that they serve include
41 recommendations on identifying that best scientific information
42 available, providing management recommendations and advice and
43 like I said, those can include ABC recommendations and it can also
44 include identifying research priority recommendations and areas
45 where additional information is needed. The SSC can also be asked
46 to conduct peer reviews as a body or evaluate those peer reviews.

47
48 Next slide, please.

1
2 So, as it relates to the SSC, why is it important to discuss
3 conflicts of interest? In fulfilling its role as the Council's
4 Scientific Advisory Committee, the SSC must ensure that its
5 deliberations advice and recommendations are clear and well-
6 reasoned, and that they are objective. While the MSA does not
7 explicitly address SSC members conflicts of interest, there are
8 the National Standard 2 guidelines that provide guidance on how to
9 navigate conflicts of interest in the peer review context. And
10 therefore, when the SSC is performing that function as a peer
11 review body, those conflict-of-interest rules do apply. The
12 purpose of the document that was circulated and what we're going
13 to go over today is how some of those guidelines that we know would
14 apply in the peer review context could apply to other SSC
15 functions, such as identifying the best available scientific
16 information and providing management recommendations and advice.

17
18 Next slide please.

19
20 So, again, really the goal here is to ensure objectivity and
21 independence and in the peer review context we can do that by
22 making sure that the people involved in that peer review are
23 independent from the material under review and otherwise free of
24 conflict of interest. You know, you may think you know what it
25 means to have a conflict of interest, it does have a real meaning
26 in the law, and it tends to be related to financial interests. In
27 the peer review context, however, it is financial interest, but it
28 could be other interests that conflicts with the service of the
29 individual on the review panel and what that means is if a member
30 of a review panel has had a substantial involvement with the work
31 that is being reviewed, they may not be as subjective in providing
32 that peer review. But I did look up, for your benefit, a definition
33 in Black's Law Dictionary, which defines conflict of interest as
34 a real or seeming incompatibility between one's private interest
35 and one's public or fiduciary duties. Conflicts of interest can
36 include but are not limited to one's personal financial interest
37 and investments, employer affiliations, consulting arrangements,
38 grants or contracts of the individual and of others with whom the
39 individual has substantial common financial interests. And so,
40 what that's focused on is obviously where someone can benefit
41 financially, not just themselves, but if it's a close family member
42 such as a spouse who has those types of financial interests that
43 person may benefit in some way and that could be considered a
44 conflict. But as I said, really in the peer review context, I think
45 what's more common is that peer reviewers have not contributed or
46 participated in the development of a work product or scientific
47 information under review. In some cases, a greater degree of
48 independence is necessary to ensure the credibility of that peer

1 review process when the product under review involves novelty or
2 controversy.

3
4 Next slide please.

5
6 So, what do the NS2 guidelines say about avoiding conflict of
7 interest in their peer review context? For reviewers who are not
8 federal employees, they must be screened for conflicts in
9 accordance with the NOAA Policy on Conflict of Interest for Peer
10 Review Subject to the Office of Management and Budget's Peer Review
11 Bulletin, or other applicable rules or guidelines. And as I
12 mentioned, peer reviewers must not have any conflicts of interest
13 with the scientific information, subject matter or work product or
14 any aspect of the statement of work for the peer review.

15
16 Next slide.

17
18 There is a very important exception, however, and that is for
19 reviews that require highly specialized expertise where there is
20 a limited availability of qualified reviewers. In that case an
21 exception may be applied when a conflict of interest is
22 unavoidable. The way that gets handled is that the conflict is
23 disclosed promptly and publicly.

24
25 Disclosure of a conflict is an important concept. That is often
26 the way one cures, if you will, a conflict. It's disclosed and
27 then once that knowledge is out there an informed decision can be
28 made, whether or not to waive the conflict. I think this exception
29 is very important in the SSC context because of the role that that
30 committee serves. Its members are selected because they have
31 specialized expertise and that indeed is why we want them on the
32 SSC. And so, when they have to perform functions, there may be
33 some overlap in work that they performed and that is why they have
34 that specialized knowledge, and so this exception could come into
35 play in other contexts.

36
37 Next slide please.

38
39 So, like I said, we know basically what rules would apply when the
40 SSC is conducting a peer review, but we can talk about what best
41 practices could be applied when the SSC is determining and making
42 a recommendation as to what constitutes best scientific
43 information available. There are no rules or criteria imposed by
44 the MSA or the National Standard 2 guidelines for avoiding
45 conflicts of interest in the BSIA determination process but we can
46 borrow the same principles from the peer review context and if we
47 did that, if an SSC member has participated in the development or
48 review of a work product, we know that they have to publicly

1 disclose his or her underlying work and their role in that
2 underlying work.

3
4 Let's go to the next slide. It's continuation.

5
6 And so, if that underlying work is now being recommended as best
7 scientific information available, the SSC member, in addition to
8 disclosing their work, could consider recusing himself or herself
9 from actually voting on whether that work meets the standards of
10 BSIA, if that member's objectivity would be compromised but they
11 should be able to participate.

12
13 Are we ahead of slide? Go back one, sorry. Yeah. So, they should
14 consider recusing themselves, but again, that exception may be
15 appropriate because if there is a need for that specialized
16 expertise and that person has that expertise, and it's not
17 otherwise available, then the exception may be appropriate. But
18 again, that would be with the disclosure.

19
20 Next slide.

21
22 And if an SSC member has recused himself or herself from voting on
23 the BSIA recommendation, a best practice might be to allow that
24 SSC member to participate in the technical discussion and to answer
25 any questions. Again, we don't want to no avail the SSC to that
26 expertise and so it might be appropriate to have that member
27 participate in the discussion, but perhaps avoid expressing his or
28 her opinion as to whether or not the work that they've had
29 involvement in actually constitutes BSIA in order to preserve the
30 objectivity of the SSCs recommendation.

31
32 Next slide.

33
34 And similarly, if the SSC is discussing research priority
35 recommendations, how can we apply conflict of interest principles
36 here? Again, an SSC member should consider publicly disclosing any
37 interest or involvement in projects that may be recommended by the
38 SSC. And that involvement or interest again, could include somebody
39 with whom they share a household with, so, a spouse or a child
40 perhaps or parent that, you know, if they could stand to benefit
41 financially due to the SSCs recommendation on a priority project,
42 it may be appropriate for the SSC member to disclose that. That
43 last bullet, talking about relationships or other related
44 entities. So, it can, again, be the personal relationships with
45 somebody in one's household, but it could also be contractual
46 relationships with an entity that may be hired to perform the work.

47
48 Next slide, please.

1
2 And if an SSC member stands to benefit financially, again, directly
3 or perhaps indirectly through related entities or personal
4 relationships, a best practice might be that the SSC member
5 considers recusing himself or herself from actually voting on that
6 recommendation.

7
8 Next slide.

9
10 However, once the SSC has made a recommendation as to whether
11 information is BSIA and if an SSC member has recused himself from
12 that vote, they should be able to participate in discussions and
13 subsequent votes about how to use that information to support
14 management advice and recommendations.

15
16 Next slide.

17
18 So, when talking about other management advice that the SSC may
19 provide, here, I hope you're seeing that the rules become-- they're
20 not even rules, the suggestions become less onerous. So, if an SSC
21 member has recused himself or herself from voting on a
22 recommendation, the SSC member should be able to participate in
23 technical discussions and answer questions. And in this case, in
24 terms of best practices for other management advice, it may be
25 appropriate for the SSC member to express their opinion on the
26 merits of a project.

27
28 I think that's the last slide. So, I'm happy to entertain any
29 questions and provide any additional clarity.

30 31 **Discussion**

32
33 **MARCOS HANKE:** Miguel.

34
35 **MIGUEL A. ROLÓN:** Thank you Kate. Two questions. The first one is
36 sort of technical. The other one is, my intention to adopt this as
37 an appendix in our handbook, and also it could be included in our
38 SOPs. In the SOPs you have a section on, it's a charter of the SSC
39 and we can attach this. So, I have two questions, who determines,
40 at a Council meeting or at an SSC meeting, that there is a possible
41 conflict of interest? Is it raised by any member? Is it raised by
42 the Chair? Who may have the responsibility of raising that. And
43 second, in the Councils when we met all the executive director, we
44 were talking about who is the final decision maker in terms of the
45 best available information, the Center or the SSC? So those are
46 the two questions.

1 **KATHERINE M. ZAMBONI:** Okay. So, first, in terms of who is
2 responsible for identifying a conflict, I think one of the purposes
3 of this best practices document is to encourage individuals to
4 self-disclose. They would have the best information as to whether
5 or not a relationship exists or have knowledge of their role in
6 any underlying work. I didn't want to rehash it too much, but we
7 know that allegations of conflict of interest have been made
8 because there is this belief that it is something very negative,
9 and I hope to change that opinion. It is not necessarily negative
10 to have a conflict of interest. It just means you may have a lot
11 of information or have participated in things that are relevant.

12
13 The public disclosure of that conflict is really important though,
14 so that everyone understands what role somebody may have had in
15 information and how they may stand to benefit. Usually though, I'm
16 going to say, like in the SSC context, any financial benefit is
17 pretty attenuated, so I think it's highly unlikely those types of
18 financial conflicts would come into play. Outside of that, and
19 outside of what we know for the peer review context, there's
20 nothing illegal about participating in a vote on what constitutes
21 BSIA, even if an SSC member has substantial involvement in the
22 work under review. Again, this is just about perhaps some best
23 practices if you want to avoid any appearance of a conflict and
24 really preserve the credibility and objectivity of those
25 recommendations. These are things that could come into play.

26
27 So, I would encourage to go back to that question that individuals
28 self-disclose and that that's really where the responsibilities
29 should lie. If somebody believes, somebody has had an under, you
30 know, performed a function or had a substantial involvement in
31 some work and that person hasn't disclosed it maybe just a side
32 conversation of like, "Hey, do you think you should disclose this?"
33 or ask the question, and then maybe that'll prompt the member to
34 say, "oh yes, I" maybe they forgot and then they can disclose it
35 at that point.

36
37 Your second question was, who ultimately has the responsibility
38 for identifying what is best scientific information available? It
39 is NMFS and it comes at the part of the process after an amendment
40 has been transmitted to the agency and they take on that
41 responsibility of drafting a rule, they have to certify that it is
42 based on best scientific information available. But they do take
43 the SSCs recommendations into account as well as the Councils.

44
45 **MIGUEL A. ROLÓN:** Thank you. Because that's precisely the issue
46 whenever we are discussing this. Richard and I have discussed this
47 for many, many years and we understand that the SSC filters the
48 best available information. But when there is a conflict, one

1 Council, for example, has a conflict, they have a number, the
2 Center has another number, and they were really a little bit upset
3 because finally NMFS approved the number of the Center, not the
4 number of the SSC. So, it's almost a non-issue here, but we wanted
5 to have it clear for the record.

6
7 So, the best practices that we have so far is that the SSC takes
8 into consideration the numbers received from the Southeast
9 Fisheries Science Center and those are the ones that they use for
10 any analysis they present to the Council. Thank you.

11
12 **KATHERINE M. ZAMBONI:** You're welcome. And I think maybe part of
13 your question that I didn't answer was, so what would happen if
14 someone said, "Hey, I'm not sure, maybe I have a conflict." Counsel
15 can help do that. I don't necessarily have the authority to declare
16 somebody free of a conflict of interest, but I can certainly help
17 somebody navigate when it might be appropriate to disclose
18 something. And, again, whether or not, is this a situation where
19 you want to recuse yourself from voting but still participate in
20 the discussion? Is this a situation where you should refrain from
21 expressing an opinion? I can certainly help that, or whoever is
22 serving as Counsel can assist.

23
24 **MARCOS HANKE:** Thank you, Kate. Go ahead, Clay.

25
26 **CLAY PORCH:** Yeah, thank you. Just to follow up on that. So, yes,
27 technically the, the Secretary of Commerce is the final arbiter of
28 what's the best scientific information available, but the
29 Southeast Center typically serves as the proxy for that, for most
30 of those decisions. So, we would be the ones that would say, "Yes,
31 this is based on best scientific information available." And yes,
32 we take the SSCs advice under strong consideration when we make
33 that determination.

34
35 The other thing I wanted to mention is that a very similar issue
36 came up regarding conflict of interest versus bias at the Gulf of
37 Mexico Fishery Management Council's SSC in that we had a competing
38 survey. You may have heard the so-called Great Red Snapper account,
39 and many of the SSC members were part of that. And so, there was
40 a debate whether that was the best scientific information at the
41 time that the ACL should ultimately be based on. The Gulf Council
42 came to a very similar solution to what's been described here. So,
43 there is obviously a bias when you're part of that study. And so,
44 the SSC members actually voluntarily recused themselves from
45 voting on the final motions.

46
47 **MIGUEL A. ROLÓN:** You know, the first course I took on conflict of
48 interest was in 1976 and I remember that the lawyer told us "All

1 Council members, all staff members sit down on the table will have
2 a conflict of interest, otherwise they should not be sitting here
3 because you represent your sector." So, if I'm a recreational
4 fisherman, I will be taking all my decisions based on my
5 recreational sector. But whenever there's a dollar in between,
6 that's another \$20 as we say in Spanish.

7
8 So, it's kind of a difficult concept to absorb once and for all.
9 What I encourage all kinds of members, this document will be
10 distributed so you can have an idea of where you are. In the case
11 of the Councils, I need to provide a report to, after María and I
12 exchange some notes, we need to provide a report to Congress as
13 to, in the current year, how many instances of abstention, recusal
14 have occurred, because they take this very seriously.

15
16 I believe that I personally would like to thank Kate, because she
17 didn't have to do this, but she decided to do it. This document
18 clarifies a lot about what conflict of interest is and what is
19 not. So, my proposal, Mr. Chairman, is that we adopt this as part
20 of the charter of the SSC, we will include it in our handbook, one
21 of the appendixes.

22
23 For those of you who are new, the administrative handbook is a
24 document that has all matters related to the administration of the
25 Council on a routine basis staff, the way we operate. The standard
26 operational procedure is the documented above that. In general
27 terms is the guide that we use to operate the Council and both
28 documents compliment with each other. So, if you want to make
29 something stronger, you put it in the SOP, and then in that SOP I
30 review by the appropriate authorities in Washington.

31
32 So, Mr. Chairman it's just to hear from the other Council member.
33 Do you think it's a good idea to incorporate this in the handbook
34 and all the charter of the SOPs?

35
36 **MARCOS HANKE:** Yes. I'll transfer to the floor, but I just want to
37 state that we already discussed this in the previous meeting,
38 extensively. My perception is that the whole Council want a very
39 clear guidance on where we can keep educating ourselves, how to
40 best proceed as Council members and the DAPs and all the other
41 members. I would like to hear the Council members. Carlos.

42
43 **CARLOS FARCHETTE:** Thank you, Mr. Chair. On the subject of recusal,
44 does the individual decide that he's going to recuse himself or
45 can the Chair say, or a member say, "Well, I believe that this
46 person, because of blah, blah, blah, should recuse himself."
47

1 **KATHERINE M. ZAMBONI:** So, again, these are just recommendations.
2 Even if it is adopted, they're recommendations and therefore no
3 one should feel required to recuse themselves from voting on a
4 BSIA recommendation or management advice or research priorities.
5 So, my advice would be if someone thinks that they have a potential
6 conflict when they just want to preserve that credibility and avoid
7 having it appear as though the vote is biased in any way, that is
8 their choice. They may recuse themselves. I do not think it is
9 appropriate for other people to tell somebody else "You need to
10 recuse yourself" because the rules are not, they just don't have
11 that weight.

12
13 **CARLOS FARCHETTE:** Thank you for that.

14
15 **MARCOS HANKE:** Any other Council member? Okay. Vanessa.

16
17 **VANESSA RAMÍREZ:** Yes. Thank you, Mr. Chair. Vanessa Ramírez, for
18 the record. I have been, virtually, in the discussions before and
19 I have checked out the information given by the staff also and the
20 provided. So, it's very clear what we want is to have this in our
21 handbook also and available to all of us, but we have clear what
22 we have to do. Thanks.

23
24 **MARCOS HANKE:** Yes. And thank you very much Kate, for your work.
25 I think we are ready to move on. Let's go for the next presentation,
26 which should be pelagic fish amendment. Sarah.

27
28 **Pelagic Fish Amendment to the Island-Based FMPs**
29

30 **SARAH STEPHENSON:** Good morning. This is Sarah Stephenson with the
31 Southeast Regional Fisheries Office. Christina, are you going to
32 drive? Okay. I'm going to give an update on the amendment that we
33 started working on, the generic amendment number three, to the
34 Puerto Rico, Saint Thomas, Saint John and Saint Croix Fishery
35 Management Plans to develop management measures for pelagic
36 species that are managed under those plans. And just so, you know,
37 the term generic just means, at this time it applies to all three
38 FMPs.

39
40 Next slide, please.

41
42 Before I go to the amendment, since the FMPs are now effective,
43 I'd like to just kind of review the management measures that are
44 included for these new pelagic species in those FMPs. It's not a
45 lot, but I just wanted everyone to be aware.

46
47 So, all finfish, including the pelagic fish, must be maintained
48 with the head and the fins intact. There are exceptions for bait

1 and consumption at sea. There are currently no gear restrictions
2 for the pelagics species, although the amendment that María
3 presented yesterday, if that gets developed, that could include
4 prohibitions, for instance, for the trawl gear for the pelagic
5 species. That just hasn't happened yet. There are currently no
6 size limits, commercial trip limits, recreational bag limits, or
7 seasonal closures for pelagics. Although, I will point out that
8 some of our marine management areas do have restrictions for all
9 fishing, either year-round or for certain times of the years, and
10 that would apply to these pelagic species. Those are listed down,
11 I'm not going to read them all, but those are down in footnote
12 number three.

13
14 The FMPs established management reference points for the new
15 species either by stock or stock complex, which include the
16 sustainable yield level, which was an overfishing limit proxy, the
17 acceptable biological catch, annual catch limits, which were
18 determined to be equal to optimum yield and annual catch targets
19 and we'll see what those numbers look like on the next slide. The
20 FMPs also established accountability measures for the pelagic
21 species and to do that, they set an annual catch target at 90% of
22 the annual catch limit that would serve as the accountability
23 measure trigger. So, for instance, if landing-- and we'll talk
24 about landings in a minute --exceed that catch target, the Council,
25 in consultation with the Science Center, would assess whether
26 corrective action is needed. It's a little bit different than the
27 accountability measure for the other species because these are new
28 to management and so the Council wanted to be a little bit more
29 conservative in what accountability measure might be applied.

30
31 I'll point out, for Puerto Rico, that ACLs and the ACTs were set
32 for both the commercial and the recreational sector. Although, I
33 did want to point out that the amendment includes language that if
34 data or landings for one sector are not available, for instance
35 the recreational landings, then the sector that has available data,
36 which would be the commercial sector, the ACL that was specified
37 for that sector would become the ACL for the stock. So, I just
38 wanted to point that out because that's pretty important right now
39 since we don't have recreational landings for any of the complexes
40 that were established in the Puerto Rico FMP. And then to go back
41 really quickly to the landings, the FMP established kind of a spin
42 up process. In the first year of implementation, we would compare
43 just the single year of landings to those either ACTs or ACLs and
44 eventually we would get to where we're using a three-year average
45 of the landings and comparing that to the target. So, I just kind
46 of wanted people to be aware that that's what the process.

47
48 Next slide, please.

1
2 So, here are the numbers that were put into the FMPs and then are
3 on our regulations now. So, you can see = the stocks or stock
4 complexes, how they're managed. For instance, dolphin and Pompano
5 dolphin are managed in the dolphin fish stock complex and the
6 asterisks there, dolphin was selected as the indicator stock for
7 that complex. So, the numbers are based off of landings of just
8 that one species, but any kind of accountability measure would
9 apply to both species in that stock complex.

10
11 So, you can see the SYL and the ABC, those are set at the stock
12 level, but then you can see the sector ACLs and ACTs. I would like
13 to point out, for instance, for dolphinfish the recreational ACL
14 is much greater than the commercial ACL. If you remember what that
15 accountability measure says is, if you don't have data for one
16 sector, then the sector ACL that you do have data for becomes the
17 ACL for this stock. So that's going to be very important for us
18 going forward until we can get some recreational landings
19 information.

20
21 So, you can see all the numbers here and then the bottom left table
22 are the values for dolphin and wahoo for Saint Thomas and Saint
23 John. Those are the only two species managed under that FMP. And
24 then similarly, on the right table, on the bottom, those are the
25 numbers for dolphin and wahoo for Saint Croix. And again, those
26 are the only two species managed under that FMP.

27
28 Next slide, please.

29
30 So, at the August Council meeting the Council did make a motion to
31 request us to move forward with preparing an amendment to each FMP
32 to develop recreational bag limits, commercial trip limits and
33 size limits for the pelagic species as they were selected at that
34 meeting. And then for Puerto Rico, they selected dolphin and
35 pompano dolphin, wahoo, little tunny, blackfin tuna, king
36 mackerel, and cero mackerel. You did not, at that time, choose to
37 include great barracuda or tripletail, which are the other two
38 pelagic species managed under that FMP. And then, for Saint Thomas,
39 Saint John and Saint Croix, that you picked both species managed
40 under each FMP, which are dolphin and wahoo. And the rationale at
41 that meeting during the discussion was to prevent over harvest of
42 these species through both bag and trip limits, and then to protect
43 undersized individuals through size limits.

44
45 Next slide, please.

46
47 Following that meeting, we formed an interdisciplinary planning
48 team, and María talked about this a little bit yesterday and was

1 like, what is that team? So, it's a group of people comprised of
2 members from the Council, the Southeast Regional Office and the
3 Southeast Fishery Science Center. It includes a variety of
4 expertise such as biologists, economists, anthropologists or
5 social scientists', data analysts, policy writers who help write,
6 if there's any new regulations involved in the amendment, they
7 help make sure that those regulations are consistent with both the
8 FMP and the current regulations, general counsel, protected
9 resources, such as Orian like we heard from yesterday, habitat and
10 conservation, General counsel, and then law enforcement. So, all
11 of those people meet every time we have a meeting, and we discuss
12 the issues that could be developed in the amendment.

13
14 So, the IPT, for this amendment, met in October of 2022 and review
15 the information that was included in the white paper that was
16 presented to the Council in April of this year and the scoping
17 document that was presented in August this year. They did recommend
18 that we think about organizing the actions in the amendment by
19 management area. So, as we saw yesterday when María was presenting,
20 it makes sense to consider all recreational bag limits, trip
21 limits, size limits for Puerto Rico first and that way we can
22 analyze all of the management measures and how that would affect
23 Puerto Rico. And so, then the next few actions would be, for
24 instance, for Saint Thomas/Saint John and they would do the same
25 thing. So, the IPT did recommend-- so, once we do come back with
26 an actual amendment for you to look at, like what María presented
27 yesterday for her amendment, it will be developed by FMP, by
28 management area.

29
30 The IPT spent a long time discussing a list of information and
31 data needs that they would like to know in order to help draft
32 alternatives for these, the recreational bag limits, for the
33 commercial trip limits and the size limits. And a lot of those
34 questions, which we'll see on the next slide, kind of get at what
35 our normal chapter three in the amendment is, which is the
36 description of the fishery. So, how many fishers are there? Where
37 are they fishing? What types of gear are they using?

38
39 So, next slide, please.

40
41 And I'm not going to read all of these questions. They're here,
42 and this presentation will be available to you afterwards if you
43 wanted to look at it. But I will point out that a lot of the
44 questions are getting at that description of these fisheries, and
45 would be helpful in determine, for instance, recreational bag
46 limits. What species are landed together? If dolphin and wahoo
47 were never caught together, then it wouldn't make sense to have a
48 recreational bag limit for both of those. So, we started exploring

1 some of the information and we sent this list of questions to
2 stakeholders from each island to try to get initial input. We will
3 obviously keep digging it and keep flushing out and try to answer
4 all these questions as we prepare the amendment. And so, we did an
5 initial kind of exploratory look really quick at some of the data
6 and I'll start showing you those next.

7
8 So, next slide, please.

9
10 The IPT did identify some sources of either information or data
11 that they thought would be useful by answer some of these questions
12 obviously the commercial data. And, for instance, they did have
13 other recommendations such as use the longest time series
14 available, like, don't truncate it to only, you know, since ACLs
15 were invented, use all the data that's available and let's look at
16 that. And then again, for Puerto Rico don't use the reported
17 landings, use the adjusted landings, which I know we've heard that
18 there's issues with that, but since that's generally determined to
19 be best scientific information, that's what we should use for this
20 amendment.

21
22 Recreational landings, I'll note that the data set there, the last
23 full year that was collected was in 2016, so that's what we would
24 look at. And again, that's only available for Puerto Rico. And
25 then if there's additional charter information out there or trip
26 intercept, which is going to tell us size limits, that's caught
27 for the fish, there was a report that reviewed U.S.V.I.
28 recreational fishing regulations, any tournament data that's out
29 there, the Dolphinfish research program, which we've heard
30 presentations from Dr. Merten at this Council meeting on that, the
31 Council itself, its advisories panels, and then stakeholders. So,
32 we're going to start reaching out as we develop this amendment and
33 just get all the information we can on these pelagic fisheries, so
34 that, hopefully, our amendment makes sense, it does what you want
35 it to do, and we've considered everything. So, obviously, if I've
36 missed or if we've missed something that you know of that's out
37 there, please let us know during the discussion.

38
39 Next slide. So, first, preliminarily, we looked at seasonality of
40 the species just to see if there was any.

41
42 Next slide.

43
44 So, I'll explain these graphs a little bit and then they will be
45 repeated for the other species in the other islands. So, on the
46 left-hand graph, you have the average commercial landings per each
47 month over this 32-year period. So, what that means is, the first
48 point in January, if you look at all of the landings for every

1 January during that time series, the average pound of dolphinfish
2 that was reported, and again, these are adjusted landings, is
3 15,000 pounds. So, that's how you kind of get a feel for this
4 graph. So, you can see that for dolphin, in Puerto Rico, in the
5 commercial landings, the highest landings are from December and
6 January. And then for wahoo the highest landings, average landings,
7 are at the end of the year November and December. And you can also
8 see that the landings of dolphin are much greater than the landings
9 of wahoo. So, that's how these graphs are going to look, the ones
10 with the arrow bars.

11
12 Next slide.

13
14 We did a similar thing for the recreational landings, although
15 I'll point out that the recreational landings are reported by two-
16 month wave. So instead of January, February, you get
17 January/February lumped together. So, you get these six waves, as
18 they call them, throughout the year, but these are similar graphs.
19 So, over the time series from 2000 to 2016, the average number of
20 dolphinfishes reported by the recreational, or estimated I should
21 say, by the recreational fisheries, was just under 300,000 pounds.
22 So, you can also see from the last slide to this one that there
23 are a lot more dolphinfish removed by the recreational sector,
24 than by the commercial sector. So, for dolphinfish you can see
25 that the majority of those landings occur at the end of the year
26 in that November-December wave. And then also similarly for Wahoo.

27
28 Next slide.

29
30 So, now we're moving to the next two species managed under the
31 Puerto Rico FMP, the king mackerel and the cero mackerel. Same
32 type of graph, you can see that the peak here is generally in the
33 warmer months in the summer, they look almost identical in the
34 line shape, but again, the pounds of king mackerel are almost twice
35 what they are for cero mackerel. So, a lot more king mackerel
36 removed over the historical time period.

37
38 Next slide.

39
40 The recreational landings here. These look different compared to
41 the last slide where we just saw the shape of the graph was very
42 similar. You can see cero mackerel, the highest point at the end
43 of the year. King mackerel, that March/April wave was where the
44 peak landings. And you can also see on this graph that there are
45 a lot more king mackerel caught by the recreational sector during
46 that time period than cero mackerel.

47
48 Next slide.

1
2 For blackfin tuna and little tunny, they're similar in that the
3 majority are kind of in the warmer months, so May and June for
4 blackfin and then May for little tunny and, but the amount of
5 pounds are pretty similar for the two species.

6
7 Next slide.

8
9 Recreational look almost identical to each other, although with
10 the peak landings in May/June, which is similar to what we saw for
11 the commercial although you can see that the amount of Blackfin
12 tuna is a lot greater than little tunny.

13
14 Next slide.

15
16 Dolphin and wahoo for Saint Thomas and Saint John. The historical
17 year period is a little bit different, it's 2000 to 2021. You can
18 see that the peak, the highest in the historical data set for Saint
19 Thomas for dolphin, is April. And then for wahoo, it's kind of the
20 end of the year and the beginning of the year. So, December and
21 January.

22
23 Next slide.

24
25 And then for Saint Croix, it's the same year period as Saint
26 Thomas/Saint John. Dolphin, the peak landings are at the beginning
27 of the year with the highest that was reported in the landings
28 data in April. And then for wahoo was towards the end of the year
29 in November. Again, there's no recreational landings information
30 for the U.S.V.I., so, we don't have similar plots to show you for
31 those species.

32
33 Next slide.

34
35 We also wanted to look at the spatial distribution, where these
36 fish are caught. For Puerto Rico, the commercial landings
37 information included landings by coasts and so, we'll see that the
38 recreational data set does not include that. So, there will be no
39 recreational information by coasts. And then we'll look at the
40 preliminary division of state and federal waters. And we heard a
41 little bit yesterday about what does that federal waters mean?
42 It's not perfect exact to federal waters, but it-- so, it's just
43 preliminary. I just wanted to point that out.

44
45 So, next slide.

46
47 I apologize for the colors and the smallness of it, but I'll try
48 to walk you through it.

1
2 So, this is a proportion of the commercial landings per coast. So,
3 basically, how much of the landings came from one coast versus
4 another during that same historical data time period '88 to 2019
5 for Puerto Rico. So, let's just pick a year. The last year that we
6 have data available for 2019 for dolphinfish, you can see that
7 there was a bigger pulse from the East coast, which is the red
8 color. Normally there's a lot caught from the North coast, which
9 is the blue. The South coast, which is green, is the smattering
10 throughout the years. And then the West coast is purple. So, in
11 this last year you had almost the majority from the West coast for
12 dolphinfish on the left.

13
14 So that's how you can kind of look at this. So, this would
15 theoretically tell you if the majority were coming from one coast,
16 it should be very easy to see or if there was a shift in time. You
17 can kind of see a shift in time for the wahoo on the right. All of
18 a sudden after, like starting in 2004, the West coast has a
19 majority of the landing. So, these are somethings that the IPT
20 will look into, and it will help us describe the fisheries. It
21 might not be as applicable to setting some of these management
22 reference points, but it will be helpful, and it would be included
23 in the amendment.

24
25 Next slide.

26
27 So, for the mackerels you can see a pretty, not exactly even
28 distribution by coast, but it's caught on every coast, every year.
29 That fluctuates slightly, but not a giant trend anywhere.

30
31 Next slide.

32
33 And then for the tunas, it's a different story. You can see that
34 almost all are caught from the West coast, which again, is that
35 purple color. For little tunny, there's a little bit more, maybe
36 about a third, it's caught from the North coast. So, again just
37 interesting information that we will take back to the IPT and help
38 describe the fisheries.

39
40 Next slide.

41
42 What might be more helpful for today's discussion is what
43 proportion of the landings occur in state versus federal waters.
44 So, here are the dolphin and wahoo for Puerto Rico. We did have to
45 truncate the data slightly just because the data field that
46 included the location of state versus federal was less reliable
47 before 2012. So, this is just the last few years, but you can kind
48 of get a feel that about half in state waters, half in federal

1 waters for dolphin and wahoo in Puerto Rico. And what is kind of
2 encouraging to see is that the purple, which is that unknown area,
3 does generally get reduced as we go forward in time. So, reporting
4 is getting more informational for these species.

5
6 Next slide.

7
8 We were able to do something similar for the recreational landings'
9 information. So, same species for Puerto Rico in the recreational
10 landings. You can see almost 50/50 there, maybe a little bit more
11 in the federal waters for dolphin and Wahoo.

12
13 Next slide.

14
15 For the mackerel and the commercial landing, you can see the
16 majority, for most of the years, came from state waters. And then
17 in the last year, the majority were reported in the federal.

18
19 Next slide.

20
21 And that's kind of reflective here too. In the recreational
22 landings where the majority of the macros are reported in state
23 waters.

24
25 Next slide.

26
27 For the tunas it's not as easy of a trend to pick out, but it does
28 look like the majority kind of occur from state waters.

29
30 Next line.

31
32 And of course, that is also reflected in the recreational landings
33 where you could see more green than blue. Green being the state
34 waters. Blackfin tuna is not as clear cut, but it might be, you
35 know, at least half the landings reported from state waters.

36
37 Next slide.

38
39 For Saint Thomas and Saint John, it's easy to see that the majority
40 of dolphin and wahoo come from federal waters.

41
42 Next slide.

43
44 And then same for Saint Croix. Most are coming from federal waters,
45 although you do have an interesting peak there for wahoo in the
46 state, which I'm sure the IPT's going to want to know more about
47 that. So, if anybody has any information on what might have been
48 going on there, I'd love to hear it.

1
2 Next slide. We also wanted, really quickly, to try to see if we
3 could answer the question of what gear are being used to harvest
4 these species.

5
6 Next slide.

7
8 So, instead of a graph, you get a table. and it did put in bold,
9 the majority. So, these are percentages now. So, for instance--
10 and you can see across the table the species. So, for instance,
11 for dolphinfish in Puerto Rico, in the commercial landings, the
12 majority are caught or reported with trawl line gear. The same for
13 wahoo and blackfin tuna and little tunny. The cero and king
14 mackerel, the majority of those landings during the historical
15 time period were reported by bottom line. And I will point out
16 that this is a, like I said, a 32-year data set. So, these are
17 just all the gear types reported during that time. It might not be
18 reflective of what's actually going on in the fishery now, but
19 it's our starting point. And so, we want to just refine, refine,
20 refine as we develop this amendment.

21
22 Um, next slide.

23
24 I will point out too that the recreational landings data that was
25 available doesn't have information by gear, as far as I know, so
26 those aren't included.

27
28 For Saint Thomas, Saint John and Saint Croix on this slide, Saint
29 Thomas, Saint John's on the left and Saint Croix is on the right.
30 You can see that dolphin and wahoo in Saint Thomas are mostly
31 caught by line fishing. And then in Saint Croix, dolphin by line
32 fishing and wahoo by handline. And this matches, you know,
33 preliminary-- all of these tables match preliminary information
34 that was reported by the stakeholders that we asked.

35
36 Next slide.

37
38 So, now we're to today's discussion, and I won't be asking for any
39 motions, but we're going to see tables that include the options
40 that were included in the August paper and presentation that you
41 saw. So, there's no new numbers, but it is just a summary of those
42 options. And so, where there may be a hole or a gap or anything
43 that you might want to add to, to help refine the scope of the
44 management measures that could be included, that's where we're
45 going to ask for help.

46
47 So, next slide should be the Puerto Rico.

1 Yeah. So, again, this first column of potential action-- this is
2 just a suggestion --they're kind of split out by species initially,
3 but then the tunas are lumped together since they're managed in a
4 stock complex and the mackerels are grouped as a potential action.
5 So, all of these would be under the Puerto Rico section of the
6 amendment. And so, you can see all of the numbers that were put
7 into the options paper shown in August. For instance, the rec bag
8 limit was 10 dolphin per person per day, or 30 dolphins per vessel
9 per day and that would match what's in the regulations for DNER
10 currently. And then there was also a potential suggestion of five
11 dolphin per person per day, or 15 per vessel per day. And that was
12 recommended by the Puerto Rico DAP and presented to the Council.

13
14 So, both of those were included in that August options paper. And
15 here today, if those both look good to you, the IPT will continue
16 to develop and analyze those. But if there was something additional
17 that you wanted to see, that's where we could help fill in this
18 table.

19
20 So, the commercial trip limit, the options paper just had, under
21 that management measure, had the average pounds reported by trip.
22 And so, for instance, for dolphin it was 67.3 pounds. So, for this,
23 for today, we just rounded up just to make it an even number. But
24 again, that's something that you could refine as you wanted.
25 Otherwise, the IPT is just going to ingest all of this information
26 and data and then come to you with what the recommended
27 alternatives based on what we found are. So, again, if you want to
28 refine anything, today would be great.

29
30 And then you can see that for minimum size limit, there's holes.
31 So, there was nothing currently in place in state waters. So,
32 there's nothing to be compatible with. The options paper
33 recommended that you could do it based on life history information
34 or by any other information like the trip intercept size limit
35 data. We, we haven't analyzed that yet. So there, there might be
36 something that comes out of that.

37
38 I will point out that the South Atlantic Fishery Management Council
39 has a 20-inch size limit, minimum size limit for dolphin. And so,
40 that's what the SA means here. And then, there there's information
41 and considerations if anybody knows what the rationale for that
42 10/30 bag limit that DNER has, we could discuss that and see if
43 that's applicable to what we would like to do.

44
45 And then another consideration would be the Puerto Rico dolphinfish
46 complex includes pompano dolphin, but if you're setting size
47 limits, do you want the same size limit for that species, which
48 generally is smaller. So, that's a consideration for that one.

1 Wahoo. You can see there, there's not a lot of information that
2 was included in that options paper. The South Atlantic has a two
3 wahoo per person per day limit. Would you want to do something
4 similar to that? Would you want something new? There are no size
5 limits anywhere to be compatible with or to help us consider. So,
6 is there anything that you know of for Puerto Rico? There is a
7 combined bag limit for wahoo and the mackerel for the state waters
8 in Puerto Rico, they lumped those together. Is that something that
9 you would want to consider? Would you want to keep them separate?
10 And then similarly, the South Atlantic has a combined dolphin and
11 wahoo bag limit. Is that something you would want to consider?

12
13 Again, if not the, IPTs going to look at all of the landing's
14 information like what I showed on the previous slides, and kind of
15 make those decisions based on what they think is best either by
16 gear use or by landings information. We haven't looked at what
17 species are caught together, but pretty much from what I've heard
18 everybody says everything is caught with everything, so we'll see
19 if we can refine a little bit more in the data. But you can already
20 see from the seasonality, sometimes it might not make sense to
21 have two managed together.

22
23 And then for both the tunas and the mackerel, I'd like to just
24 remind you that most of those landings were from state waters,
25 from what we saw. So, our recreational or commercial trip limits,
26 is that something you would like to develop since most are reported
27 from those areas? You could obviously continue developing size
28 limits to protect the species that are being caught in your waters.
29 But, you know, again, if you want to refine the scope, meaning the
30 list of species that you requested staff include in the amendment,
31 you could do that here.

32
33 Next slide.

34
35 This is a similar table for Saint Thomas and Saint John. There are
36 only two species, so it's a little bit easier. there were bag
37 limits, trip limits and size limits included in the options paper,
38 which are here on the slide. A lot of that information was
39 recommended to the Council in 2019 by the Saint Thomas/Saint John
40 Fishery Advisory Committee. And so, those were put in the table
41 and are shown again here. From what I got from the Saint
42 Thomas/Saint John Chair, DAP Chair, these size limits are still
43 recommended by the FAC. But again, if there's any new information
44 or you would like to see a different range of size limits or bag
45 limits considered, we could add those to the table.

46
47 And then I would like to point out that the U.S.V.I. is going to
48 put into place, or has already, a combined bag limit of dolphin

1 and wahoo, and you can see that over in the side. And that's going
2 to be applicable for both Saint Thomas, Saint John and for Saint
3 Croix. So, that would be setting a bag limit for both species
4 together, which the Council could do if you'd like to.

5
6 Um, next slide.

7
8 Saint Croix, you can see there wasn't as much information included
9 in the option paper, so this table looks very empty. And so, again,
10 if we could get any kind of additional just guidance on things
11 that you would like to see for these management measures. I will
12 point out that the item there in red for the size limit was a size
13 limit that came in before or after this presentation was completed
14 by a Saint Croix stakeholder. And it was a recommendation for a
15 minimum size limit for dolphin of 32 inches.

16
17 Next slide and this is my last slide.

18
19 So, the next steps for today, again, provide any additional
20 guidance to help us refine these management options that are going
21 to be developed into the draft amendment. The staff and the IPT
22 will continue data mining exercises to try to answer those
23 questions posed by the IPT and that, again, will help us describe
24 the fisheries and could potentially help develop the action
25 alternatives. The hope is that the IPT would have enough
26 information to populate the background information and the actions
27 and alternatives, parts of the amendment, and bring those back to
28 the Council for consideration at the April meeting.

29
30 And with that, I'll take any questions.

31 32 Discussion

33
34 **MARCOS HANKE:** Sarah, I have a whole list of things that-- this is
35 a long conversation. With this in mind, can you go to page six,
36 the question list that you have there?

37
38 **SARAH STEPHENSON:** This is Sarah. So, that's slide six.

39
40 **MARCOS HANKE:** Yes. And my recommendation and I want to hear about
41 it on the Council, this is all the feedback, the whole list of
42 feedback that you are asking, and also you address some of them
43 that are more urgent and that we need to address quicker and so
44 on, to make the work go on, right?

45
46 My recommendation and request to the Council, do you think is a
47 good idea, I would love to do this, to send those questions to
48 each of the Council and the DAPs for you guys to answer? If you

1 don't have an answer, just say, I don't have an opinion about it.
2 And then, we'll try to help Sarah and María and all have this
3 feedback as soon as possible because we don't have time on the
4 meeting to address all those questions. Does that sound like a
5 plan for you on the first step?
6
7
8

9 **SARAH STEPHENSON:** This is Sarah. I don't know if we can do that
10 officially because of the paperwork reduction acts. We can't send
11 a list of questions to be outside of a public meeting. So, what I
12 would maybe ask is that if there's anything that you want to think
13 on, on these questions and then come back at the next Council
14 meeting and say, "We discussed with our fishermen and we would
15 like to recommend this." That way it's done during a public meeting
16 as opposed to going back to your constituents and then emailing me
17 the answers.
18

19 **MARCOS HANKE:** Miguel.
20

21 **MIGUEL A. ROLÓN:** Yeah, I was thinking about the same thing because
22 we have the lawyer here keeping an eye on us whenever we have a
23 question mark at the end of any sentence. But we can use this as
24 guidance. Actually, if you drop the question then the Council
25 members, the staff can use that as a guideline for preparation to
26 discuss this at the April meeting. But be between here and April,
27 if you have any thoughts about any of these topics, you can send
28 it to Sarah and María, so that they can start incorporating these
29 topics, this experience that you have with the dolphin. And Marco
30 said something, maybe you don't have anything to say on this one,
31 that's fine too, but maybe you have information that you can
32 provide at this time from your fishers, from the group of people
33 that you know, to provide to Sarah.
34

35 In addition, the working group-- I like the name --Flying Fish
36 Dolphin Wahoo Working Group is going to meet in February or March,
37 and each country is supposed to prepare the status of the fishery,
38 dolphin and wahoo especially, whenever the topic on the agenda
39 comes up. That's why Laura Cimo is here somewhere virtually. Laura
40 is with the Office of International Affairs, Trade and Commerce
41 and María del Mar represents the Regional Office here at those
42 meetings. So, I spoke also to Wes, so we have two invitations to
43 make, just for the record. But anyway, Sarah and María, they can
44 coordinate the presentation to the status of the dolphin and wahoo
45 in the U.S. Caribbean.
46

47 We will knock on the door also of the South Atlantic and the Gulf,
48 where they also have these little species and that could be part

1 of the presentation of the U.S. delegation. In addition, I have
2 Wes Merten, you know, he's the scientist chasing dolphinfish all
3 around the world, and he has collected a lot of good practices
4 that we can also present at the working group.

5
6 The meeting probably will be held in Puerto Rico because the
7 Council is, with the logistics and everything, so it will be easier
8 for us. I will have Graciela at that meeting, maybe Liajay as a
9 fly on the wall, just to hear what they have to say. But also,
10 yeah, because when you go to those meetings in the delegation, you
11 have to be mindful of who can talk and who cannot. Usually, I see
12 that at the outside. And anyway, the Chairman also will be present
13 at that meeting.

14
15 So, in summary, I encourage the Chairs of the DAPs consult with
16 the Council members around about these topics and come prepare to
17 discuss at the next meeting. When you see on the agenda "Dolphin
18 issues" this is what we're talking. You know, it doesn't mean that
19 we are going to talk about only problems of the dolphin, what have
20 you. Dolphin issues, what are the things that can be considered?
21 For example, in some other countries they already have management
22 plans for dolphin because dolphin is mostly caught by commercial
23 fishers, not recreational. In this side of the world, recreational
24 fishers are the ones who really have been historically after the
25 dolphin, the dolphinfish. The wahoo, in many countries, is just a
26 recreational fishery species, in others is also part of the
27 commercial fisheries. Some of the things that they're discussing
28 is to adopt what other countries have been doing, which is the
29 hook that you use to catch the dolphin will allow you to throw the
30 dolphin back into the water when is not the size limit that has
31 been approved in the particular country with minimum probabilities
32 of damage to the fish. That's a common practice. Seasonality, they
33 close the season or part of the season sometimes.

34
35 The two species, if you have a size limit here and you cannot tell
36 one from the other when they are the same size, then we have a
37 problem with size limits. And the information comes from the
38 fishers who really know the fishery. When I want to know whether
39 that fish is good or not, or whether the species, I asked Marcos.
40 And now I have James to consult with about any doubts that we have.
41 So, it is important for you to, please, if you have information
42 about the two dolphin species send it to Sarah. If you have
43 anything to say regarding any of these topics, please let us know.

44
45 **MARCOS HANKE:** Okay, thank you, Miguel. I just want to follow up
46 because-- I'll go with you, Vanessa, in one second. --when I
47 mentioned that, I didn't mean to have a communication internally,
48 not publicly. What I want them is to analyze, have this and on the

1 next meeting to come up with the public discussion about it.
2 Because I don't want anything to be lost that is needed to do this
3 right. Right? That's my intention behind this. And thank you for
4 the clarification. And I have a whole list here that I'm going to
5 let the Councils address. I'm going to go-- Do you want to go now,
6 Clay, to the point? And then Vanessa.

7
8 **CLAY PORCH:** Sure. So, obviously this is, you know, especially
9 dolphinfish, wahoo, little tunny, it's a kind of a case with the
10 Council of a square peg trying to get in a round hole, right? In
11 terms of the Magnuson-Stevens Act and how the Council can act.
12 Because you're not dealing with the unit stock. Really this should
13 be managed to an international body. Let's face it, you know,
14 Puerto Rico and the Virgin Islands are catching a very tiny
15 fraction of a much larger stock, and it's just moving through the
16 area, and you peel off a little piece.

17
18 So, the question here is, how do you best utilize that fraction of
19 the population that's coming through your waters here? And in that
20 case, things like sustainable yield and all are kind of irrelevant,
21 right? Because there's not a particular sustainable yield, it's
22 just what fraction of the population happens to come in your
23 waters. So, we can't really advise you very well on things like
24 that. What we can do is shift a conversation to, what's the best
25 way to utilize the fish that are coming into your waters? And to
26 that end, as someone mentioned, the South Atlantic Council has
27 been struggling with their own dolphin wahoo FMP for quite some
28 time. And where the discussion is kind of shifted, is towards a
29 management strategy, evaluation approach that involves stakeholder
30 workshops to better define what the goals really are. So, it's
31 along the lines of some of the questions that are being asked here.

32
33 For instance, the big issue with dolphin wahoo on the U.S. East
34 Coast is that you have a, you said an ACL, but the fish are coming
35 in one area before another area, and sometimes that ACL gets all
36 caught up when the fisher say in the keys or when they're in North
37 Carolina or something and so, there's a big allocation issue. And
38 I think those sorts of things could be worked out through a
39 management procedure that looks at, for instance, catch rates of
40 particular fisheries when the fish are coming into an area. If the
41 catch rates are really high, it implies that there's a large number
42 of fish moving in and you could set your harvest rates, your ACLs,
43 based on what your anticipated influx of fishes and make sure that
44 all the fisheries in different places will still get they're fair
45 piece of the pie, if that makes sense. So, I think that would be
46 a way to go in the future and it would start with the whole series
47 of stakeholder workshops like are going on in the South Atlantic
48 jurisdiction now.

1
2 **MARCOS HANKE:** Thank you, Clay. I have a question, Will this be a
3 flexible approach in terms of the projection, what amount of fish
4 are arriving each year?
5

6 **CLAY PORCH:** Yeah, exactly. So, the problem here would be getting
7 consistent catch per unit effort data. In the South Atlantic
8 they're looking at things like the long line fishery because it
9 has a pretty broad coverage. So, if you're seeing high catch per
10 unit effort in a particular area, it would help you decide how
11 many fish you might want to take in that area to make sure there's
12 still going to be fish in other areas as they move up the coast.
13 And you could probably do something like that here.
14

15 **MARCOS HANKE:** Okay. The dynamic in the island is a little
16 different than that because we have seasonality on the-
17 traditionally, because everything is messed up with sargasso
18 arrival now. But traditionally we have one defined season on the
19 North and one defined season on the South from different size fish
20 and different, traditionally. different methods of fishing for
21 Puerto Rico.
22

23 But we can talk about that later. Vanessa. And I have a whole list
24 here, Sarah. All I want is for you to get the best information
25 from this meeting. And later on, please guide us with questions of
26 things on the order you need. Go to a specific question, they're
27 going to help you to keep building and forming the document.
28 Vanessa.
29

30 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
31 record. Of course, we're going to be working with all these
32 questions that you have, and I know that Nelson also and the DAP
33 can have all those answers for the next meeting. But I want to
34 make a point clear for the record--
35

36 **PA SYSTEM:** May I have your attention, please. May I have your
37 attention, please. An ALARM has been reported in the building.
38 Please--
39

40 **VANESSA RAMÍREZ:** Can I continue, or do we have to go out? Okay.
41 So, all the data that was presented here was practically up to
42 2018-19, and we have a big issue with a commercial license that
43 between 2019 up to now, there's a big difference of 2000 more
44 commercial fishermen.
45

46 **PA SYSTEM:** May I have your attention please? May I have your
47 attention please? The cause of the alarm has been determined to be

1 a false alarm. No evacuation is required. Please resume normal
2 activities. Thank you for your cooperation.

3
4 **MARCOS HANKE:** Yeah, you have my attention. [laughter] Vanessa,
5 please. I have my attention to you now.

6
7 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez again, for
8 the record. So, I know that most of those commercial fishermen
9 that are new are practically recreational fishermen that are now
10 in the commercial sector. Some of them just lost their jobs and
11 then decide to go fishing but most of them, the target is these
12 kinds of pelagics that we're talking about. So, I will make my
13 research, of course, to try to bring the reality of the numbers.

14
15 The other point that I want to put is that in the table that you
16 have that more of the, was the state, the one that refers, is
17 because most of the commercial fishermen, when they have to put
18 the record in the report, most of them don't have the permit to be
19 in federal waters. So, they always put that they are inside the
20 nine miles. It's just practically they do it for that. Thanks.

21
22 **MARCOS HANKE:** Sarah.

23
24 **SARAH STEPHENSON:** This is Sarah. So, that gets to one of the
25 questions that I would like to know today. For Puerto Rico, the
26 species and the stocks that you that you identified at the August
27 meeting, are those ones that you would still like to see in the
28 amendment? So, for Puerto Rico dolphin, pompano dolphin, wahoo,
29 blackfin tuna, little tunny, cero mackerel and king mackerel, all
30 of those continue—

31
32 **MARCOS HANKE:** Barracuda?

33
34 **SARAH STEPHENSON:** No. Well, you did not select barracuda.

35
36 **MARCOS HANKE:** Okay. The question, my opinion-- this is Marcos --
37 is yes. The rest of the Council, do you have any different opinion
38 than that? We are talking about Puerto Rico, correct? Yes.

39
40 **VANESSA RAMÍREZ:** Just for the record, Vanessa Ramírez. Yes, those
41 are the species that we are looking for. Thanks.

42
43 **MARCOS HANKE:** Okay, anybody else who would like to comment? We
44 are talking about Puerto Rico right now. Nelson.

45
46 **NELSON CRESPO:** Thank you, Mr. Chair. Nelson Crespo, for the
47 record. Can you please go to slide 33? Can you explain for me from
48 where does that number come from, for the commercial sector?

1
2 **SARAH STEPHENSON:** Yes, this is Sarah. So, what we did, for the
3 document that was shown in August, is we looked at all of the trips
4 that were reported for Puerto Rico during that time period. What
5 was the average amount of dolphin or wahoo reported on each trip?
6 And so, for dolphin, it was 67.3 pounds of dolphin are reported--
7 and this is adjusted pounds --are reported for every commercial
8 trip. So, this was just a starting point that if you round up from
9 there and say a hundred pounds-- I do remember that you put on the
10 record at that meeting that sometimes you catch a hundred pounds
11 in a trip. Sometimes you catch a thousand pounds. So, this would
12 be a good point for you to come and say, "Those are way too low
13 for a commercial trip limit. You should do a thousand pounds, 5,000
14 pounds." That's where we would want stakeholder input onto what is
15 an actual valuable number that should be considered. Otherwise,
16 the IPT is just going to look at the data and the information and
17 potentially look at what might be harvested in other regions and
18 base it on that. But it would be much more beneficial to base it
19 on your recommendations.

20
21 And I would like to just point out that Graciela is the co-lead on
22 this amendment, so if you want to send questions or information,
23 send it to both of us. And then also, this presentation will be up
24 on the Council's website, but if you'd like me to email it to you,
25 I'll do that as well. So, you don't have to take screenshots.

26
27 **NELSON CRESPO:** Can I do a follow up?

28
29 **MARCOS HANKE:** Yes.

30
31 **NELSON CRESPO:** Yeah. Okay. No, because those numbers-- Nelson
32 Crespo, for the record --are, you know, really low. And also, for
33 the dolphin and the wahoo, I think that it's better to maintain
34 apart. Because it is true that sometimes, when we got the sargassum
35 season, we catch the wahoo and the dolphin together, in the West
36 coast we have a huge wahoo season that we catch apart, alone, and
37 it's a big resource and a big marker for the commercial fishers.

38
39 **MARCOS HANKE:** I want to add to that. We are talking about, I'm
40 going to try to make that apply to the rest of the island too. You
41 have basically three ways to fish for mahi. I'm trying to just--
42 in order to illustrate. You have the [inaudible] line fishery
43 that catches about every size but medium to smaller fish. And we
44 have, on the South coast, frigatebirds fishery that address bigger
45 mahi's in general. Fishing with birds. Then you have drop off
46 fishing for wahoo that addresses larger animals. This is what they
47 are targeting and looking, wahoo's over, normally, over 20 pounds.
48 This is where you catch the very large wahoos, but the smaller

1 wahoos are mixed on the two other fishing that I expressed there.
2 One thing that I think will be super unfair-- following up on
3 Nelson --is that, right now, the commercial fishermen that do
4 during the season wahoo fishing and go and catch 5, 6, 7 wahoos of
5 40 pounds, that's not totally uncommon, especially with the
6 techniques now, those numbers will not allow them to do it. We
7 need to be very mindful of that, otherwise, we cut ill from any
8 possibility of access to a sustainable fisher that are catching
9 adult fish on a season. Do you agree, Nelson? Okay.

10
11 And I want to-- maybe if I go through all the points that I have
12 here it's going to be a good guidance for the rest of the group to
13 help you out. About the seasonality, is super important-- I'm going
14 to repeat --everything changed in terms of mahi because of
15 sargassum. We have, pretty much, sargassum all year round now and
16 it's unpredictable when we are going to have a wave of sargassum
17 arriving with mahi, most of them smaller size. Right? And this is
18 also part of the explanation. In Florida, they are asking, "Oh,
19 what is happening with the bigger mahi?" What happened is when
20 you're fishing for birds and fishing for the larger mahi, you
21 cannot fish for them and chase because the bait is always getting
22 tangled and dirty with the sargassum and people don't spend the
23 effort, reduce the effort, on looking for that kind of fishery
24 like they did on the past. Right? And there are many effects about
25 the arrival. You have more mahi coming, but it changed the way you
26 fish and changed the size of the catch too as a consequence of
27 that.

28
29 Dolphin issue. Misinformation across all regions and there is a
30 discussion about the influence of the Caribbean on the size of the
31 dolphin caught in Florida, because the bigger dolphin disappeared.
32 There are articles on every magazine. The reality is that we have,
33 mainly, a big chunk of the fishery is recreational here in the
34 Caribbean. Some commercial fishermen fish for them, mostly
35 seasonal and in an artisanal way. There is very limited, actually
36 one boat or so, that don't fish all the time but that target tunas
37 and swordfish locally, that don't target mahi. They just catch
38 with larger hooks and most of the mahis that they catch,
39 incidentally, are larger animals. They are not the smaller
40 dolphins.

41
42 The different seasonality on the North and the South coast is super
43 important to take in consideration. I spoke to a fisherman on the
44 South of Puerto Rico and asked-- because of the discussion on the
45 East coast of the U.S. --are you seeing less bigger dolphin and
46 whatever? And he shared what I'm sharing with you, the fact of
47 sargassum. Over time he's seen the bigger man available, but short,
48 more compressed into the peak of the season but they are still

1 there. Between us, we talked about other factors that are affecting
2 that resource. I'm sorry to elaborate, but I think it's important.
3 We have shallow water. Granada and other islands up current of us,
4 that fish with shallow sets on small longliners happening and
5 developing, also in Venezuela. Those guys do catch a lot of wahoos
6 and mahi on larger sizes that are part of the fish that arrive to
7 us, especially in the South coast. And we have a FAD fishery being
8 developed on D.R. that also is in place. If you look to when people
9 started complaining about the disappearing of the mahi it has some
10 relation with the timing of when the FAD fishery explode in D.R.
11 It's important to take that into account.

12
13 In Puerto Rico, we have FAD fishery now. It is installed by the
14 government. It's not a private entity that is doing that and we
15 need take that into consideration about pelagics because the
16 availability of-- all the species that we are talking about are
17 going to be different because of the FAD fishery that we have now.
18 That includes also HMS species.

19
20 Fish Aggregator Device. FAD fishery is fish aggregator devices
21 related activity. And one thing is, just to understand, don't think
22 that I go to the FAD, and I catch all these specie; is that, as a
23 fisherman, I am going to have an incentive to go to the FAD to
24 fish for mahi, wahoo and tuna, but on the way, I'm going to catch
25 all the species that we are talking about. There is an indirect
26 effect that is going to result into a different catch composition
27 and effort.

28
29 Okay? State versus federal water. Very important is the scale, how
30 do you present that question for them to answer correctly to you?
31 Because it's different on the South coast than on the North coast.
32 There are platforms that are closer, like in Yabucoa, half mile
33 from the shore versus a little farther on the South coast that is
34 12 miles out. That judgment of where the fishery happening, if
35 it's happening in federal or state water, then will change by that
36 topographic feature around the island.

37
38 I'm going to lose air, but I'm going to keep going.

39
40 Okay. The gears used are hook and line that are divided and hand
41 line, rod and reel, electric reels, bandit reels, yo-yo gears. Yo-
42 yo gear is like a little buoy that is used in the V.I. for tunas,
43 but they have the capability of catching on the deployment and
44 hauling mahi with that. That's why I included that. And we have,
45 which is not prohibit, the presence of a longliner in Puerto Rico
46 and you have to include it on the gear because it's an authorized
47 method of fishing that has the potential of catching those guys,
48 and they do it incidentally. We also have spearfishing. If I'm

1 missing anything, Nelson and the rest, please help me out if I'm
2 missing any gear for the pelagics.

3
4 Already Nelson, address, especially for the commercial, the number
5 of pounds allowable per trip. We need to be very careful on that
6 in terms of the recs. If we are going to follow the route of bag
7 limits, for recs is more appropriate, the bag limit, the unit of
8 fish being counted versus poundage too. Now, about size limit, we
9 already discussed very extensively the size limit. I was talking
10 to Miguel, we have two species, the main species here is hippurus,
11 the dolphin that grows bigger. Okay? The 24 inches applies to both
12 species, which means, we are not preventing from catching all the
13 two species of dolphin. Maybe we're leaving a little ill on the
14 species that grow less, that don't grow as much, but still have
15 access to do it but they are not as predominant in our fishery. It
16 happens, but it's not as important based on my experience.

17
18 And the other thing that I talked to Nelson, and the record is
19 clear, is that we want the dolphin to be a fillet fish. We don't
20 want the dolphin-- if your recommendation that we did on a past,
21 which was 24 inches, --the dolphin to be used as a deep-fried fish
22 on a skillet and start to catch little fish. And even worse to
23 avoid the development of that market and the people to target
24 really small mahis and impact the population in a way. And if you
25 develop that fishery for little mahis, you are going to affect
26 other fisheries that fish for whole plate or the whole fish on the
27 plate. There is a rationale behind it, the size limit that we need
28 to keep discussing. The number is 24 inches, it is actually
29 compatible with the recommendations that Julian just showed me for
30 the Saint Thomas. This is a fork length measurement; it's not a
31 total length measurement.

32
33 Okay. I'm just finishing, and I will answer the virtual. And I
34 have a question that I received virtually too. I see there that
35 you have on your presentation, recommendations from the group of
36 fishermen from the U.S.V.I., similar to our Junta de Secretaria
37 (Asesora de Pesca), FAC or whatever, in some part of your
38 recommendations. I'm interested to know why the-- Fisheries
39 Advisory Committee from the V.I. --why the Junta Asesora de Pesca
40 discussions and recommendations are not included. Maybe we can
41 facilitate those rationales and those discussions that we had on
42 the past coordinated with the DNR for you to have the benefit of
43 that.

44
45 **MIGUEL A. ROLÓN:** Marcos, la junta se llama Junta de Pesca.
46

1 **MARCOS HANKE:** La Junta de Pesca de Puerto Rico. Those are my
2 points and I want to-- before I go with you --I want to answer the
3 question on the virtual meeting.
4
5 **CRISTINA OLÁN:** We have Yamitza Rodríguez waiting for a turn to
6 speak. Please, please.
7
8 **MARCOS HANKE:** Thank you, Yamitza, for being available.
9
10 **CRISTINA OLÁN:** Yamitza, you are muted.
11
12 **MARCOS HANKE:** Junta Asesora de Pesca is the right name for the
13 body for Puerto Rico and we can keep the communication and trying
14 to include those feedback from the Junta to you.
15
16 **CRISTINA OLÁN:** Also, we have comments in the chat.
17
18 **MARCOS HANKE:** Okay. Julian, I go with you. I want to make sure
19 the virtual people can address the Council and then I'll go back
20 to you. Okay. Go ahead. Yes.
21
22 **CRISTINA OLÁN:** Okay. We have a comment from Ricardo Lugo. "Just
23 a comment, the size of the bait will have an impact on the size of
24 the dolphin because, in many cases, it swallows the whole bait.
25 This mean that undersized fish will be returned with no probability
26 of survival.
27
28 **MARCOS HANKE:** Yes. And we can discuss the details with Ricardo,
29 which is an excellent fisherman. And the reality is, Ricardo, that
30 we are looking still-- there is a cultural aspect of looking for
31 larger mahi, rigging bigger ballyhoo and so on. We are not-- and
32 I don't want to do it publicly because I don't want to incentivize
33 the fishery of a small mahi, but there are other ways to approach
34 the fishery that I don't think is appropriate for our area and for
35 the Council to promote. And at least not to consider once we advise
36 anything about mahi.
37
38 **MIGUEL A. ROLÓN:** Marcos, just for the record, be careful what you
39 say on the record because what we're talking about is an option
40 paper that you put together or ask the staff to put together. We
41 are not really taking decisions or making a decision as to one way
42 or the other. It's just that we have provided information so the
43 staff can come back at the April meeting, maybe at the August
44 meeting with more information, better information. But at this
45 time, we don't have any preconceived preferred alternatives or any
46 preconceived idea of what we are going to do. The other thing is
47 that with Covid, we forgot about public hearings. Remember when we
48 have this, this will be discussed at the level of the DAPs, Puerto

1 Rico, Saint Croix, Virgin Islands. We'll have workshops. We also
2 will have public hearings once the documents, the appropriate
3 documents, are prepared.

4
5 So, in 2023, this is one topic, hot topic, that we are going to be
6 pursuing. But what Marcos is trying, not trying, he's doing here,
7 is to provide a framework of ideas. A framework of topics that
8 people, especially Council members can address and bring back to
9 the meeting in April. Also, the three Chairs here, you have an
10 abundance of knowledge, and you also have the presence of your DAP
11 members, virtual or not, and we are going to have those topics
12 included in the first meetings of 2023.

13
14 **MARCOS HANKE:** Julian, go ahead.

15
16 **JULIAN MAGRAS:** Julian Magras, for the record. I think Miguel just
17 summed it all up. Because what I was going to say-- I'm not going
18 to speak about anything here that's up here right now. The only
19 comment I would make is that the FAC information that is there was
20 from back in 2019. So, I haven't had any recent discussions with
21 the new FAC, but I would like to have a discussion with them and
22 these slides to see if there are any changes or any regulations
23 that they're looking to promote or move forward. And most
24 importantly to get this to the DAPs. But when this is brought to
25 the DAPs, we need to ensure that when this is on the agenda that
26 we invite the fishers that fish this type of fishery. Because under
27 the DAP, we only have one real fisher that fishes for the pelagics,
28 even though he's one of the biggest guys, but we need to include
29 like the Game Fishing Club and people, members from those different
30 areas to ensure that when we present back to the Council that we
31 have closed the loop. That's the most important thing. Thank you.

32
33 **MARCOS HANKE:** Thank you, Julian. Sarah, I have a question too.
34 It's not a comment it's, you talk about dolphin being the
35 indicator. I'm concerned because we don't have recreational, very
36 good recreational data and dolphin is one of the most desired and
37 targeted species by the recs. How are we going to address that
38 using dolphin indicator while not having that data available?

39
40 **SARAH STEPHENSON:** This is Sarah. So, if you remember, there were
41 ACLs for both the commercial and the recreational. And so, the
42 dolphinfish stock complex ACL, for both sectors, was just developed
43 based on landings solely of dolphin, as opposed to dolphin and
44 pompano. Like your mackerel, the landings of those two species
45 were added together and that's how the ACLs were developed. So,
46 what's going to happen in lack of recreational landings information
47 is the ACL for the Dolphinfish Stock Complex, which was based on

1 just landings of dolphin, is going to be the ACL that we will
2 compare landings to every year.

3
4 So, it shouldn't really affect the management of the stock, with
5 the exception that you won't have the benefit of the total landings
6 like you would if you had both sectors. If we had information from
7 both sectors, then we would get the commercial landings for dolphin
8 and the recreational landings for dolphin, we would see if either
9 of those sectors exceeded their sector ACL and then also if the
10 combined landings exceeded the combined ACL. And so, that's how
11 the AM was developed. But in lack of the recreational, we will
12 only be comparing the commercial to the commercial.

13
14 Now, if you thought you had a lot of landings of pompano dolphin
15 and you wanted to reconstruct how that ACL is set up for the stock
16 complex, you could send it back to the SSC and as a Council you
17 could determine if you wanted to revisit having dolphin as the
18 indicator for that stock complex.

19
20 **MARCOS HANKE:** My comment is much more simple than that. You're
21 going to have a number for combined dolphins. Right? The majority
22 of people don't identify them well, and for them it's the same as
23 just a chicken dolphin. Chicken dolphins are all the same. Okay?
24 My point is that we are going to be missing the total-- this is a
25 historical happening, it's not now --we are going to be missing
26 information on what is really going on if we just go with the
27 commercial landings, because that's not the bigger chunk of the
28 dolphin removal. This is the part that I don't know how we're going
29 to address. I don't think it's easy, but we need to be mindful
30 about it. Graciela.

31
32 **MIGUEL A. ROLÓN:** Marcos, before Graciela. Let's not confuse the
33 management measure with the art of data collection. Okay? If you
34 have a management measure-- and by the way, Clay mentioned this
35 before. I've been saying this for the last 40 years. --you are not
36 managing the stock, what you're really managing is allocation
37 because in order to manage the stock, you have to go all around
38 the area where those animals occur.

39
40 And also, we have the same problem at an international level
41 because we have what we call the gauntlet fishery. The gauntlet
42 fishery is every country grab whatever they can. They don't care
43 about the country before or after them. They just grab whatever
44 they can. If we don't have a concerted effort to manage those
45 species, like the dolphin for example and some other pelagics, in
46 a concerted manner, where every country understands the dynamics
47 of the dolphinfish and then apply appropriate measures for

1 collecting data and distributing data and management there is very
2 little you can do with the animal.

3
4 In the case of Puerto Rico and the Virgin Islands, what we have
5 done is that we are using really the commercial landings like a
6 litmus paper. We don't know what is happening with the
7 recreational. We know it's a lot, but we don't know. Even the
8 fishery that we call commercial is also kind of fussy because of
9 the reporting factor that we have here. And then, on top of that,
10 what Marcos is saying, the chicken dolphin is any dolphin that is
11 about this size, could be one species or the other. And those are
12 the kind of things that you have to discuss probably at the pre-
13 meeting. And if we don't have that information think about ways of
14 collecting information.

15
16 Clay mention, for example, we can have workshop with the fishers
17 and collect that information. And the fishers that count in terms
18 of the information that you want. So, what Julian is saying, out
19 of the 20 or so DAP members there are one or two who actually fish
20 for dolphin. Around the table here, our Chairman fish for dolphin.
21 So, when he talks about dolphin, he knows what he's talking about.
22 And those are the kind of information that we need.

23
24 We also mentioned about anecdotal information, translat that into
25 science. Anecdotal information translated into science is nothing
26 but hearing what the fisherman has to say, the ones that have the
27 experience, and see if that make any sense in terms of the formulas
28 and applications that you have from the scientific point of view.

29
30 The other question I have for María and Sarah is, where are we in
31 terms of the schedule of preparing this? And by the way, remember
32 that we have the three island-based FMPs approved, so what is
33 necessary, something that we need to adopt for Puerto Rico may
34 change for Saint Thomas, Saint John and Saint Croix.

35
36 So, Sarah and María, where are we in terms of the schedule for the
37 Council actions based on the work that is needed to be done and
38 what you have done already?

39
40 **SARAH STEPHENSON:** This is Sarah. I'll take a first stab and then
41 pass it to María. So, we've only had one IPT meeting. They
42 obviously had a long list of questions that they would like to
43 know the answers to. So, I would say we're kind of at the beginning
44 of this.

45
46 It's very important. We want to make sure we get it right. We
47 obviously would like to have opportunities to speak to not only
48 the DAPs but the fishers, so I would say very preliminary.

1 Obviously, we do want to make sure we get it in place, so that we
2 are protecting, especially in light of the lack of recreational
3 information. But we're very preliminary at the beginning. María.

4
5 **MARÍA LÓPEZ-MERCER:** Yeah. Thank you, Sarah. This is María. So,
6 with all this discussion, I was kind of thinking that, you know,
7 the complexity of the process in Puerto Rico, because of all the
8 pelagic species that they have, seems to be a little more than for
9 the other islands. So, I was kind of wondering, if it could be
10 explored, maybe dividing this. Like if there's an urgency to have--
11 - you know, like, if the Puerto Rico one is going to take a little
12 bit more time than doing something for Saint Thomas and Saint John
13 or Saint Croix, like, if there was a possibility perhaps of doing
14 it separate, because we have different FMP.

15
16 So, I mean, unless, because you know, like maybe Puer-- So, Saint
17 Thomas, Saint John and Saint Croix, they're only managing two
18 species and assuming that they could just-- those two species will
19 be a kind of easier, perhaps, to get everybody on the same page as
20 to where they would move forward. So, that could be a possibility.
21 That could be explored because we're very, very early in the
22 process.

23
24 And then separate a little bit the processes for, like, if you're
25 going to do scoping hearings or public hearings or DAP meetings,
26 etcetera, maybe that will benefit from that. This is just a
27 suggestion for the Council to consider.

28
29 **MARCOS HANKE:** Miguel.

30
31 **MIGUEL A. ROLÓN:** Well, that was the suggestion I had in my head.
32 So, I'm glad that you said it, not me. I believe that we might be
33 ready to move forward, faster, with Saint Thomas and Saint John,
34 for example. As what Julian was saying, you know. We can have a
35 virtual meeting of the DAP, at a particular point in time, where
36 we will be able to discuss this. Anyway, so, we can have Sarah
37 Graciela, María, James, and anybody that you recommend, Julian,
38 from your group, the DAP, in addition to fishers that you may
39 recognize as knowledgeable about the dolphin, wahoo situation,
40 experienced, not necessarily members of the DAP so we can invite
41 them. And then when we have the physical meeting, we can revisit
42 that meeting. But I believe between here and April, although April
43 looks far away for IRS purposes is too close. April 15 is close,
44 for me at least. So, we need to plan ahead. Then we can have a
45 virtual meeting, I can coordinate with Julian, Sarah, and María,
46 and see what is the best appropriate. And so, we have one topic
47 regarding this, so we can advance that.

1 The same with Saint Croix. In the case of Saint Croix, what is the
2 situation with Saint Croix? And there, I will recruit Carlos
3 Farchette as a Council member. The same thing, you can work with
4 the Saint Thomas/Saint John. In the case of Puerto Rico, of course,
5 Vanessa and Marco have to be included there. And then, we have to
6 look at the things that we need. The gaps that we have in the case
7 of Puerto Rico. The complexity that we have there. We can use the
8 Virgin Islands as an example to follow in terms of the dolphin and
9 the wahoo so that we don't have to reinvent the wheel.

10
11 In the case of the international, we need that for yesterday. But
12 the thing that we can say is that the U.S. Delegation can just
13 give an update of where we are with the dolphin wahoo. The South
14 Atlantic has a lot of experience working with that. They have a
15 plan. The Gulf is on and off. But I will leave that to the
16 discretion of the Regional Office as to how they can interact.
17 Larua Cimo has been contacting them and the two other Councils are
18 interested in participating as much as possible.

19
20 The last part I was going to say, long ago, the three Councils
21 Gulf, South Atlantic and the Caribbean we tried to have a common
22 management plan for the three areas. It resulted, at that time, we
23 were ahead of our time because of the complexities of it. The
24 priorities, for example, dolphin wahoo might be a priority here,
25 not necessarily for the Gulf. They have other species there.
26 Bigger, you know, other states, etcetera.

27
28 So, in summary, Mr. Vice Chairman, the staff will coordinate with
29 the Julian, Nelson and Eddie to see the best time for a meeting
30 that we can address this particular issue. Now that we have virtual
31 meeting is easier to address one topic one day. So, we can get
32 that out of the way in terms of collecting the information that we
33 need.

34
35 Yeah. Jack. And I need to keep moving along, but we have good news
36 for you in a moment.

37
38 **JOHN MCGOVERN:** Thank you, Mr. Chairman. Jack McGovern. I think
39 the suggestion María has made is a good one where we could just
40 move forward with a separate amendment. I don't know if you're
41 thinking for both Saint Thomas, Saint John and Saint Croix, just
42 doing one amendment for that, for the two pelagic species there.
43 I think that would be pretty easy to do is just two species and
44 then just have Puerto Rico as another amendment that would be
45 further developed. If you want to do that.

46
47 And I guess the next step here is to go to the DAPs and gather
48 information. The presentation that Sarah has made is on the

1 Council's website or will be on the Council's website. So,
2 everybody can see all those questions and the DAPs can see those
3 questions and they can answer them.

4
5 **MIGUEL A. ROLÓN:** Jack, do we need a motion for that?

6
7 **JOHN MCGOVERN:** I don't know if you need a motion. I think just
8 guidance to staff is good.

9
10 **MARCOS HANKE:** Clay. And just before the break, I have somebody
11 that wants to engage into the conversation in a moment. Go ahead.

12
13 **CLAY PORCH:** All right. Thank you. I just had a question regarding
14 process because I see SYLs, ABCs, ACL, and ACT in there and I guess
15 the SYL and ABC might have come from an application of the SSC's
16 ABC control rule, but I don't think the SSC has looked at any of
17 this.

18
19 **GRACIELA GARCÍA-MOLINER:** They provided this. Sorry, Graciela, for
20 the record. They provided the ABCs to the Council before the
21 island-based FMPs were put in place. They were just approved
22 October this year. So, they've been involved in the process of the
23 ABC control rule and providing the ABC-

24
25 **CLAY PORCH:** Just not having a formal discussion about it?

26
27 **GRACIELA GARCÍA-MOLINER:** Through all of the SSC meetings that
28 they hosted before that came into the island-based FMP? Yes.

29
30 **CLAY PORCH:** Oh, so, going back pretty far.

31
32 **GRACIELA GARCÍA-MOLINER:** So, this is, yeah, the data for this was
33 to 2016, and that's what they've seen. We haven't brought this
34 back to the SSC recently.

35
36 **MARCOS HANKE:** Thank you very much, Graciela. Sarah, I just alluded
37 to the need for recreational data, and you have the benefit. I
38 really thank you Griselle. She's present. She's the DNR personnel
39 that deals with recreational fishery for a long time, and I want
40 her to say something to the group and to put you guys in contact
41 because this coordination is super, important.

42
43 **GRISSEL RODRÍGUEZ-FERRER:** Good morning, everybody. My name is
44 Grisel Rodríguez-Ferrer, and we've been working with Recreational
45 Fisheries for the past 22 years. So, mainly we do the interviews
46 and also, we go to the tournaments. I saw in the list that you
47 have first the pompano dolphin added up with mahi. In 22 years, we
48 have only two individuals of pompano dolphins that we have seen,

1 Id and we even did the barcoding on them for Puerto Rico on the
2 North Coast. So, regarding recreational, is not common to see
3 pompano dolphin. We do have the data. We have, as I said, 22 years'
4 worth of data and we have the raw data from MRIP up to 2013 and
5 then we did continue our own project. Right now, we are developing
6 another project and we do have data on mahi and on whaoo. We also
7 have several students from UPR that are working on the species
8 that once their thesis is done, they are going to be useful for
9 the management.

10
11 So, our project, which is the Recreational Statistic Program from
12 DNER is more than willing and more than happy to be a part of this
13 conversation, especially with pelagics. That's pretty much the
14 main focus of the recreational anglers here. We will be more than
15 happy to share our data and collaborate with these management
16 issues.

17
18 **MARCOS HANKE:** Perfect timing, Grisel, thank you very much for
19 being available and we need you. Right? Please get in contact with
20 Sarah to send whatever data you have available for her, and we
21 really need that. I really appreciate your engagement, your
22 availability to this. Thank you, Grisel.

23
24 I need a five-minute break. Many people are texting me that they
25 need the five-minute break. Five-minute break now. When we come
26 back, we are going to keep the meeting-- I'll let you guys know.
27 Five minutes, back in five minutes.

28
29 (Whereupon, a brief recess was taken.)

30
31 **MARCOS HANKE:** Please take your seats. Let's restart the meeting.
32 Thank you. Avoid conversation on the back of the room. Thank you.

33
34 The next presentation is Managing Trap Fishery in U.S.V.I. María.

35
36 **Managing Trap Fisheries in the USVI: Review of Pertinent State**
37 **and Federal Regulations**

38
39 **MARÍA LÓPEZ-MERCER:** Thank you, Marcos. This is María López with
40 NOAA Fishery Southeast Regional Office. This presentation is
41 titled Managing Trap Fisheries in the U.S. Virgin Islands: Review
42 of Pertinent State and Federal Regulations. So, I wanted to point
43 out, while our staff gets ready to put the presentation on the
44 screen, that this is not something new. This is a presentation
45 that was given to the Council back in December 2019. That was right
46 before the pandemic hit. We are bringing it back because the
47 Council requested that we bring back this topic again so that the
48 Council can decide how to move forward with it.

1
2 So, what you are going to listen to today there are some things
3 that may have changed and that need some updating. At the end of
4 the presentation, I will ask the Council how they would like to
5 move forward. Okay.

6
7 Next slide please.

8
9 Okay. So, this was this is the summary of the discussion at the
10 168 Council meeting. That was in December 2019. If you remember
11 Dr. Bill Arnold was still with us during that time, and it's a
12 presentation that he gave. The Council and constituents requested
13 review of three topics at that time. Recreational trap use in
14 federal waters, extending fish trap reduction plan to federal
15 waters and revising the spiny lobster management. There is a motion
16 that I added in there because this all comes from the 165 Council
17 meeting that was in April 2019, where there was a Council
18 discussion that fish traps are an authorized gear for recreational
19 fishers in the Caribbean EEZ. So based on that discussion, the
20 Council directed staff to develop amendments to the island-based
21 FMP, which were not in place yet by that time, to the address the
22 use of fish traps and pots in the EEZ. So, this is basically what
23 started this conversation, at least for the part of the
24 recreational trap use.

25
26 For the fish traps reduction plan, it was because Council, NOAA
27 Fisheries work with the U.S. Virgin Islands and with the fishers
28 and the government to establish and to develop a fish trap
29 reduction plan for their state waters that has been in place since
30 2017. And we'll talk about that a little bit later.

31
32 Can we go to the next slide, please?

33
34 Now, during that 168 Council meeting in 2019, in December, the
35 discussion centered in the clarifications that were needed to
36 existing regulations before addressing certain issues that had to
37 do with compatibility of regulations between federal waters and
38 U.S. Virgin Islands state regulations. I want to emphasize that
39 this presentation is just focusing on the U.S. Virgin Islands
40 because they were the ones that requested this discussion.

41
42 So, some of the clarifications that were needed at the time that
43 were pointed for the staff to work and the U.S. Virgin Islands
44 state government to work is the distinction between a fish trap
45 and a lobster trap that it's not evident in the regulations in the
46 U.S. Virgin Islands regulations. Also, some inconsistencies
47 between the design and construction requirements for the traps and
48 buoy marking. And these are inconsistencies, again, between

1 federal and U.S.V.I. fishing regulations. Also, other issues with
2 compatibility for the spiny lobster, such as licenses and permits,
3 minimum harvest size requirement for imports, retention of
4 undersized and egg-bearing lobsters, use of chemicals and annual
5 catch limits and accountability measures.

6
7 So, during this discussion they were, Council members and
8 participants of the U.S. Virgin Island Fisheries, were talking
9 about the differences between their fish and lobster traps. The
10 use of bigger traps, a lot of people depend on lobster fishing
11 using wire traps, etcetera. We showed the pictures of different
12 kinds of traps that were used, etcetera, with the idea of trying
13 to make a distinction. Because in the U.S. Virgin Island
14 regulations, which is something that was pointed out by
15 participants, there wasn't really a description of what a spiny
16 lobster trap constituted, which was a problem because if we were
17 wanting to move into compatible regulations, there needed to be
18 some sort of distinction so as to be able to implement something
19 that makes sense between both of them.

20
21 So, bottom line is, that everybody agreed that in both sides,
22 federal and in the U.S. Virgin Island side, in terms of
23 regulations, there was things that needed to be corrected before
24 the federal government could adopt things, including the fish trap
25 reduction plan that was in place since 2017. And then, because at
26 that time we were moving into island-based FMPs, there was some
27 sort of agreement that each island needed to work to get their
28 rules in place. And in here they were talking about everybody,
29 including Puerto Rico, for working with the federal government so
30 as to look into compatibility. And we'll get into some more details
31 about that.

32
33 Let's go to the next slide, please.

34
35 Okay. And remember, this is just what was in the other
36 presentation, a little bit updated as a refresher for you to decide
37 what you want to do. And this is from the U.S. Virgin Islands
38 coast. U.S.V.I. prohibits the use of pots, trap, haul seines and
39 set nets by recreational fishers, which is what we were talking
40 about. U.S. Virgin Islands has specific regulations, the same as
41 Puerto Rico, that do not allow the use of pots and traps by the
42 recreational fishers. However, in the federal waters, there's not
43 a compatible regulation for that. So, that was something that was
44 discussed. And with regards to this, then the Council will need to
45 decide how to move forward if they want to do some sort of amendment
46 to prohibit or evaluate the use of recreational traps in federal
47 waters. The way that this could be done, it's something that, you
48 know, obviously we will have to sit down and figure this out. But

1 there was a lot of interest, obviously, from the Council into not
2 just authorizing the use of traps for the commercial sector because
3 that's how it's traditionally used and there's really nobody using
4 recreational traps in federal waters. However, you want to be
5 proactive for the future. Those are the things that were discussed,
6 and we'll talk about that later.

7
8 Next slide, please.

9
10 Okay. So, then the second issue that was presented was extending
11 fish trap reduction to federal waters. This is just a summary of
12 what was presented back then. The Caribbean Fishery Management
13 Council established two Trap Reduction Steering Committees in the
14 U.S. Virgin Islands. There was a Saint Croix, U.S. Virgin Islands
15 Fish Trap Management Plan, and then one management plan for Saint
16 Thomas/Saint John. I'm not going to go into details, but these are
17 the trap management plans that occur in in their waters.

18
19 Next slide.

20
21 Oh, you cannot see this, but anyways, you can find this in the
22 U.S. Virgin Island Commercial Fishing Handbook. This is just to
23 show you where you can find information about the U.S. Virgin
24 Islands Fish Trap Reduction Program. You can read everything that
25 you need to know. This is not something that is federal, just
26 state. So, basically it says that it was signed into law by the
27 governor of the U.S. Virgin Islands in August 2017. And the purpose
28 is to establish a sustainable management program for the fish trap
29 fishery within territorial waters in order to achieve the following
30 general intentions and purpose of the government of United States
31 Virgin Islands.

32
33 It says, limit participation in the Virgin Islands trap fishery;
34 Cap, maximum number of allowable fish traps per fisher; reduced
35 the total number of fish trap by about 20% relative to the status
36 quo in Saint Thomas/Saint John; reduce the total number of fish
37 traps by about 10% related to the status quo in Saint Croix; and
38 improve the economic efficiency of the fish trap fishery by
39 increasing catch per trap.

40
41 And then it talks about eligibility. And then, goes into specifics
42 of each one of the trap reduction plans for each one of the
43 districts, Saint Thomas/Saint John, and in the District of Saint
44 Croix.

45
46 Next slide.

1 The plan also has, and you can find this in the Commercial Fishing
2 Handbook that is available in the U.S. Virgin Islands Division of
3 Fish and Wildlife website, information about the administration,
4 the fees, enforcement, etcetera.

5
6 Go to the next slide, please.

7
8 And again, I'm just highlighting this so that you all know that
9 there's a Fish Trap reduction program and it has various specific
10 things that are required and goals and things that are
11 accomplished. And if it's the intention of the Council, which was
12 in the past, to adopt a similar plan for federal waters, and then
13 that will be something that will need to be evaluated for the
14 Council to see how it could be done. But then, you know, we will
15 be interested in seeing, you know, what the U.S. Virgin Islands
16 Council members and other Council members would like to say about
17 this.

18
19 Now, regarding trap construction, and this is just to highlight
20 some of the differences that were mentioned in the past about trap
21 construction. For example, in Saint Thomas/Saint John the fish
22 traps must have a minimum two-inch square mesh. It used to say in
23 the presentation "or 1.5 hexagonal mesh as the smaller mesh on two
24 sides." I crossed that off because in the information handbook
25 that wasn't there anymore, so I wanted to ask if that was something
26 that was different or not. But the point is that if there are
27 differences between different regulations that the islands have
28 and the federal and the federal regulations, and if there is an
29 interest in compatibility, then that's something that we need to
30 talk about to see how we can fix it. That's it.

31
32 So, it also talks about Saint Croix that all traps must a minimum
33 of 1.5. And then, in the Virgin Islands code it says no fish trap,
34 fish pot, or lobster pot, constructed of wire and or mesh can have
35 a mesh size smaller than 1.25. So, there's some sort of differences
36 that-- remembered, we discussed this in December 2019, so there
37 may have been progress made in terms of discussions within the
38 involved parts during this time, but we are not aware of those.
39 So, this will be a good opportunity to know where we're moving
40 with this and if there are things that need to be updated.

41
42 Okay, next slide.

43
44 Okay. So, this is where that information about the gear restriction
45 is included from, again, the U.S. Virgin Islands, from the
46 regulations. It's talking about inspections for Saint Thomas/Saint
47 John. All fish traps must have a minimum two-inch square mesh.

1 That's the same thing that we had before. And then, information
2 about the construction, etcetera. Everything is in here.

3
4 So, we go to the next slide, please.

5
6 And then again, this is from the V.I.R. code. Also, information
7 about the fish traps, for example, it has the different days from
8 1995 and then after 1998. I'm assuming that the most recent is the
9 one that is commencing on January 1st, 2000, all fish traps placed
10 in the Territorial water of the V.I. shall have a mesh size of at
11 least two inches square, or, if hexagonal, two inches square. So,
12 I guess the question is, has anything changed? Are the Virgin
13 Islands operating under this 2000? From the regulations, the one
14 that said after the year 2000, etcetera. So, just to clarify again,
15 where we should go with this and what things need to be done also
16 on our side to be able to be compatible with you.

17
18 Next slide.

19
20 Now let's go to the federal regulations. So, in our federal
21 regulations that are current right now because of the island-based
22 FMP we made some efforts to try to better define what a fish trap
23 means, and as spiny lobster trap means, because of course we also
24 had some text that wasn't very clear, right? And there are still
25 things that we can do. But for now, this is what we have done.

26
27 So, in our current regulations, a fish trap means, in the Caribbean
28 EEZ, a trap and its component parts including the lines and the
29 buoy, regardless of the construction material, used for or capable
30 of taking finfish. This does not include a spiny lobster trap as
31 defined in subparts S, T, and U of this part.

32
33 Subparts S, T, and U are each one of the islands. I believe S is
34 Puerto Rico, T is Saint Croix, and U is Saint Thomas and Saint
35 John. So, that's how our regulations are divided now. They're
36 divided by island. So, there are just the references in there in
37 case you want to look at that.

38
39 Now, there's also a distinction for a spiny lobster trap. It says,
40 "it means a trap and its component parts, including the lines and
41 buoy used for or capable of taking spiny lobster and meeting the
42 spiny lobster trap construction and specification of this
43 subpart." This doesn't change anything about how you work your
44 traps or what you can catch or not catch. It just makes it easier
45 for regulations to be specified either for a fish trap or a spiny
46 lobster trap. Regardless of if you catch a spiny lobster in a fish
47 trap, which is what many people do.

1 Next slide.

2
3 Okay, so, the federal regulations for fish traps address mesh size
4 depending on the material, either wire or not, and the shape of
5 the mesh, either hexagonal or not. These are the references where
6 you can find, in our regulations, where you can find information
7 about that. Federal regulations for spiny lobster traps do not
8 address mesh sizes or construction materials other than for escape
9 panels.

10
11 What is the need. Within each of the Saint Thomas/Saint John and
12 Saint Croix management areas, U.S.V.I. regulation should include
13 a description of allowable construction, including mesh material
14 and size for each of the fish and lobster traps. Remember, most of
15 the descriptions that are in the, or almost all of the descriptions
16 that are included in the regulations that manage the use of fish
17 traps and spiny lobster in the territory are referring to fish
18 traps, right? So, this need was pointed out as to "let's have some
19 distinctions between the fish and lobster traps, so we can move
20 forward with regulations that are as specific to each one of them."

21
22 Federal regulations cannot be brought compatible with state
23 regulations unless and until the state regulations regarding the
24 respective definitions of fish and lobster traps are clear and
25 unequivocal.

26
27 Ideally, the compatible federal legal descriptions should be
28 consistent throughout the U.S. Caribbean. They don't have to be
29 absolute, but there should be features of each trap type that
30 clearly define them as either a fish trap or a lobster trap. I
31 think we're kind of clear on the purpose of this one by this point.

32
33 So, what's the next. Please, go to the next one.

34
35 Okay, this one is related to trap escape panels and vent. Regarding
36 escape panels. In the USVI territorial waters, fish pots may be
37 constructed of any material, but a panel of some sort must be
38 constructed of some material less durable than the construction of
39 the pot itself, such as twine, bamboo, or soft wood. We have
40 similar but more specific regulations in federal waters. Just to
41 point out, you know, compatibility or not compatibility.

42
43 U.S. Virgin Island spiny lobster regs require escape mechanism on
44 any vertical side or the top a panel no smaller than the diameter
45 of the throat or entrance of the trap. It must be made of or
46 attached by a) untreated fiber of biological origin not exceeding
47 1/8" in diameter, such as tyre palm, hemp, jute, cotton, wool or

1 silk. Also, ungalvanized or uncoated iron wire. We have a similar
2 law in federal waters for spiny lobsters. So, we're good there.

3
4 What is the need? There's a need to have clear and compatible
5 regulations regarding trap escape panel design and attachment.

6
7 And this is a note from 2019. At that time, there was no reference
8 to escape vents that we could find, the ones that don't have a
9 cover and they don't therefore allow continuous release of
10 undersized specimens. The escape vents are in use by Saint
11 Thomas/Saint John fishers, but we were not sure if only for fish
12 traps or if Saint Croix and Puerto Rico have similarly installed
13 escape vents.

14
15 Next slide.

16
17 Regarding marking traps and trap lines, just to highlight some of
18 the differences or similarities. The U.S. Virgin Island law
19 requires buoys to be marked with the commercial fisher's license
20 number and for the buoy to bear the fishers assigned color scheme.
21 All traps and pots must be marked with the commercial license
22 number.

23
24 All fish traps set in U.S. Virgin Island territorial waters must
25 be identifiable with a uniquely letter number U.S.V.I. fish trap
26 tag composed of a durable material not easily destroyed.

27
28 Now In the EEZ, federal law requires fish traps and spiny lobster
29 traps, and associated buoys, to be marked with the vessel number.
30 So, there's a difference in there, right? And we should figure
31 this one out. Buoys must have the color code assigned to the
32 vessel.

33
34 So, what is the need? Again, clarity and consistency between state
35 and federal regulations.

36
37 Okay, on next slide.

38
39 So, a little bit more about marking traps and trap lines. Number
40 and locations of buoys are not described for territorial
41 deployments. However, in the EEZ, our regulations says that
42 individual traps must have at least one buoy that floats on the
43 surface. And if a trap line, then a buoy attached at each end of
44 the line. That should be there.

45
46 The need. Territorial description of buoy location for individual
47 traps and trap lines. For trap lines, clarify that a minimum of
48 two buoys is required, one at each end of the trap line, if that's

1 the case and just to be compatible with the federal if that's what
2 they want to do.

3
4 Next slide.

5
6 Now regarding spiny lobster management. With regard to licenses or
7 permits, the Virgin Islands code requires commercial fishers to
8 have commercial fishing license and for helpers to have helpers'
9 license. There are reporting requirements, catch sampling consent.
10 To sell fish landed in USVI, they must have a commercial fishing
11 license and a business license, even if harvested from the EEZ and
12 even with an HMS permit. No person, not a resident of the
13 territory, may sell in the territory without proper license issued
14 by the Commissioner.

15
16 What is the need? Is there a need for a permit in the EEZ to manage
17 spiny lobster harvest? So, these regulations that we just mentioned
18 govern fishing and harvesting in U.S.V.I. territorial waters and
19 landing and selling fish in the U.S. Virgin Islands. So, then the
20 question is, how do we manage spiny lobster harvest in the EEZ? Is
21 there a need to have a permit? So, those are kind of things that
22 we have discussed in the past and once we start working with
23 permits, which we already have an IPT and we're going to be working
24 with that, that will be one of the considerations. It's like, what
25 does the U.S. Virgin Island needs in terms of permits?

26
27 Okay. Next slide.

28
29 Continuing with spiny lobster management, just to highlight some
30 differences. Minimum size 3.5 carapace in all jurisdictions. So,
31 we're good. And then regarding spiny lobster imports, the territory
32 requires the tail weight to be at least six ounces. The federal
33 regulations are a little more extensive, and they do have a range
34 from 5.9 to 6.4 ounces.

35
36 So, the need is that the U.S. Virgin Island six ounce minimum is
37 inconsistent with the federal 5.9 ounces minimum for lobster
38 imports. And again, this is not something new, I mean, I think
39 we're all aware of all of these things, and obviously some of the
40 things take a lot of time to change and address, but it's good to
41 keep it fresh in our mind so we know what we have to do.

42
43 Next slide

44
45 For spiny lobster. allows egg-bearing lobster to remain in traps
46 in the water with no limit on number. Egg-bearing lobster can
47 remain in traps until eggs have been naturally released, then
48 lobster can be harvested assuming it's of minimum legal size. Now,

1 federal law requires egg-bearing lobster to be returned to the
2 water unharmed, and allows them to remain in the trap, provided
3 the trap is returned immediately to the water. For undersized
4 species.

5
6 For undersized spiny lobster, in the U.S. Virgin Islands,
7 undersized lobster can be used as attractants in traps or pots.
8 Um, but we didn't see that in the fisher booklet. Federal
9 regulations state that an undersized lobster may not be possessed,
10 sold or purchased and must be released with minimum harm, but no
11 specific reference to using lobster as attractants. But there's no
12 specific reference to using lobster as attractants. So, this one
13 is a big difference.

14
15 And there's a need then to clarify consistency regarding the use
16 of at attractants, particularly undersized lobster.

17
18 Next slide.

19
20 The other thing, and it's about using chemicals to target spiny
21 lobster. That's something that is specifically prohibited in U.S.
22 Virgin Island waters, but it's not as specifically prohibited in
23 the EEZ waters. Now in our federal regulations, because we made
24 some changes to the species that we were managing, we made a change
25 to the description of the use of chemicals and plants. And in our
26 regulations, it says "A toxic chemical may not be used or possessed
27 in a coral area." I believe before it was, a toxic chemical, may
28 not be used or possessed may not be used for corals, or something
29 like that. But now that all corals are completely prohibited, we
30 made some changes-- harvest, sorry. --we made some changes to this
31 that were within the intention of the Council at the time. So,
32 we're just saying "A toxic chemical may not be used or possessed
33 in a coral area." Now we do have in our regulations that poison,
34 drug or other chemical may not be used to fish for reef fish in
35 the EEZ around Saint Thomas and Saint John. The same regulation
36 applies to the EEZ around Saint Croix, and the same one for Puerto
37 Rico.

38
39 We didn't see a similar regulation in the U.S. Virgin Island. I
40 don't know necessarily if it's needed, but at least for the federal
41 part, there's a need to prohibit the use of chemicals to harvest
42 spiny lobster in EEZ waters because it's not just, you know, using
43 it in coral areas. Spiny lobster, you know, can be anywhere, but
44 you just don't want to allow the use of chemicals to harvest the
45 spiny lobster.

46
47 And I'm almost done. And the last slide is another difference. And
48 you all know this one. Application of annual catch limits and

1 accountability measures. The annual catch limits annual catch
2 limit reflects sustainable harvest based on best available
3 science. And they would be our best estimate of how much can be
4 harvested annually from each stock in a sustainable manner.
5 Exceeding the ACL for a stock, you know, has that possibility that
6 this stock will be put under risk for overfishing.

7
8 The accountability measures are the tools used by managers to
9 ensure harvest stays within the ACL for each stock. And in reality,
10 there's no value to the ACL unless the AM is available.

11
12 So, we do know that all ACLs are developed using combined landings
13 from state and federal water, so it's important that those ACLs
14 apply to both the state and federal waters, so they achieve their
15 purpose. The same with AMs, and that is obviously not the case.

16
17 With that said, I want to go to the last slide, which is the next
18 step. Basically, just highlighted all the differences with regards
19 to some of those-- there's other things that are obviously not
20 compatible between state and federal waters, but for the interests
21 of this topic, these are the things that were that were highlighted
22 as incompatibilities.

23
24 Now what we need from the Council, I don't think we need a motion
25 or anything, but I think it will be interesting to know if the
26 Council is, what do we need to know? What do we need to do? What
27 does the Council want to do at this time? And if they want to do
28 something, you know, it's important to coordinate with the U.S.
29 Virgin Islands government because obviously these are differences
30 between the U.S. Virgin Islands and federal waters. And also, the
31 scope of the action, like if you want to do something with this,
32 what is your interest? Because there were many topics included in
33 here, not just the fish trap reduction. So, with that, I give it
34 back to you, Marcos.

35
36 **MARCOS HANKE:** Thank you, María. Miguel.

37
38 **MIGUEL A. ROLÓN:** Yeah, this is an important matter. We need to
39 break for lunch, so I suggest, Mr. Chairman, come back at 1:15.
40 It's important but not as important as lunch. So, we come back at
41 1:15.

42
43 The original idea of the whole discussion was, when Dr. Roy
44 Crabtree asked for the local governments to come up with a proposal
45 regarding management of traps. This is a document-- and by the
46 way, thank you to María and the staff because it's a very thorough
47 document that was prepared with conversation with Carlos Farchette
48 and others.

1
2 So, Mr. Chairman, I propose to allow Sam to say some words,
3 departing words, and then we can break for lunch and come back at
4 1:15 so we can continue the discussion.
5

6 **MARCOS HANKE:** Sam. Thank you.
7

8 **SAMUEL D. RAUCH III:** Thank you, Mr. Chair. Sam Rauch, Deputy
9 Director, for the record, National Marine Fisheries Service. It's
10 been my pleasure to be here. I regrettably will not be here for
11 this afternoon. I have to go back to D.C. I wanted to reiterate,
12 first my thanks to the Chair and all the Council staff for their
13 hospitality here. And to reiterate what I said at the beginning,
14 this is really important, what you all are doing. These fisheries
15 matter, whether you're commercial, recreational, or subsistence or
16 whatever else you're doing. This is really important for the fabric
17 of the territories. And managing these fisheries well in
18 coordination with the territorial governments in a transparent
19 science-based fashion is hard. Some of the discussions you've had
20 here today just exhibit just how hard it is. But it takes a lot to
21 be a good Council member. We appreciate what you're doing and keep
22 encouraging you to keep up the good work. Thank you very much for
23 having me here.
24

25 **MARCOS HANKE:** Thank you, Sam. And thank you for your historical
26 support to the Caribbean Council and availability to help us
27 anytime we need some guidance and some help from the positions you
28 have been on. We are ready for lunch. We're going to break for
29 lunch. We're going to come back at 1:15. We are breaking for lunch
30 a few minutes earlier and come back from lunch a few minutes
31 earlier. At 1:15 we are back
32

33 (Whereupon, the meeting recessed for lunch on December 7, 2022.)
34

35 - - -
36

37 DECEMBER 7TH, 2022
38

39 WEDNESDAY AFTERNOON SESSION
40

41 - - -
42

43 **MARCOS HANKE:** Good afternoon. It's 1:17 PM December 7th, second
44 part, the afternoon part, of our meeting. We had a presentation
45 from María del Mar about managing Trap Fisher in U.S.V.I. and we
46 have a little space now for comments. Can you put up the slide
47 with what you're requesting from us? Now, there was a question
48 there, I believe on the end. Okay. Thank you. The screen says,

1 Council to decide if action is needed at this time. I'm going to
2 defer to Carlos Farchette, which was one of the champions on this
3 discussion. Carlos.

4
5 **CARLOS FARCHETTE:** Thank you, Mr. Chair. So, yeah, we're interested
6 in pursuing this action and we would like staff to work with us.
7 I have to talk about Saint Croix really, because that's really
8 where I'm working this from, but I'm sure Saint Thomas is just as
9 interested. We've already done a spreadsheet and separated tables.
10 I had a table set up where we had compatible rights between
11 territorial and federal. So, the Commissioner and Director Angeli
12 are already aware of this and we're going to be working in trying
13 to complete the spreadsheet because there's some things that are
14 missing. So, on the 14th of December, we have a Saint Croix FAC
15 committee meeting, and I'm going to have this as the only agenda
16 for that night. Well, I shouldn't say that because there are a
17 couple other things in there, but this will be the major topic in
18 the agenda. And we are also going to jumpstart our draft spiny
19 lobster management plan, which speaks on the design and
20 construction of lobster trap versus fish traps. I think that's it
21 for now, unless questions? Commissioner?

22
23 **MARCOS HANKE:** Miguel?

24
25 **MIGUEL A. ROLÓN:** Yeah, I believe that in deference to the U.S.
26 Virgin Islands the answer to this question could be that, yes, the
27 staff will continue coordinating with the U.S. Virgin Islands. So,
28 whenever we are ready for any Council action, we'll do so. But I
29 believe that we should allow the U.S.V.I., the Commissioner, Carlos
30 and other members of the U.S.V.I. community, allow them to keep
31 working and when they're ready, sure enough, we can pursue this a
32 little bit further.

33
34 **MARCOS HANKE:** Jean-Pierre.

35
36 **JEAN-PIERRE L. ORIOL:** Yes, and good afternoon, everyone. Jean-
37 Pierre Oriol, for the record. So, that's exactly right. We are
38 interested in this, but we recognize that there is a little bit of
39 cleanup as María was able to present in terms of some of the
40 inconsistencies even within our legislation and our policies that
41 need to be cleaned up.

42
43 It is our goal to have compatible regulations but as for right
44 now, we don't think there's a Council action at this time. But we
45 do intend on having that same sort of crosswalk that was presented
46 here today. This is where we are with our local side. This is what
47 we would have to tweak to make it match the federal side or inquire
48 about what action would need to be taken if the federal side should

1 be changed, could be changed. I think Carlos and the Saint Croix
2 FAC as well as the Saint Thomas FAC, they've been working and there
3 is some cleanup that needs to be done but once we complete those
4 crosswalks, we'd be in a better position to state that we're ready
5 to move forward if there's any action to be taken.

6
7 **MARCOS HANKE:** Okay. We have a right path to move forward. I don't
8 think we need to discuss anything else at this moment. Thank you,
9 María, for the presentation. Last comment, please.

10
11 **MARÍA LÓPEZ-MERCER:** Yes, thank you. This is María López. Thank
12 you for that. I do want to point out that one of the inconsistencies
13 that we have, at least from our part, from the federal, is that
14 requirement in the traps to-- we have vessels, like the vessel
15 number, and you guys have a license. So that's something that I
16 think we should all, perhaps from our side prioritize as well,
17 because that's a kind of like a big inconsistency and I think we
18 can work on that.

19
20 And then, one last thing is that our office is available to work
21 with you for updating the commercial fisher's guide that you have,
22 your booklet, because the regulations that you have in there, of
23 course, when you did the island-based FMPs, were not in place. So,
24 that means that all the references that are in there are for the
25 old plans. So, we'll be happy to assist you, because we know that
26 you reference, in your book you reference our regulations, so we
27 have done it in the past and we'll be happy to work with you to
28 get that updated for the next version of the booklet.

29
30 **MARCOS HANKE:** Thank you, María. We're ready for the next
31 presentation, which will be the Southeast Fishery Science Center.
32 Adyan.

33 34 **Southeast Fisheries Science Center (SEFSC) Update**

35
36 **ADYAN RIOS:** Adyan Rios, for the record. Hi everyone. Just give
37 Christina a moment to pull up the slides. There we go. So, I work
38 at the Southeast Fisheries Science Center in the Caribbean
39 Fisheries Branch with Kevin McCarthy and the rest of the team. And
40 today I will be-- Hello? Is this better? Move this over here. Okay.
41 Okay. So, I'll be presenting the Southeast Fishery Science Center,
42 U.S. Caribbean Projects update.

43
44 Next slide please.

45
46 We'll be looking at a non-comprehensive summary of projects. So,
47 just give you a little bit about a lot of projects and a few
48 updates. And I do want to emphasize that there is a lot of work

1 going on and so we'll only touch on a number of them, but there
2 are more. There is a lot of work to improve port sampling on all
3 three islands. So that's something I wanted to highlight.

4
5 And then now, going to this list, at the top there, you see that
6 that work is now also being complimented in Puerto Rico with
7 funding for two students at the University of Puerto Rico who are
8 working with MER Consultants in one of those ongoing research
9 projects. Next, additional funding was received to expand deep-
10 water snapper surveys in Puerto Rico that are done in collaboration
11 with fishermen. Additional funding was also received to continue
12 life history sampling that is also conducted in collaboration with
13 fishermen in Puerto Rico. There's also funding to begin a fishery
14 dependent lobster survey that is also cooperative research. There
15 are two lobster projects. This is the first one. It's designed to
16 collect size and CPUE information, catch per unit effort, towards
17 developing an index of abundance that we can use in stock
18 assessments. The second lobster study, we've received funding to
19 continue fishery independent lobster work specific to juvenile to
20 creating indices of juveniles and of recruitment.

21
22 Next slide, please.

23
24 In the U.S. Virgin Islands, there's ongoing work in partnership
25 with DPNR Department of Fish and Wildlife for the designing of the
26 sampling survey. And next, we also have recreational port sampling
27 design ongoing. The third bullet here is that new funding was
28 received to begin work to improve port sampling. And then, the
29 last bullet here in bold is that a critical goal for 2023 is to
30 establish a mechanism to move collaborative research funds to
31 U.S.V.I. So, a lot of the collaborative work that's already been
32 undergoing over the years and right now, there's a mechanism which
33 is the cooperative research program or other requests for proposals
34 that are a mechanism for funding cooperative research.

35
36 And then we also have projects, like I mentioned earlier, with
37 students, and there's mechanisms to allocate funds that are
38 disseminated through those mechanisms to those students. And so,
39 now the conversation can become, how do we figure out if there's
40 going to be sustained cooperative research? What mechanism can we
41 use to support that? And that's important to be able to not only
42 have these initiative projects but keep that work going in this
43 region.

44
45 Next slide, please.

46
47 A really big activity that the whole team is on is our Caribbean
48 Strategic Planning Workshop. So, this is a three-year project, and

1 it is currently in its second year to develop a strategic plan for
2 data collection to inform stock assessments and ecosystem-based
3 fishery management. And so, just to tell you about what happened
4 in the first year we had virtual Southeast Fishery Science Center
5 specific workshops to prioritize activities that would, you know,
6 support stock assessments and ecosystem-based fisheries
7 management, as well as our outreach and our communication efforts
8 across the Science Center.

9
10 The second year expands the participation of that to include the
11 stakeholders, SERO, University researchers and regional partners,
12 and to continue identifying actionable items and collaborative
13 efforts. A key word for this project, entirely to me, is just,
14 synergy, because we're all doing a lot of great work. And so, this
15 strategic planning workshop identifies, you know, people who have
16 some overlap and can synergize their energy towards the same
17 direction. And just, you know, make sure that everyone knows about
18 and is familiar with what our immediate goals are and what our
19 long-term goals are collectively. And so, that involves the Council
20 staff and SSC; the DNER and DPNR; University of Puerto Rico and
21 the University of the Virgin Islands; SERO, Southeast Fishery
22 Science Center, and the National Park Service.

23
24 Next slide, please.

25
26 This is the last slide, I believe, and this is just to let you
27 know about two proposals that were recently submitted. The first
28 one was also funded.

29
30 So, the first one is to modernize and automate the provision of
31 existing and electronic monitoring fishery dependent length
32 composition data required for all U.S. Caribbean assessments and
33 wider research needs. I made that really long title but, basically,
34 it means taking the TIP data set and making that data set more
35 analysis ready. So, usually those data require a lot of species-
36 specific extraction. And so, really benefiting from all the
37 assessments we've done so far and all the work that has been done
38 with that data set, we can really come up with a strategic way to
39 make that whole data set more useful and more easy to work with.
40 And so, that's what that project by me and Molly is all about.

41
42 And then the second project here is related to aquaculture. So, we
43 have Refik Orhun from the Southeast Fishery Science Center on that.
44 And so, that proposal is called Establishing husbandry and grow
45 out aquaculture techniques for blackfin snapper in the Caribbean.
46 A Marine Aquaculture Pilot Project.

47
48 Uh, next slide. So, any questions

Discussion

MARCOS HANKE: Graciela.

GRACIELA GARCÍA-MOLINER: So, Adyan, thank you for the presentation. Do you know if there are any plans, speaking of synergy, to require the collection of oceanographic data while we're doing all these other projects? And the reason for that, it's twofold. One, because, you know, fishers do pay attention to changes in weather, etcetera, and what species they're going to be targeting.

And secondly, because of the, you know, we know about climate change and what we're expecting to happen. And one of the things that we've been discussing in different opportunities is that here the migration might not be in the horizontal plane, but it might be vertical. And we have very little information except for one project that I know of, of data being collected at the same time that fishers are looking for the deep-water snapper species. So, you know, that needs to be included somehow. And, you know, nowadays most of these CTDs and stuff like that are not that expensive. You know, they're expendable things that we can use and, you know, collaboration with the fisher will always be forthcoming.

So, do you know if we have any plans to include that in our future plans?

ADYAN RIOS: Um, not currently, but two points come to mind. The first is that that's a topic that we need to revisit at this strategic workshop together. And then another topic that comes to mind and it is an example of just that. So, on the West coast of Florida where they've been subject to a pretty frequent and persisting red tides, there has also been a lot of initiative from the fishers in that region to collaborate with scientists to better understand how that's happening. And that's actually exactly what they do. They've got a whole system set up to process that information and make it available in near real time. And so, that type of ongoing effort and identifying funding to support those resources, is a very important direction that is awesome to have that as an example and for us to look forward to as well.

MARCOS HANKE: Yes, I want to make a comment on the same lines of Graciela not the same specific thing. I really value the effort and coordination and focus on getting the minimum things that we need to have to move forward. But we are not doing an effort on asking, for example, making a workshop with fisherman saying, what kind of data do you think you can provide us? And to see the

1 willingness, number one, to provide data or things that they think
2 they can provide data that with that interchange or conversation
3 they'll learn that there are some things that are a little more
4 complicated than what they think. But maybe there is a few items
5 that we can all get in agreement and explore those new avenues.
6 What I'm trying to say is that there is a need for bottom-up
7 coordination to find those opportunities. Anybody else from the
8 Council? Vanessa?

9
10 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
11 record. I just want to make a comment. It's about the collaboration
12 that commercial fishermen are always there to collaborate, but
13 it's important to give follow up on that. Because, for example, we
14 were collaborating, we were making the workshop, two years ago,
15 for a project for lobster traps, [inaudible] lobster traps. It was
16 supposed, before two months, to be there and it has been two years
17 and we are still waiting. So, we don't receive any follow up.
18 That's important, once the commercial fishermen take their time to
19 be there in a workshop and be, practically, with their boats right
20 there to start the next day if it's necessary and then no one
21 contacts them. They feel like no one is taking care of the time
22 they took and the importance that they have with all the
23 information that they can collaborate. Thanks.

24
25 **MARCOS HANKE:** I agree with you and there are many venues. We had
26 a little talk related to this issue with Clay before. Later he going
27 to talk to you guys about it. James?

28
29 **JAMES R. KREGLO:** James Kreglo, Saint Thomas/Saint John. Just a
30 question I have about the port sampling techniques. Can you explain
31 briefly how someone comes and does and the time they spend and how
32 that works?

33
34 **ADYAN RIOS:** Kevin, is Kevin online?

35
36 **MARCOS HANKE:** Kevin.

37
38 **KEVIN MCCARTHY:** I'm online if I have a chance to speak.

39
40 **MARCOS HANKE:** Yes, Kevin, we hear you loud and clear.

41
42 **KEVIN MCCARTHY:** Sorry about that. Yeah, this is Kevin McCarthy
43 Southeast Fishery Science Center. Yeah, we're working out a lot of
44 those procedures, but the goal is very much to keep the time that
45 we're working with the fishers to an absolute minimum. We recognize
46 that, you know, that is not why people go fishing, to come back to
47 the dock and be interviewed by a port sampler. They've got other
48 things to do oftentimes to go and sell the fish. So, we're very

1 much aware of that and that we want to keep that interview to the
2 absolute minimum time. And that's why one of the bullet points
3 that Adyan had there was some funding to improve the efficiency of
4 the port sampling. So, we've got a lot of moving parts with the
5 port sampling. One of them is to properly design a statistically
6 robust sampling scheme, right? So, when and where do we send
7 samplers so that we get a good estimate of not just the landings
8 but the size composition of those landings, because we want to
9 achieve both with this survey.

10
11 Um, but we also have the other side of the equation, which is when
12 you are interviewing someone, you as the port sampler, how do we
13 get that done as fast as we can while still getting good quality
14 data? So, you'll be seeing things like new technologies. Like
15 cameras that are taking pictures of the animals that are landed,
16 right? To get a species identification and a size composition as
17 quickly as possible. So, there's a lot of things going on with
18 trying to improve that efficiency while still maintaining a good
19 statistical design for the survey. I hope that answered the
20 question.

21
22 **JAMES R. KREGLO:** That answers part of my question. And actually,
23 I'm going to ask you one more and then a follow up. Now, are we
24 talking commercial and recreational?

25
26 **KEVIN MCCARTHY:** Yes. Commercial and recreational in the Virgin
27 Islands where the Science Center is partnered with the territorial
28 scientists to get that survey in there. Because we recognize that
29 in the Caribbean there's some gray area as to what a vessel may be
30 doing on any given day. It could be a commercial trip one day and
31 it could be a rec trip another day and it could be a for hire trip
32 another day. So, we don't want to not catch the fishing effort and
33 the landings for any vessel just because they happen to be in a
34 different category on a particular day. And as we all know, we
35 need to have the landings and the size composition of those
36 landings from every sector of the fishery if we're really going to
37 manage the resources properly. And in Puerto Rico--

38
39 **JAMES R. KREGLO:** Okay. All right. And then my follow up question.
40 Again, James Kreglo. Oh, go ahead.

41
42 **KEVIN MCCARTHY:** I was just going to say, in Puerto Rico the
43 Science Center has funded work and continues to fund work to
44 properly design or get the information properly design commercial
45 fishery survey. And we're working in support with DNER and Grisel
46 team and they're very much the leads on the recreational side of
47 that work in Puerto Rico. We're providing some support to that,
48 but they're the leads.

1
2 **JAMES R. KREGLO:** Alright. James Kreglo, Saint Thomas/Saint John.
3 And then my primary concern is I have seen the port samplers, the
4 last few years, actually they set up right where my business is
5 quite often at my marina, and they have to wait for vessels to
6 come in. A lot of times they just are not coming in or they'll be
7 sitting there, and I'll look around, I'll say, "okay, I know this
8 person's out fishing, that person's fishing. This one's
9 recreational, this one's recreational, this one's commercial.
10 They're not going to be back for hours." But I just, there has to
11 be some more way. Or in Saint John I'll say, "Well, I know these
12 guys are going fishing this day." But for the port samplers, I
13 know I've had to go and find an umbrella for somebody because
14 they're sitting in the hot sun. Or, you know, they try to bring
15 some things, but I try to do what I can to help out, but it just
16 seems sometimes they're just there waiting for people to come in
17 for a long time. There has to be an easier way to get the data.
18

19 **KEVIN MCCARTHY:** I agree. And I applaud your efforts in helping
20 those poor folks out who are sitting in the hot sun. So, what we've
21 completed, and by we, I mean the port samplers that are down there
22 right now. I was sitting in an air-conditioned office while they
23 were out in the sun. Over the last several months, let's say six
24 months or so, what we've completed on and it's still ongoing in
25 Saint John, if I'm remembering correctly, but in Saint Croix as
26 well as Saint Thomas is an effort survey. And what that is, is to
27 go around, we divide the day up into time blocks and we go around
28 to the various ports where people are coming in and we figure out
29 activity patterns so that we very much get at a more efficient
30 sampling design. So, that we don't have people sitting there for
31 hours when nobody's coming in. So, they're going to know, "okay,
32 we need to go to these ports at this time and we need to go to
33 those ports at another time." And we go to certain ports where we
34 know we're going to catch the commercial traffic and other times
35 we catch the recreational traffic. So, this is very much an effort
36 to improve that design for many of the reasons that you've just
37 mentioned.
38

39 **JAMES R. KREGLO:** Okay. James Kreglo. Thank you very much. I
40 appreciate the information. Anything we can do to help out, because
41 a lot of times we know when certain people are going out and coming
42 in and we just want to get the best data that we can for our
43 surveys.
44

45 **MARCOS HANKE:** Yes. I want to just to make—
46

47 **KEVIN MCCARTHY:** Thank you. I appreciate that.
48

1 **MARCOS HANKE:** Thank you, Kevin. I just want to mention my comments
2 before about making the workshop with the fishermen, with the
3 industry, with the people like Kreglo, is that we can identify
4 those opportunities that are there that we don't know now, right?
5 We cannot, for example, if we have 10 people like him spread around
6 the island is one thing versus having just one. But we don't know
7 that yet. We need to include the fishermen and have that capability
8 the industry, or that willingness that the industry has to support
9 science. Thank you, Kevin. I would like to pass the word to Clay
10 Porch on the same lines. Clay, one second. There is a virtual hand.
11 Kevin.

12
13 **KEVIN MCCARTHY:** Thank you, Kevin McCarthy. Yeah, and it could be
14 that as we build through designing the survey, that there are
15 aspects of the fishery that need to be more individually based.
16 And so, what I mean by that is, there may be sectors of the fishery
17 that a handful of fishers are involved, and it may make more sense
18 to capture them in something that's a little bit different than a
19 traditional survey design. You know, where you'd have sort of an
20 individually based survey. We're not that far in the design yet,
21 but we may, you know, we've talked about that over the years.
22 That's something that's been discussed with the other contractors
23 that we've had looking at these kinds of problems in Puerto Rico
24 and some years ago, some initial steps looking at designing surveys
25 in the Virgin Islands. So, there are a lot of ways to get at this
26 and we want to be flexible, and we want to be efficient. And we
27 want to hear from, you know, ideas from all sides. So, I agree
28 with you Marcos. It's important to keep talking to everybody
29 involved in the process.

30
31 **MARCOS HANKE:** I want to express my gratitude and the gratitude of
32 the Council member that I spoke to on your leadership or making a
33 focused effort to move forward in a quicker and more effective
34 way. Thank you, Kevin. Clay.

35
36 **CLAY PORCH:** Yeah, thank you. That was an excellent summary by
37 Adyan and Kevin. I just want to say a couple things. I think the
38 gist of it, what you heard from Kevin is we need to move the
39 Caribbean into the 21st century in terms of data collection. I
40 mean, that's the bottom line. You heard our commercial statistics
41 are highly uncertain. There are big gaps. People are reporting
42 fishes that's one thing, as something else. All these sorts of
43 things that are going on. We really have to step it up. I appreciate
44 that there are those who want to help but the key thing is we need
45 to make sure that we have a very good sampling design. We need to
46 make sure it represents the entire fishery and not just those who
47 want to help. So, the people that Kevin's been working with, I
48 know Julian's been involved, a lot of people have been involved,

1 are trying to find ways that are flexible, but still get us what
2 we need for both the science and the management.

3
4 And that is a tricky line to walk sometimes, right? What will
5 actually work and is really defensible for science and monitoring
6 versus what people find acceptable. Because we're talking about
7 changing the way people have been doing business for an awful long
8 time. So, we are trying very hard to work with folks.

9
10 The other side of the equation is though, it takes resources, it
11 takes funding to do some of the things that we want to do. And in
12 the past, I would say, generally, it hasn't been there. There were
13 some funds in the president's budget, part of the territorial
14 initiative. Unfortunately, that hasn't made it into the
15 congressional language as of yet. So hopefully there'll be some
16 advocates that arise for getting more funding into the Caribbean
17 for those sorts of things.

18
19 Kevin also mentioned and others have mentioned the lack of
20 recreational statistics. Obviously, what was going on before
21 wasn't sufficient, so MRIP pulled out of the game because there
22 wasn't any point throwing good money after bad. So, part of the
23 strategy is to develop a sampling plan that covers both
24 recreational and commercial. Sometimes the same size boats using
25 the same ramps, right? So, there's a logic to that. Hopefully, by
26 combining funds that could have been used for commercial and funds
27 from MRIP and other sources for recreational, together, if we're
28 using the same program, we can get more bang for the buck.

29
30 So that's what we're trying to work on. Work with all our partners,
31 the Virgin Islands, Puerto Rico and see what we can come up that's
32 efficient. But again, we do need more resources to do everything
33 that we're hoping to accomplish. So, that tells us what's being
34 taken out of the water. Right? But the other thing is to see what's
35 left in the water. And that's our resource surveys. And we all
36 agree that probably using the great big NOAA White ships isn't the
37 best thing for the Caribbean. Not the best investment. The
38 advantage to us though is we get a certain allocation of white
39 ship time.

40
41 So, how do we move from that to something that's more efficient?
42 Um, we've already started a deep-water survey that is a cooperative
43 research survey, works with the Fishers for deep-water snapper,
44 and grouper. That's just really started this year coming up. The
45 first year going at full steam. It's been a pilot study before
46 that. We had the experimental trap survey in Saint Croix. That's
47 one we would like to see expanded across all the Virgin Islands
48 and Puerto Rico maybe every couple of years because that gets one

1 group of fish. There is the diver base survey, but the problem is
2 that only goes to something like a hundred feet and as many people
3 have mentioned for conch and others, there's a lot of animals that
4 are deeper than that. So, we're experimenting with using remote
5 controlled cameras and other means to get a view of what's down in
6 the deeper water and then kind of link that up with what we see in
7 the shallow water, so that we have more robust estimates of the
8 number of conch and other fish species out there.

9
10 So those are the two big things that spiny lobster survey that we
11 sort of had started, but now is kind of, has stalled a bit. We
12 need to resurrect that. Obviously, that's a huge fishery for here.
13 So, those are the kind of things we're working on, but again, it's
14 going to require more resources to do the things that we all want
15 to do. I think by combining forces between the territorial agencies
16 and, and the Feds, we can get a little more bang for the buck, but
17 it's still going to take some more resources to be injected in the
18 system, to really do all the things that we want.

19
20 There is also the issue of just doing some basic research, basic
21 life history parameters. You've heard some of the studies that
22 were funded. Adyan gave you a little summary of what's in the pike
23 right now. And we'll continue chipping away trying to develop an
24 information base through that means. There are several projects
25 that could be funded in the future. We've started to use more
26 cooperative research funds for research in the Caribbean. MARFIN
27 now allows some research in the Caribbean. So, I think you'll see,
28 and you have seen in the past couple years, more attention being
29 given to the Caribbean. But again, same resources and you're
30 competing with the Gulf and South Atlantic. So, there's only so
31 much we can put into Caribbean without taking too much away from
32 the others. Again, you know, more resources would be helpful in
33 that regard.

34
35 And then the last thing is in terms of some of the analytics. As
36 we get more data and we try and figure out how we're going to use
37 it to generate management advice we're going to need more
38 analytical power, more people turning the cranks, right? You hear,
39 for instance, Graciela, mentioned bringing in more environmental
40 information. But as soon as you start doing that, you know, that
41 says saying, "Okay, if I give you this new shiny thing, let's
42 incorporate an index that reflects the impacts of changing water
43 temperatures on the distribution of dolphin or something like
44 that." But now we have to maintain that every year, and that can't
45 just be temporary funds, right? So, we have to find a way to do
46 it.

1 So, on the one hand as a former modeler, mathematical modeler, I
2 like the new shiny things and let's figure it out how we can
3 incorporate it in the models and give management advice. On the
4 other hand, now as a manager, I'm like, how am I going to sustain
5 that from year to year? So, I think we're already kind of falling
6 short on trying to meet the demand on analyzing all the products
7 that are available as it stands now. So, a little analytical help
8 there would be useful as well.

10 So that's just sort of my summary of where we are. I think we're
11 making excellent progress in terms of learning to work together,
12 changing all our cultures and how we get things accomplished. But
13 we still got a long way to go, and we are going to have to find a
14 way to garner more resources to do those things that we want to
15 do. So, thank you for the time.

17 **MARCOS HANKE:** Thank you. Miguel.

19 **MIGUEL A. ROLÓN:** Thank you, Clay. We discussed a little bit about
20 it with Clay before, but if we can identify, you know, just the
21 last part you mentioned, the analytical power that we need, a warm
22 body that will do this analysis and I am with you that that person
23 should be concentrated on the information that we have, you know.
24 The synthetic part about the ecosystem and all that, that's another
25 \$20. But that's something that the Council can contribute. If we
26 can identify somebody that will be willing to work for us on a
27 part-time basis or on a contract basis, for, you know, two or three
28 years that will do the trick. What I will need then will be a one-
29 page description of what that person should be doing. With whom
30 that person should be working. Graciela and I can sit down and
31 coordinate that effort.

33 So, with the budget cycle that we have, you know, it's every five
34 years, but if we can justify the need for such a thing, I think
35 that we can do it. Justification, personally, I don't think that
36 we need to look too deep into it because the more we cooperate
37 with the center, the more we cooperate with the local governments
38 instead of the needs they have and we can fulfill those gaps, the
39 better for the management of the area.

41 So, I wanted to just introduce it to the record. Probably we can
42 talk later, at the end, Adyan and Clay. Whomever you assign, let
43 us know what can be done in the next two or three years. That will
44 be something that will help assist in the analysis of this data
45 and that way we will move forward with the data that we have.
46 Because we are data poor in many areas. We have a lot of that in
47 other areas, but as Kevin said some time ago, it's just a matter
48 of finding where they are and then what can we do with it. So, I

1 don't think that we need to explain that more. The staff, Graciela
2 and Adyan, can look into this and then prepare something that Clay
3 can bless and we can work it from there. Then while you're doing
4 that, if you know somebody that will be willing and able to work
5 on this type of praise, let me know.

6
7 Adyan quiere decir algo.

8
9 **MARCOS HANKE:** Adyan.

10
11 **CLAY PORCH:** Go ahead.

12
13 **ADYAN RIOS:** Adyan Rios, for the record. I feel like that's a topic
14 that we'll delve into further as well in the strategic planning.
15 And so, I also wanted to let folks know that the invitations for
16 that event, which is the third week of May, will be coming out
17 very soon. So, I did want to announce that. And I also wanted to
18 mention that although I presented today, I'm not involved in all
19 of the projects and there's a lot of people involved in each
20 project. So, if you're interested in more of any of the projects,
21 I can also serve as a liaison here today to tell you more and who
22 to contact for specific projects. But be on the lookout regional
23 partners for the event that's coming up in May.

24
25 **MIGUEL A. ROLÓN:** Excellent.

26
27 **MARCOS HANKE:** Thank you. Clay.

28
29 **CLAY PORCH:** Yeah, and to Miguel's point. I think we would be happy
30 to work with you and look at the sort of skillsets that we think
31 are needed for the analyses that need to be done and which parts
32 of that maybe we would have a hard time doing because our plates
33 are so full but where we think that if the Council had staff on
34 board where they could help the most. So yeah, I think we'd be
35 happy to work with you.

36
37 And I did want to say one other thing regarding the idea that
38 Marcos had to develop capacity among both the commercial and
39 recreational fishing community to do scientific research. And I
40 think, in the Caribbean especially, cooperative research products,
41 projects with scientists working with fishermen, have enormous
42 potential. Like I said, it doesn't make a lot of sense to have
43 200-foot NOAA White ships trying to, you know, set cameras or set
44 hooks in these island platforms. It makes a lot of sense to have
45 people who are experts at doing that work. The key is that there
46 would be, just as we have a survey like that, for instance, in the
47 South Atlantic it's a long line survey for deep-water snapper
48 grouper, the fishermen deploy the gear, but they follow the

1 sampling design, and they fish the exact same way every single
2 time they go fishing. They follow a sampling design that was
3 developed by the scientist so that we can say this is a defensible
4 index of abundance. And I think it's a great opportunity here in
5 the Caribbean to do those same kinds of things on many levels. I
6 mentioned the trap fishery. Obviously, that would be fishermen
7 deploying the traps. They just deploy them in a certain way
8 according to a certain design, similar to that study that we had
9 done in Saint Croix years ago, just expanded. And there's many
10 other surveys like that I think we can do. It's much more cost
11 effective than for us to bring big white ships down here. And it
12 also, I think gets a lot more buy-in from the fishermen. And it,
13 it's an opportunity. Fishermen are contributing to the data that
14 gets used in the assessments and management. We, as scientists,
15 get the benefit of your skills on the water.

16
17 **MARCOS HANKE:** Thank you, Clay. And I'm available once you guys
18 want to pursue that and create a system to create the task force
19 of fishermen on science or something on that line. I have on my
20 mind already what we need to address to make this doable and all
21 the scientists, Science Center and everybody will benefit from
22 having the list of collaborators that will be trained, will be
23 passing through ethical on science and something very simple. But
24 we will have a list of bold capacities, skills, and everything
25 that whenever we want to do science, cooperative science, we're
26 going to have that master list of people willing to do it with
27 this capability and everything is going to be very quick instead
28 of waiting one or two years to start the project.

29
30 Anyway, that's the point. Thank you, Clay. I think we don't-- do
31 anybody else from the Council that want to mention something? I
32 don't see any hand. We are ready to pass to the next presentation.

33
34 **MIGUEL A. ROLÓN:** [inaudible] la mano. [laughter]

35
36 **MARCOS HANKE:** Yeah, but I didn't see any hands. Still, I don't
37 see any hands. Russel Dunn, recreational fishery presentation.

38 39 40 41 42 43 44 45 46 47 **Recreational Fisheries**

41 **RUSSEL DUNN:** All right, thank you. For those who I may not know,
42 I'm Russ Dunn. I'm the National Policy Advisor for Recreational
43 Fisheries. I have here with me some of my team, Tim Sartwell and
44 Sean Morton, also with fisheries. Sean's actually with NOS but
45 doing a detail with us as we work to update the recreational
46 fisheries policy. So, I'm just going to cover this briefly. I know
47 we only have about 15 minutes scheduled for it, but that is okay

1 because there'll be additional opportunity for your input beyond
2 this discussion.

3
4 So, quick. First, a little background before we jump right in. So,
5 in March of 2014, the agency co-hosted the second national
6 saltwater recreational fishery summit with the Atlantic State's
7 Marine Fisheries Commission. And during that summit, what we heard
8 was substantial interest in the agency developing a policy or a
9 policy document that could help spell out the agency's approach to
10 recreational fisheries. We were able to take advantage of that
11 recommendation and we move forward and published in 2015, in
12 February of 2015, the first iteration of the recreational fisheries
13 policy.

14
15 So, next slide please.

16
17 So, fast forward to today. Why are we here talking about this
18 again? Well, in March of this year, we held the fourth of the
19 National Recreational Fisheries summit. And the two gentlemen to
20 each of my size here participated in that summit. And one of the
21 things that we recognized very early on during that two-day
22 discussion, was that some of the key topics here, such as climate
23 change, DEIJ or diversity and inclusion, equity, balancing ocean
24 uses, which at the summit really took on the meaning of wind energy
25 and aquaculture, were not addressed in the existing policy in any
26 way. We recognize that in order for the policy to remain relevant,
27 that we had to update it.

28
29 Next slide, please.

30
31 So, what you see here is simply a set of just general discussion
32 questions or discussion questions for guiding the conversation
33 here as we go through the next couple of slides. And as you think
34 about how the policy might be amended to be improved.

35
36 Next slide please.

37
38 So, the purpose of the policy, it really serves as a guidance
39 document for the agency. It's a tool that helps both shape our
40 approach to recreational fisheries and really spell it out by
41 articulating our basic stance, our goals, and our guiding
42 principles. And so, beyond serving as an internal touchstone, it
43 also serves as a tool to help the public understand, "Hey, how
44 does the agency approach? How do we think about recreational
45 fisheries on a day-to-day basis?"

46
47 Next slide, please.

1 So, the basic policy, statement itself, really just sets forth the
2 agency's commitment to accessible and diverse recreational fishing
3 opportunities for the benefit of the nation. It's very
4 straightforward. And, you know, I think for the most part it
5 probably is still a fairly tenable statement.

6
7 Next slide, please.

8
9 So, the scope of the policy. So, obviously-- oh, and I apologize.
10 Those pictures slide up in about half the slides and half the time
11 they don't. It's cut off the last sentence there. But the policy
12 pertains really to recreational fishing activity that occur for
13 sport or pleasure, pleasure as per the Magnuson Act definition.
14 But we also sought to broaden it out as much as possible to capture
15 sort of the shoreside portions of the recreational fishing
16 community, bait and tackle shops, tournaments, marinas, etcetera
17 which really are part of the larger recreational fishing community.

18
19 Next slide please.

20
21 So, the goals of the policy you can see here are, again, very
22 straightforward. They're essentially to support and maintain the
23 resources on which recreational fisheries depend. And that is a
24 very intuitive statement, right? If you don't have habitats, you
25 don't have fish, there are no fisheries. The second primary goal
26 of the policy is to promote saltwater recreational fishing for the
27 benefit of the nation. And that, again, is taken directly from the
28 Magnuson Act as a concept. And so, we thought that was an
29 appropriate one to incorporate.

30
31 And then, the final goal is to enable long-term participation in
32 fisheries, right? And how to do that? Well, through science-based
33 conservation and management as we are a science-based management
34 entity.

35
36 Next slide.

37
38 So, what we have here, and I'm not going to go through them one by
39 one, but are the six guiding principles through which the agency
40 seeks to essentially implement the policy itself. And you can see
41 here it covers the range from the ecosystem conservation and
42 management to communicating and engaging with the recreational
43 fishing public. And these are sort of, each of these within the
44 existing policy have a number of strategies that fall under them,
45 which are sort of classic examples of how to support these
46 principles. But we thought it was important for us to articulate
47 not only the policy goals, but also, what are the general

1 approaches and principles by which we will we plan to achieve those
2 goals?

3
4 Next slide.

5
6 So, comments received to date. Basically, we've done now about 24,
7 25 of these discussions around the country with the various
8 Councils and commissions, state, state directors, general public.
9 We've done a number of virtual sessions. And so, these are the
10 primary bins of comments that we've received. Climate change has
11 been a significant one, not surprisingly. And you know, we're
12 trying to figure out how best to incorporate that, whether it's
13 its own guiding principle or whether it's worked in throughout the
14 document holistically. Education has been a regular subject of
15 input. And that really comes in two different flavors. There's one
16 in terms of, there are calls for more education of anglers on sort
17 of conservation actions, best practices, things like that, but
18 also secondarily on the science and management process itself. How
19 do those work? How can we get involved? So, from those
20 perspectives.

21
22 Equity and environmental justice we've heard regularly. It has
23 really been raised through the lens of shore-based non-tribal
24 fishermen. Often it can be referred to as subsistence fisheries,
25 but it's a very blurry set of lines as to what an activity is. Is
26 someone doing it for fun? Are they doing it to supplement protein?
27 And how do we best give those anglers a voice in the process?

28
29 Access has been raised from a number of perspectives, from physical
30 access where, for example, in the Gulf of Mexico and here, we're
31 seeing increased intensity of hurricanes, which is damaging,
32 shoreside infrastructure like marinas and boat ramps and whatnot.
33 So, people literally can't get out to fish. But also access in
34 terms of changing migratory patterns of fish. They may be able to
35 get out, but it's not there. Do we need to adjust seasons?
36 Etcetera. Do we need to be more nimble in our understanding and
37 our adjustment of how we respond to those potential changes?

38
39 Agency accountability, full implementation and transparency. I'm
40 going to sort of wrap together here. And they're pretty self-
41 explanatory. Essentially, people are saying, "the policy in
42 general is still pretty solid, but we want you to do more to
43 explain what you have done and what you will be doing to implement
44 it." Transparency also goes to theirs, well, interesting-- sorry.

45
46 Agency accountability. There have been a number of requests for
47 metrics to be incorporated into the policy or into the subsequent
48 implementation plans. And transparency covers all that. But it

1 also includes another aspect which we often hear about. It's things
2 such as reaching back out to the recreational community to
3 communicate what has been done with the data that they've provided.
4 There's often a feeling where we've gone, and had discussions with
5 anglers that, "Hey, you've come to us, you've asked us for our
6 data, we've given it to you, and we never hear anything more. Come
7 back to us. Tell us, was it used in a study? Was it used in science?
8 Was it used in management? If so, what was the impact? Comeback
9 and give us a readout of what did you do with the information I
10 gave you, and how has it affected the fisheries?"

11
12 The EEZ recreational permit is an issue that has come up in
13 different fisheries all around the country. And more or less, there
14 is a strong interest in trying to get a better handle on the
15 universe of anglers in federal waters so that we can improve our
16 estimates of effort that are out there. It can give us a better
17 sample frame. There's a number of other benefits. So, it is
18 something that we're seeing gain traction in various Councils
19 around the country. We've seen it referenced or recommended in
20 various reports from the National Academies of Sciences to the
21 MAFAC, the Marine Fisheries Advisory Committee. So, it's something
22 that again, has, we've been referenced in many, many places.

23
24 Data reporting and collection is always an issue wherever we go,
25 whatever meeting we go to, whether it's the policy or a discussion
26 or anything else. And there's really an interest in more, better,
27 and more timely data collection, reporting and application of those
28 data.

29
30 With depredation, that is an issue, again, we've seen really
31 broadly across the country, but it changes flavor a little bit. It
32 depends where you are. Sometimes it's shark depredation. Other
33 places it's marine mammal depredation. Some places it's both. And
34 then, enforcement. There's been interest or concern expressed
35 about illegal charters. So, namely those folks who are going out
36 illegally without their proper federal permits. And that appears
37 to have been made easier by the internet. Used to the internet.
38 People can find each other much more easily. And then some level
39 of interest in seeing enforcement used almost as an educational
40 tool where if a number of anglers are ticketed for undersized fish,
41 wrong season, etcetera. The anglers who were commenting on that
42 felt that the rest of the community will get the message very
43 quickly and learn the regs.

44
45 Next slide please.

46
47 So, this is just a quick overview of sort of a little bit of where
48 we've been, but where we're going as well. The comment period on

1 this has been open since August 1st. It closes about December 31st.
2 As I mentioned, we have done numerous in-person and virtual
3 sessions. You can see there in that giant list of acronyms, the
4 recently, the various organizations we have spoken with. And this
5 isn't all of them, but it's a number of them. We added your
6 organization there, the Council, at the end there.

7
8 We expect to be, early in the year, to sit down to summarize and
9 review the comments and update the plan and have it out this coming
10 fiscal year. And there are two ways to really comment, or three.
11 Obviously, any input you provide here, we will take back. The QR
12 code all the way to the right will take you to a specific comment
13 form which asks those very questions that were up at the beginning.
14 Or if the Council is interested in providing sort of a letter that
15 it crafts of its own interest or supply other materials, the best
16 thing to do is to email us at that dedicated email
17 recreational.fisheries@NOAA.gov. And of course, you can always
18 contact me, or Tim, or Sean and we can work with you to answer any
19 questions and ensure your input is fully accounted for. And that's
20 it. Happy to answer any questions.

21 22 Discussion

23
24 **MARCOS HANKE:** Thank you, Russ. It just come up to my mind that
25 part of the things that you are presenting, part of the things
26 that the policy is looking for is enhancement of data collection,
27 right? And I want to highlight that because we were discussing
28 this earlier, and I think the Council and the Science Center need
29 to be mindful, the coordination with the expertise that your office
30 and you guys have with data collection expertise in other places
31 that may be helpful to acquire better data here in the Caribbean.
32 Just a comment I'm a fan of coordination of people that really
33 want to do the difference. Thank you. Anybody else wants to say
34 something? Maybe a question? James.

35
36 **JAMES R. KREGLO:** James Kreglo Saint Thomas/Saint John. Yeah. I
37 just have a question. Now we're talking about data collection. Is
38 there some way that fishers, recreational fishers can go to some
39 kind of site or set something up or have an app where they could
40 say, "Hey, I'm going fishing today. I'm available for a port
41 sample." You know, and just, we could do it with, like in the
42 Virgin Islands, we have the Saint Thomas Game Fish Club, we have
43 the Saint Croix Game Fish Club, and then we just have a lot of
44 recreational fishermen. But if they had one place and they're
45 voluntarily willing to come in, and I know we had a comment about,
46 you know, concerned about taking up people's time when they do a
47 port sample, but most people I know they're happy to get a port
48 sample done and it's not something where they're rushing off, they

1 have to go sell their catch or do some other thing. Because
2 essentially, they're cleaning up their boat and doing some things
3 like that while they're having the port sample done. But if there's
4 some way that the public could have an app or go to some site and
5 say, "Hey, I'm going fishing this weekend, I'd be happy to
6 participate in the program." And that's my comment.

7
8 **RUSSEL DUNN:** Thanks. I don't have a specific response. I would
9 look to Clay to see if that sort of concept is sort of tenable on
10 its face or viable on its face. But it's certainly assuming that
11 it is in some way, certainly something we can look at and think
12 about. And, and so, folks, just to understand the next step in the
13 process. More or less, once we are able to finalize the next
14 policy, we will then turn to our regional offices and centers
15 combined.

16
17 So, for here it would be the Southeast Regional Office and Clay's
18 shop, the Southeast Center, developing a regionalized
19 implementation plan that builds off the common national framework
20 of the policies. But then, they'll be able to regionalize it to
21 address the concerns and needs of any given region.

22
23 **MARCOS HANKE:** Thank you, James. Graciela.

24
25 **GRACIELA GARCÍA-MOLINER:** So, I don't know if you mentioned this,
26 but in our area, one of the main concerns that we deal with is the
27 enforcement of the no sale of many of the recreational caught
28 species and also the lack of requirement for recreational fishing
29 license and permits, etcetera. So, is that also a common theme?
30 I'm just looking at-- so, can I fill that out in the forms?

31
32 **RUSSEL DUNN:** Sure. Yeah, yeah, please. I mean, any of your input
33 would be great. Sale certainly comes up, but with different
34 intensities in different places it. It's not, it hasn't come up
35 every time. More of the charters have been. So, yes, it has come
36 up. And then, sorry, what was the second part of your question?

37
38 **GRACIELA GARCÍA-MOLINER:** And the requirement for licenses or
39 permits for the recreational sector? So, not necessarily the
40 charters, but the actual private vessels fishing.

41
42 **RUSSEL DUNN:** Yeah. Right. So, in most of the country, there are
43 currently recreational permits issued at the state level. I think
44 New York, Hawaii, and Puerto Rico. I know Puerto Rico's has been
45 in the works for a period of time. There are licenses in place for
46 the private sector. And when I referenced that EEZ permit or
47 offshore permit, the comment that has been provided has been really
48 focused on the private recreational component, not the-- because

1 in most places we've got for higher license requirements already
2 on the books and underway. So, this is a way to better capture
3 that activity of the private boat angler that's occurring in
4 federal waters.

5
6 **GRACIELA GARCÍA-MOLINER:** So, the reason why I'm asking about the
7 licenses and the permit is because the Council has been interested
8 in federal permits. The issue is, you know, having people have a
9 state license and a federal permit or license, so it becomes
10 cumbersome for the person who's acquiring the permits. But at the
11 same time, there are so many differences, especially in Puerto
12 Rico and the federal government, like the requirement of residency
13 for the license and that kind of thing. That's mostly in the
14 commercials and I don't know if it follows through into the
15 recreational sector also. So, these are the issues that are coming
16 up in our, probably, next meeting or two meetings from now, and
17 it's a concern. So, that's where I'm heading with that questioning.

18
19 **RUSSEL DUNN:** Okay. Yeah. So, don't misinterpret what I'm saying.
20 No decision has been made about trying to pursue this. There've
21 been certainly lots of discussions about, if there was sufficient
22 interest to pursue an EEZ permit, what would be the best way to do
23 that? Because we're aware of concerns about being too burdensome
24 with the state and federal. So, some people have suggested that if
25 it were to be pursued, perhaps it would be best done at the state
26 level with an endorsement, you know, for the federal so they could
27 still just go to one place and get one permit, but then check one
28 more box. Some people have suggested that perhaps the Council
29 should sort of do a joint permitting action. So, we don't know.
30 First of all, we don't know if we'll pursue it and second of all,
31 we certainly don't know how best to do that. But certainly, if
32 there is some effort to do it, it would be a long-term wholly
33 inclusive effort to make sure that we do it the most efficient way
34 possible.

35
36 **MARCOS HANKE:** Yes. I cannot read from here. Let me see. At present,
37 the U.S.V.I. recreational fishers can report their catch
38 voluntarily anytime if they go fishing via the following website.
39 This was sent by Sennai. I think it's a great initiative and this
40 is something that maybe the-- Go ahead. Do you want to say
41 something?

42
43 **CLAY PORCH:** Yeah. The Gulf and South Atlantic Councils have
44 similar websites that you can report your catches too. It is useful
45 for looking at some trends. The challenge we've always had is
46 twofold. One, enthusiasm tends to wane for those sorts of apps.
47 Initially, there's people that'll sign up and they want to do it,
48 and then over time it gets a little old for them. The other thing

1 is trying to figure out how to use it in a way that we're fairly
2 certain that it's representative of what's going on across the
3 entire fishery. Because sometimes it's a select few that really
4 report diligently and report accurately because they're
5 environmentalist at heart. They want to make sure they're reporting
6 good data, doing good management, all those sorts of things. And
7 then others that are less diligent to report. But we need to know
8 what those who are less diligent to report are catching as well.
9 So, that's where the challenge has always been. How do we use that
10 data to augment systems that are in place, that are intended to
11 get representative ideas of what people are catching.

12
13 **MARCOS HANKE:** Yes, because we are on the line of recreation, of
14 fishing data collection and so on. This didn't get any form in
15 Puerto Rico. But I would like to ask Jean-Pierre, before you step
16 out, is there any possibility in order to have the universe of
17 recreation of fishermen and other styles of fishing during
18 registration of the boat, to have a small questionnaire added to
19 that. Like, do you fish? yes or no. How many days in the year?
20 Zero to 10 and so on. And do you fish pelagic, reef fish? Or do
21 you dive fish? You know, some generic characterizations that that
22 effort can be done every three years. The universe will not change.
23 From your perspective, from the government, is this something
24 doable? Because, for sure, that will help us a lot. That's the
25 question.

26
27 **JEAN-PIERRE L. ORIOL:** I mean, absolutely. I mean, particularly
28 when you are requiring that people renew, let's say registrations
29 or something like that. So, we're able to tweak any sort of
30 application or renewal process to include whatever information
31 that we want to collect. And so, I don't think anything is
32 impossible. I think that if it's generic and we're seeking some
33 type of information, particularly since we collect information on
34 an annual basis, then it's something that definitely could be
35 added.

36
37 **MARCOS HANKE:** I will ask. Unfortunately, we don't have the
38 representative from Puerto Rico here. This is the third time that
39 you present this idea that for me is a no-brainer. And if I can
40 count with your leadership on trying to explore this possibility,
41 it would be very helpful. And for the fishermen, once a hurricane
42 comes, we're going to finally have a way to access the damage and
43 the size of the industry, such economic impact and so on and the
44 baseline for the scientific data, there are many implications on
45 this little move. Right? And anyway, those are my comments.

46
47 **JEAN-PIERRE L. ORIOL:** So, what I would just add, maybe what we
48 can do is, now that we do have our recreational fishing regs in

1 place, maybe at the next meeting our staff, because I'm definitely
2 not the best person to do a presentation, but definitely show
3 exactly what it is that DPNR will be doing, what platform we're
4 using, what sort of information we'll be collecting. And then maybe
5 that's useful in showing how we are also aiming towards
6 compatibility as well.

7
8 **MARCOS HANKE:** I'll do my part on-- we already worked on some start
9 up questions to do this in the past. I'll try to find those and
10 maybe we can circulate them among people to make it short and chart
11 just like the first step to see if we can make this fly. Thank
12 you. No other question to Russ. Thank you very much, Russ.

13
14 **RUSSEL DUNN:** All right. I would just say thank you and urge the
15 Council to provide its comments through the website when possible.
16 Thanks.

17
18 **MARCOS HANKE:** Thank you very much. And you have a meeting today,
19 right?

20
21 **RUSSEL DUNN:** Yes. Yeah. We have it at six to eight o'clock tonight
22 at Club Nautical. We are getting together with the Atlantic HMS
23 Division and our Southeast Regional Office. We're going to be
24 holding informal discussions with constituents there. Everyone is
25 invited. I think as you come into the parking lot, there's a guard
26 gate and they said to just tell people you're with the NOAA
27 discussion. So, we hope to see a good number of folks there tonight
28 and have just a casual discussion on a number of topics. This will
29 touch very briefly on the policy. HMS is going to discuss a few
30 issues as well as the Southeast regional office. And then we look
31 to hear from what is of interest and concern to fishers there at
32 the meeting.

33
34 **MARCOS HANKE:** Mostly recreational fishery emphasis.

35
36 **RUSSEL DUNN:** Yes.

37
38 **MARCOS HANKE:** Yes. Thank you very much. Thank you again. Next
39 presentation, Outreach and Education Advisory Panel report. Alida.

40
41 **ALIDA ORTIZ SOTOMAYOR:** Good afternoon, everyone.

42
43 **CRISTINA OLÁN:** Sorry, Alida. I have to answer before a question
44 from Ricardo Lugo. Es en el Club Nautico de San Juan. Thank you,
45 Alida. I'm sorry.

46
47 **MARCOS HANKE:** Christina, I'll send you the invitation and you can
48 share it with Ricardo Lugo. Okay?

Outreach and Education Advisory Panel Report

ALIDA ORTIZ SOTOMAYOR: Good afternoon, everyone. I will make a very short presentation because we have discussed many of these things. So, the first thing that I want to share, and I have done this before and I'm going to continue doing it-- Next slide. --is that in all the outreach and education activities that we are developing, that we are doing in this area, we are following the five-year strategic plan of the Council. That was discussed with you, I think, about two meetings ago. The goal that we have is to engage, educate, and inform a variety of audiences to improve public understanding and participation in the Council process. And this is important to us because it goes beyond the fishers, it goes beyond the activity in the fishing industry. It has to do with education, it has to do with consumption, it has to do with consumer education.

So, our activities for outreach education are based in the understanding of that ecosystem-based management that takes into account the species that are taken out of the ecosystem, and also the impact that many other activities outside of the marine environment can take on that ecosystem. Also, we are working intensely with the island-based fishery management plans, the Puerto Rico, Saint Thomas/Saint John and Saint Croix. Because even though we are very close to each other in the region, Puerto Rico has a different culture, a different sociology, different economics. Saint Thomas, Saint John and Saint Croix, they're very, very different. And what we had been for 20 years or so, working only on a single plan, management plan for the three islands.

And I think I came here for probably 12 years ago. I don't even remember. But since the first time I heard the fishers from Saint Thomas, from Saint Croix, from Puerto Rico saying, "we are different. We may have the same species, but the way we fish, the way we do our work is different. So, we need different fishing plans." So now that we have that we'll be working on that. And this is right now our most important activity. How to bring the information of each one of the Island-Based Fishery Management Plans to each one of the islands. And not just to the fisher, but to all the audiences.

And also, the sustainable fish and seafood consumption that we will talk about a little bit about it with the recipe book that you have. Because we pay a lot of emphasis and a lot of energy in the fish that everybody eats. And we request the fishers to bring that fish all the time, whether it's there, whether it's available, but they have to get it. But there are many, many species that are

1 just as good. That are just as healthy. And what we need is to
2 have the consumers learn about these other species. And in the
3 consumers, we mean the housewife. We also meet the people with the
4 restaurants, everyone.

5
6 And then, the other area that we are paying more attention is the
7 marine protected areas. Because marine protected areas are
8 sometimes just a name on an area, but what is the importance of
9 that area for the fisheries? Next one.

10
11 Actually, some of these materials you have already seen. We have
12 the fact sheets that we have developed on forage fish and also on
13 biodiversity of that marine ecosystem. Because it is not only the
14 fish or the squids or the octopus that we have in our table. The
15 stars and the sea cucumbers and all the animals that are there are
16 just as important, but they are part of that ecosystem. And we are
17 working right now on sea urchins and sea cucumbers, just to put
18 them into, to knowledge of everyone.

19
20 Next.

21
22 Also, we have worked already on the first fact sheet on the island-
23 base. And this is just very, very general on the main issues of
24 what was changed from the one island-based management that now has
25 one for Puerto Rico, for Saint Thomas/Saint John, and one from
26 Saint Croix.

27
28 Next.

29
30 These products you have seen, and now I would like to talk a little
31 bit more about the recipe book that you have there. The recipe
32 book came as an idea from one activity. In one of the Council
33 meetings in Ponce, we had a dinner with one of the chefs that is
34 in the book. And we did not use the fish that are served in all of
35 the very high-level restaurants that are very expensive. We used
36 the everyday fish. And then, from there we said, "okay, why don't
37 we make recipes about this?" It was Diana's idea. Then, from there,
38 we started collecting the recipes. We contacted some chefs in Saint
39 Thomas/Saint John in Saint Croix. Carlos gave us many, many of the
40 recipes. And then, Corey Magras. Who else from there. Nicole Greaux
41 gave some of the recipes also. But notice that the first part of
42 the book is not about the seasoning that I put on the fish. It is
43 about the importance of that ecosystem and the connection of that
44 ecosystem between the species that we are taking out and also the
45 way we use that. So, I hope that with this book now-- and Diana
46 will be a great help in that, and the liaisons will also be a great
47 help. --we will have workshops in each one of the islands to let

1 the people know that this is the new way of looking at seafood and
2 the fishing industry.

3
4 So, we will distribute them to each one of the islands and the
5 liaisons will help us. And also, the DAPs should help us also to
6 identify other restaurants that we probably don't have here.

7
8 Next please.

9
10 Also, we worked a lot with these posters. Now with those posters-
11 - one of them is, the one back with the conch, Vanessa brought it
12 --with these posters we are going to make fact sheets with the
13 illustrations adapted to a size of a fact sheet, and also the text.
14 So, the text doesn't have to be that large, but the text has to
15 have the basic information that the fisher and the consumer need.
16 Especially the lifecycle, because sometimes we know the species
17 only on the size that we get it on the table. But no, no, no. We
18 have to know where they grow, where do they reproduce, when do
19 they reproduce, what do they do during their lifetime. So, that we
20 can make a better assessment of how that population serves
21 economically, but also how important that species is in terms of
22 ecology. So, those are the posters that we were working, those are
23 done already.

24
25 Now, the other activities and the other connection with outreach
26 and education, I would like to make emphasis on, is the importance
27 that MREP is having Puerto Rico in terms of education, in terms of
28 getting the fishers together. The workshops are very, very
29 successful. We even hear different language in the people that
30 take the workshops. So, to me, as an educator, it's very important.
31 Tomorrow we are going to have an MREP steering committee to work
32 on, you know, if there are any changes that have to be done with
33 the workshops. We would like to request the support from the
34 Council and from the DAPs and from everyone that is here, how can
35 we have MREP in the Virgin Islands.

36
37 Also, PEPCO is another activity that is very important. That's a
38 workshop for fishers in Puerto Rico, and that's conducted by
39 Wilson. Wilson is the liaison of Puerto Rico and the Council. And
40 he's very, very effective. And I have been at the workshops when
41 there is an issue that we would like the fishers to know, I can
42 use better the population that he has in the room to each one of
43 the of the fishing villages. So, PEPCO. How can we have PEPCO in
44 the Virgin Islands also? Because you have a very different
45 sociology, you have a different way of looking at things. So, we
46 will try to do that too. And we will request the support from the
47 Council for that.

1 And also, for all the materials that we work, we would like to
2 recommend to the Council how to make a collection of photographs
3 that are identified by the researcher in the area, the sizes and
4 all that, so that we don't have to take that many photograph from
5 Google or from anywhere because we do have the resources here. The
6 only thing is that we need a bank. We need where to deposit them.
7 So, if the Council makes, on the website, a collection of photos
8 with all the information that they identified, the species, where
9 they were taken, the depth, and who took the photos so we can use
10 the information there and we don't have to go to fish base and to
11 all other sources.

12
13 Next one, please.

14
15 Our activities for 2023-2024, and some of them are already in
16 progress. Especially, we are working very intensely with that fact
17 sheet or some easier to read, easier to understand document on
18 Island-Based Fishery Management Plan. One based on Puerto Rico,
19 one based in Saint Thomas/Saint John, and the other one based in
20 Saint Croix. We are using the chapter five of each one of those
21 documents to take that information and put it in that vocabulary
22 or in that language. María del Mar has been a very great help with
23 this. And then, as soon as we get the first draft, we will send
24 them to the DAPs so that they can read it and say, "you know, this
25 is not that understandable" and I can change it again to María and
26 then we will have it distributed to each one of the islands.

27
28 They have asked the fishers many times life cycles of nassau
29 grouper, mutton snapper, and queen conch. Those posters we have to
30 turn them into fact sheets. Why? Because the poster is not only
31 for a place where it has to be covered and protected from sun or
32 protected from water. We want something that they can have in a
33 restaurant. That they can have it anywhere. And that's what we're
34 working for. And also, in the meeting that we had on the outreach
35 and education last month there was a very good recommendation.
36 They came from Adyan, and they came from-- I don't know, who was
37 the other one --No, I think Adyan was the one that gave us more
38 recommendations.

39
40 That fishery ecosystem plan has conceptual models that we have to
41 try to explain in a more understandable way than the way that they
42 have in the conceptual models now. Because, you know, as I say all
43 the time, they look at me like I'm spaghetti salad. And then, we
44 still have to get, you know, which of them are the very, very
45 important issues and how they connect in a more direct way. That
46 doesn't mean that the conceptual model for fisheries is easy. No,
47 it is not. But we have to make it the easiest way that they can be
48 understood.

1
2 There was a recommendation also that we make materials for students
3 in secondary and high school. Especially recognition of fish
4 species. The same way that we did with the cookbook, with the
5 recipe book, that each one of the fish that are used in a plate,
6 you have the definition, you have the description, you have the
7 sizes, where they are. And that's something that we should do
8 probably with the students.

9
10 And then, the integration of the-- and this is something that I
11 have been dreaming of all my life and some time I'm going to get
12 it --is that we integrate this concept of fisheries in all
13 education in the curriculum. Why? Because the new generation of
14 fishers, we can get that from seventh grade. And we have seen many,
15 many, many kids, many, many children that work with their family
16 and they enjoy it. So, if they get all the technical information
17 in a vocabulary that they can understand, we can have it. And we
18 are trying to work, or we're working with a school in La Parguera,
19 one of the Montessori schools where they are willing to do it. And
20 this is not just ecology or marine sciences, this is the entire
21 curriculum. The first thing they have to learn is to swim, because
22 that's part of the education. And then, even cooking, everything
23 but within the curriculum.

24
25 Next.

26
27 And the other projects that we are still working on are some of
28 the illustrated booklets. Especially, we are working right now on
29 one on climate change and fisheries. What are the concepts? what
30 are those issues that we keep listening about climate change? how
31 to understand the possible effect of ocean acidification, high
32 temperatures in the water? How does that affect the life cycle or
33 the behavior of this species?

34
35 So, next.

36
37 The calendar. With the calendar, I don't feel happy. We have not
38 produced completely the calendar for 2023. This calendar was to be
39 dedicated or is to be dedicated to families in fisheries, because
40 we have many families in Puerto Rico, in Saint Thomas/Saint John,
41 and in Saint Croix that they all fish and we have generations
42 fishing. The grandfather is fishing, the son is fishing, the mother
43 is fishing, and we also have kids fishing. So, we want to that do
44 that. If we can't complete the materials that are needed-- because
45 the problem with this is that they had the person that was in
46 charge or the liaisons that were requested to give the information,
47 they had to take the pictures or have the pictures, and they also

1 have to have the description, a short description of the family.
2 And for some reason, something we have not completed yet.

3
4 **MIGUEL A. ROLÓN:** Alida, that calendar will be out in 2024.

5
6 **ALIDA ORTIZ SOTOMAYOR:** Okay.

7
8 **MIGUEL A. ROLÓN:** There will be no calendar for 2023.

9
10 **ALIDA ORTIZ SOTOMAYOR:** But I'm going to finish it. Okay. So, and
11 for the other calendars we'll be working on. Probably these
12 calendars will be on different topics, probably related to island-
13 based management. But the information for 2023, we still going to
14 complete that.

15
16 And with that, I finish my presentation. I'll answer any questions
17 and wish you all a very, very happy New Year.

18 19 **Discussion**

20
21 **MARCOS HANKE:** Thank you very much, Alida. Thank you very much.
22 And we are paying attention on all the development. In my case,
23 I'm very aware of what is going on. The other Council members have
24 something to say? Vanessa.

25
26 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Sorry. Thank you, Mr.
27 Chair. Vanessa Ramírez, for the record. As always, I want to thank
28 Alida and the staff for all their great work. I think I am one of
29 the most that uses all those materials asking practically monthly.
30 I need to share two special things. One, the importance of
31 continuing supporting in this kind of jobs to go to the school.
32 Education is very important. And for the first time we are looking
33 for and seeing a new emerging generation of young fishermen. So,
34 that's very important that all these materials are not only
35 produced, are also distributed around the schools and around the
36 marinas and around the communities.

37
38 And I also want to recognize the presence today of Mr. Pozzi. He's
39 from the municipality of Cabo Rojo in federal funds. He's the one
40 that is in charge to help our fishermen and he's really involved,
41 and he wants to be also collaborating in Cabo Rojo with the service
42 and provide anything that could be under his hands to take all
43 these materials and provide the space for workshops and everything
44 we need to share. This not only in the municipality, also in the
45 West Zone. So, with this, I just need to say thank you, thank you
46 always for all the developing all these materials. And remember,
47 please continue sending this to all the island around, so that the

1 commercial fishermen and the next generation could have those in
2 their hands. Thanks.

3
4 **MIGUEL A. ROLÓN:** Vanessa. Can you repeat the name of the person
5 that you're talking about?

6
7 **VANESSA RAMÍREZ:** Oh, yes. Mr. Gabriel Pozzi.

8
9 **MARCOS HANKE:** He want to say some words to the Council?

10
11 **VANESSA RAMÍREZ:** If he can. Yes, please. Pozzi, you can come here.
12 I want to explain, this is the only municipality in Puerto Rico
13 that recognized the commercial fishermen. In 2014 they made a
14 municipal legislation and recognize the commercial fishermen as
15 small business owners. So, that's the way that they can help with
16 federal funds to get equipment. They give up to \$10,000 every two
17 years to get equipment and get also security. And there's something
18 important going on. that the graduation is going to be this
19 weekend. We have for the first time a group of commercial divers,
20 younger divers and experiences divers, that are taking their
21 license for scuba diving between a grant from Sea Grant with the
22 municipality of Cab Rojo. So, we are going to have 14 commercial
23 divers already with their license that could collaborate with the
24 federal projects for the next year.

25
26 **MARCOS HANKE:** Miguel.

27
28 **MIGUEL A. ROLÓN:** Vanessa, will that be something that the mayor
29 of Cabo Rojo can take to the Association of Mayors in Puerto Rico?
30 Because this is very important for many years, we have tried to do
31 that and I believe that Cabo Rojo is an example to follow by others
32 and that will help a lot the fishermen around Puerto Rico, Vieques
33 and Culebra.

34
35 **VANESSA RAMÍREZ:** Yes. Of course, they already had that meeting
36 and brought the example of Cabo Rojo to other municipalities in
37 the association. And for now, they already started with Culebra.
38 They went this past month, in November, commercial fisherman from
39 Cabo Rojo with Mr. Pozzi went to Culebra to start practically
40 sharing the techniques and also started sharing how we administrate
41 our fish markets in Cabo Rojo.

42
43 We started that in 2015 with the visit of a couple of fishermen
44 that were interested in getting together and making an association
45 there. As you know, I'm part of the commercial fishermen in Puerto
46 Real. That practically is the one that has been using the
47 agricultural department to teach the others that if you want, you

1 can make a community and you should not only wait for the
2 government because we know the status in Puerto Rico.

3
4 But right now, they started with that last month, in November.
5 They brought, I think, it was five commercial fishermen with him.
6 They spent there a week. They have also the issues about the areas,
7 and they still have mines and all that, but we already made the
8 first step. I think that's very important. And specially to give
9 also to those Islands the equality to get the access to all this
10 information. And especially now that we have the new plans, it's
11 very important that this could be not only in the social media
12 because I know that Christina make a great job with that, most of
13 the commercial fishermen love the Facebook, but we have now a
14 generation that they also have YouTube channels, and they provide
15 their videos every day when they are fishing. They provide photos
16 as Alida says. So, that's a good tool that you can also use if you
17 want to see live videos every day.

18
19 **MARCOS HANKE:** Vanessa, can you please introduce Mr. Pozzi? Please.
20 Go ahead.

21
22 **VANESSA RAMÍREZ:** Okay. Please. Mr. Gabriel Pozzi from federal
23 funds in the municipality of Cabo Rojo.

24
25 **GABRIEL POZZI:** Okay. Buenas tardes para todos. Gabriel Pozzi del
26 municipio de Cabo Rojo. Desde el 2015 estamos ayudando a los
27 pescadores. Aproximadamente le hemos dado cerca de \$1.5 millones
28 con todas las ayudas para ellos desde lanchas, equipo, GPS,
29 asesoría. Últimamente estuve en Culebra para ayudarlos, en
30 noviembre. Y seguiremos ayudando a todos los pueblos también de
31 Puerto Rico que estamos ayudándolos también para que tengan ese
32 proyecto a través de Vivienda. El municipio los ayuda con fondos
33 CDBG y con fondos ARPA. Próximamente vamos a dar otra entrega de
34 unos cuantos chavitos a los pescadores de Cabo Rojo. Eso es todo,
35 muchas gracias. [applause]

36
37 **MARCOS HANKE:** Thank you. One thing that I'm really interested on
38 is the link between giving facilities or engines and boats and
39 things that are super important for the fishing community. But if
40 you're facilitating organizations and fish houses and so on, also,
41 maybe there is an opportunity to collect fishery data for best
42 fishery and sustainability into the future. And I put myself in
43 the position to help you out and to make the connections with the
44 right people. Vanessa, for sure is a very good connection. But
45 please think about it the way that once you train those fishermen,
46 you give those engines and facilities also to capacitate and to
47 educate and to engage them into providing fishery data in a correct
48 manner and the importance of it.

1
2 And we can talk after the meeting. And I have a few ideas and
3 venues for you to engage your fisherman, for example, MREP that
4 gives you a good background of what is this about. Thank you.

5
6 Go ahead, Vanessa.

7
8 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
9 record, I have to say also that we should continue on supporting
10 MREP. That's a great tool. We have been practically for the last
11 two times, in 2019 and now this past August, attending that. And
12 we see the difference between the commercial fishermen and
13 recreational fishermen they get there, get involved, discuss
14 situations, and they make, practically, they have the experience
15 to be there as a practice to be here. And I know that we are going
16 to continue having more, more participants as we saw the last time.
17 We had more than a hundred applications. So, that's great because
18 in the beginning they just received like 15 or 20 applications.
19 Now they are practically waiting for the next one. Thanks.

20
21 **MARCOS HANKE:** I see the value of expansion. If you do a holistic
22 approach and expand to the other municipalities, it would be great.
23 Especially if there is data collection involved. Julian, very quick
24 before we go with Christina, which will be the next one.

25
26 **JULIAN MAGRAS:** Yeah, good afternoon. Julian Magras, for the
27 record. I just want to say also from the Saint Thomas/Saint John
28 District through the Saint Thomas Fisherman's Association. We are
29 willing to work with MREP to pull off MREP meeting training over
30 in our district. We did one a few years back. I think now that we
31 have some new fishers into the fishery, it's a great opportunity
32 to get them to understand the processes that we go through to allow
33 these different meetings. So, I look forward to working with the
34 team from MREP. Thank you.

35
36 **MARCOS HANKE:** Thank you. James and then Christina.

37
38 **JAMES R. KREGLO:** I just had a quick question. This is something
39 I wanted to do on my Facebook page, to put on some recipes. Do I
40 have to get special permission to put these on my Facebook page?

41
42 **MIGUEL A. ROLÓN:** No, that's government book. It will be loaded up
43 in our webpage. You're free to use it. Actually, the more
44 distribution by anybody we have the better. And the book can be
45 downloaded by anybody free of charge, of course, but feel free to
46 use it the best way you can in any way possible.

47
48 **JAMES R. KREGLO:** Okay, great. Thank you so, much.

1
2 **MARCOS HANKE:** Thank you, James.

3
4 **MIGUEL A. ROLÓN:** Also, if you try the recipes and invite us, we-
5 -[laughter]
6

7 **MARCOS HANKE:** I don't know if I'll go. Yeah, it's okay. You
8 convince me. Christina.
9

10 **Social Network Activities Report**

11
12 **CRISTINA OLÁN:** Good afternoon. My name is Christina Olán, and I
13 manage the social media of the Caribbean Fishery Management
14 Council. Thank you for letting me present a quick update on what
15 we have been doing with the social media. And to answer James'
16 question. Yes, you can. Also, if you want to take pictures of the
17 recipes or anything that you are doing related to that, you are
18 free to do it. The book will be in ISSUU. We have also a page in
19 that platform.
20

21 Just to let you know that in Facebook we have 6,100 followers plus.
22 Instagram almost 1,500. It is increasing a lot. In Twitter, we
23 have 113 followers. And also, in YouTube we have new followers
24 since, during the meeting, the meeting has been broadcasted through
25 YouTube, so we have 352.
26

27 Those graphs are just only to show you that our reach has been
28 increasing during the year in Facebook and in Instagram. And also,
29 the population that we have in the two main platforms, in Facebook
30 and in Instagram. We have a lot of people between the ages of 25
31 to 54 years old. Mostly men, but also women there too.
32

33 The content that we usually publish is related to seasonal
34 enclosures, meetings, workshops, educational materials, pictures,
35 videos, content produced by other organizations, and agencies, for
36 example, NOAA, DPNR, DNER, National Water Service, Saint Thomas
37 fisherman Association, VI-EPSCOR. Also, influencers like el ISSUU,
38 for example, and AmandOcéano. Also, el Programa De Estadísticas
39 Pesca Recreativa has been collaborating a lot, recently, with the
40 Caribbean Fishery Management Council sharing content too. We also
41 publish a CFMC monthly bulletin. We receive a lot of direct
42 messages in the inbox with questions related to fish id, documents,
43 regulations, workshop, fishing license, and where to buy fish.
44

45 That's an example of one of the bulletins. That one was published
46 in August. In that issue we highlighted how fishers can use
47 CARICOOS and the boating app.
48

1 Since the proposed rule to list the queen conch as a threaten
2 species under the ESA has been a very hot topic. We did a lot of
3 publications related to the topic on how people can comment,
4 deadlines, the dates and the links for the public hearing and
5 updates that were provided by NOAA fisheries. Also, where they can
6 get the information, the official information, too. All of our
7 content is published in English and Spanish. I am just showing you
8 some examples of what you can see on the page. Questions and
9 answers. Also, where to find the reports.

10
11 As I mentioned, we have also the page in ISSUU where you can get
12 documents and also download them. We provide also information for
13 WhatsApp that is managed by Wilson Santiago in Puerto Rico. Also,
14 Nicole Greaux, now has a WhatsApp broadcast list, and I will be
15 collaborating with her sending information too, for her list.

16
17 Those are some ideas that have been given by followers through our
18 social media. They need more products related to fish ID measures
19 and quantity, use of descending devices. That's a topic that I
20 have been talking a lot with Marcos because we want to develop
21 more videos and reels and publications related to that topic. And
22 interviews to fishers, they want to see that. That image is one of
23 our followers asking for a product related to measures and quantity
24 of fish.

25
26 As always, thanks to all our collaborators, they are a lot of
27 people. I am very thankful for all the CFMC staff that is always
28 collaborating, all scientists, agencies, and the people that
29 follow us and share our content. If you have any questions, please
30 feel free to ask them now. And, as always, I'm open to any ideas
31 and happy to answer and receive your ideas and suggestions. Thanks.

32 Discussion

33
34
35 **MARCOS HANKE:** Great job, Christina. I want the whole Council and
36 the people in this room to know that Christina is our voice, the
37 agile and the quick voice, responsible voice to take the message
38 out there. You are essential to the future of this Council. Your
39 professionalism, you know, every time we call you, doesn't matter
40 what, if there is something that we need you to clarify or to do
41 something, you are always there. Please know that we know how hard
42 it is and we know with the passion that you do it, and we really
43 appreciate that. Thank you very much. [applause]

44
45 **CRISTINA OLÁN:** Muchas gracias. Agradecida. Thank you.

46
47 **MARCOS HANKE:** Jack.
48

1 **JOHN MCGOVERN:** I wanted to echo what Marco said. We really
2 appreciate all your help Christina, and getting the word out to
3 folks, it's great. Thank you.

4
5 **CRISTINA OLÁN:** Thank you very much. Muchas Gracias.

6
7 **MARCOS HANKE:** Any other question? We need a break, five-minute
8 break. We'll be back in five minutes.

9
10 (Whereupon, a brief recess was taken.)

11
12 **MARCOS HANKE:** Please take your seats. For the next presentation
13 we are going to hear from the liaison officers and going to start
14 with Mavel Maldonado. Please, liaison officers, move forward.
15 Alida.

16
17 **ALIDA ORTIZ SOTOMAYOR:** Just a momento. Mavel Maldonado called
18 today and excuse herself because she's fishing and couldn't
19 present.

20
21 **MARCOS HANKE:** Okay. Mavel Maldonado will not present. We have
22 Nicole Greaux.

23
24 **Liaison Officers Reports**
25 **Nicole Greaux- Saint Thomas/Saint John**

26
27 **NICOLE GRE AUX:** Et enfin, Christina. Good afternoon. I am Nicole
28 Greaux, the Caribbean Fishery Council Management Liaison for the
29 outreach and education to Saint Thomas and Saint John. I'm very
30 happy to be here.

31
32 **CRISTINA OLÁN:** Nicole, could you see it instead of being there
33 and where—

34
35 **NICOLE GRE AUX:** Allá.

36
37 **CRISTINA OLÁN:** Allá? People in zoom will see you better.

38
39 **NICOLE GRE AUX:** Si, pero no. Is that better?

40
41 **CRISTINA OLÁN:** Yes.

42
43 **NICOLE GRE AUX:** Okay. next page please.

44
45 So, this year has been a pretty full one and I am really happy to
46 announce that we are finishing the year strong with outreach and
47 with public events in Saint Thomas and Saint John. Christina
48 mentioned earlier the WhatsApp broadcast that I've started, and

1 I'm very proud of that. That has gotten a lot of positive feedback.
2 I do like the fact that it is an easy way to get information out
3 to many fishermen at one time. Currently I only have 28 fishermen
4 that are signed up but I'm hoping that that number is going to
5 grow. And what's really wonderful about the WhatsApp broadcast, as
6 Wilson had recommended, is that when Fishers respond, they don't
7 respond in a group. They get to ask their questions and they're
8 secure with knowing that there's no criticism. If they don't
9 understand something or if they need more information, they can
10 send their message back, reply to the broadcast, and it comes back
11 directly just to me.

12
13 I've done two public event tables with wonderful information and
14 some really neat products that I got from the Sea Grant. I got
15 some boxes sent over to me through Jannette, and they were very
16 well received. I'm now going to look for other publications or the
17 same ones that I received in English. Because a lot of the material
18 that I received was in Spanish. Y entonces en San Thomas el primer
19 idioma es en ingles no en español. So, I had very few people
20 interested in taking the products, but the people that did take
21 them were very happy that there were things like recipes for
22 lionfish and information on a wonderful story about this character
23 called Pepe Uca and that was the favorite thing. I've helped out
24 with online information, with helping fishers do things like create
25 their SAM's numbers, being able to help them move around and
26 navigate the DPNR and the DFW website, which is something that
27 they can use, and they don't have to keep calling us or calling
28 the office. They can do things like register their boat online now
29 instead of having to worry about going back and forth to the
30 office.

31
32 Next page please.

33
34 So some of the things that we were discussing, and this came
35 through the FAC as well, there was a presentation on the Marine
36 Debris Location app. That is something that's going to be very
37 greatly utilized by a lot of our fishermen when it comes to
38 something of a nuisance to certain fishermen out on the East end
39 of the island with derelict abandoned vessels that need to be
40 removed. The MyCoast app is going to help the fishermen locate or
41 put a location to these particular vessels, and therefore that
42 goes to an organization that needs to collect this information so
43 that those vessels can be removed. It's really important that we
44 move these vessels out of the way, especially since they have grown
45 in numbers since hurricanes in 2017. A lot of these vessels are in
46 marine protected areas and worse than that, they're tied to the
47 mangroves. With the fishermen's help that actually utilize these
48 areas where these derelict vessels are located, the MyCoast app is

1 going to help identify the position of these boats readily for
2 removal.

3
4 There is a new coral restoration and out planting organization
5 called CWORI. I did a video interview with the lead biologist for
6 that particular organization and that's going to go up soon. Once
7 I put the video together, that's going to go to Christina, so she
8 can send that out. It is an organization that is in collaboration
9 with the University of the Virgin Islands and a Florida University
10 to help with the stony tissue coral disease and they do out
11 planting and they also do testing on the stony tissue coral disease
12 that we have that's affecting not only the Virgin Islands, but
13 also the rest of the Caribbean as well.

14
15 We have finally installed a few of our outreach and education
16 information boxes. There is one located at the Frenchtown Fish
17 House and there is another one located down in Hull Bay. The other
18 two fish boxes, unfortunately were not able to go up. One because
19 one of their locations was our only fully equipped fishing store,
20 Neptune's fishing. They had a fire, so they were not able to have
21 the boxes put up and set out. And then also in the Crown Bay area,
22 which is where larger boats also go out, we were not able to put
23 those boxes up as well. Uh, with the island-based Fisher Management
24 plan information that we're getting, not only are they going to be
25 able to see the information in these information boxes, but some
26 of the flyers and notifications are also going to go out on the
27 WhatsApp broadcast as well.

28
29 Next, please.

30
31 I'm very much looking forward to 2024. The Fisher Involvement
32 studies that I was just speaking about with the IBFMPs, the
33 workshops that are coming up. Better communication with the
34 Department of Planning and Natural Resources. We now have new
35 enforcement officers, so I look forward to introducing myself to
36 them and working with them to help better communicate with the
37 fishermen. Also, we have two outreach and education things planned
38 for two schools on Saint Thomas for 2024. So, I will be requesting
39 information from the Caribbean Fishery Management Council, so that
40 I can take with me when I do these presentations at the schools.
41 One of them is about marine protected areas and critical habitats,
42 critical marine habitats. And the other one is about fish
43 identification. So, that concludes my report.

44
45 Next page, please. Thank you. That's my favorite fish, by the way.
46 Go haemulon, yay. Any questions? Thank you all for having me. It's
47 really great to be here.

1 **CARLOS FARCHETTE:** Any questions for Ms. Greaux? Okay. Hearing
2 none. Thank you. It is Wilson turn.

3
4 **Wilson Santiago- Puerto Rico**
5

6 **WILSON SANTIAGO:** Hello everyone. I am Wilson Santiago, Puerto
7 Rico Fisheries Liaison. I'm going to do two or three slides on the
8 report. Very, very little. I just presented in the OEAP meeting
9 almost all my report.

10
11 So, for the 2022 liaison participation I gave the educational
12 program PEPCO. PEPCO is an educational program for commercial
13 fishers. I continue supporting Christina Olán at the CFMC with the
14 social media we call it "Repaso de PEPCO." It is topics from the
15 educational program that we divided and weekly send it to all the
16 fishers in the island via the WhatsApp broadcast. I participated
17 in the MREP workshop in Puerto Rico as a moderator beside Vanessa
18 Ramírez. And I participated in Florida, in the MREP in Florida.
19 And as Alida told, we have to continue supporting the MREP program.
20 It has made a huge impact in the fisheries in Puerto Rico, in the
21 recreational and commercial. When I went to the Florida MREP, I
22 learnt a lot of new things for filling the PEPCO program, the
23 educational program for commercial fishers. So, it was wonderful.

24
25 Like I said, weekly, we send out, in the WhatsApp broadcast
26 information about the meetings, closures. All information that the
27 fishers, commercial and recreation fishers, need to know about the
28 management of fisheries in Puerto Rico. We continue supporting the
29 fishers with features and information. I travel around the island
30 to all the fishing villages giving educational materials, talking
31 with the fishers, like my presentation yesterday with Jannette
32 Ramos about the afterward of the hurricanes in Puerto Rico around
33 the fishing village. So, I visited around the whole island. We're
34 continuing to do that, giving them all educational materials and
35 information and collecting all the issues and concerns and
36 listening to the fishers because one important thing that I have
37 learned in all my 10 years, 11 years' experience on this job is
38 that you have to listen to the commercial and recreational fishers.
39 If you don't listen to them, you don't know what is going on with
40 them. We bring them information because it's very good to listen
41 to them, to sit with them, have a conversation. In a conversation,
42 I have learned that you can learn more than asking them questions.
43 You know, this is some things that I have learned in my experience.
44 So, like, you know, yesterday we presented the assessment on the
45 impacts of Hurricane Fiona in Puerto Rico Fishing Villages and
46 Communities.

1 So, our outreach and education next steps for the 2023. We are
2 continuing the PEPCO program for the commercial fishers, and also,
3 we are restarting the Educational Recreational Program for
4 recreational fishers. Starting in January both of the program. We
5 are going to give them in person. We will continue supporting the
6 CFMC, DNER and other agencies as Sea Grant with communication and
7 distribution of educational materials for the fishers and the
8 communities around the Puerto Rico. Continue giving support to the
9 social media at DNER, CFMC and Sea Grant. Continue educating in
10 the process of license statistics, state laws to maintain their
11 responsibility with the management agencies.

12
13 For those who don't know, the other work that I do is as a port
14 sampler for DNER in Puerto Rico. So, the commercial statistic
15 program is one of my-- it is like the major for me. You know, I
16 always I'm teaching and continue orientating them. So,
17 coordinating effective communication with the fishers regarding
18 the Island-Based Fishery Management Plan. We have, in the OEAP
19 meetings and with Alida, we have talked about starting in 2023
20 with making the workshops around the island for the Island-Based
21 Fishery Management Plan. So, for 2023 those are some of the next
22 steps.

23
24 Some issue and concern from the fishers that I have heard. It's
25 like always is like almost the same. The queen snapper and cardinal
26 snapper state permit. The HMS permit for Caribbean Small Boat.
27 This has been attended with the PEPCO and with the Fuede y
28 Verguilla Magazine from the Puerto Rico Sea Grant program. The
29 Puerto Rico commercial fish license and permits, there are some
30 issues that since Hurricane María have been more.

31
32 Information about the proposed rule to list the queen conch as a
33 threatened species, there have been a lot of issues about this.
34 You know, you heard yesterday the fishers from Naguabo and Andy
35 Maldonado from Cabo Rojo. Right now, there are a lot of issues and
36 concern about this topic, but part of my worry is giving them the
37 information, orienting them and via the WhatsApp broadcast, via
38 the social medias, we give the outreach to those fishers. The other
39 concern is the Caribbean lobster federal closing proposals.

40
41 So, these are all the issues and concerns that I have heard from
42 the fishers in my visits. So, I am done. Any question? That is my
43 contact information if anyone want to contact me. Thank you.

44 45 **Discussion**

46
47 **MARCOS HANKE:** Any question for Wilson? Vanessa and Alida.
48

1 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
2 record. I just want to recognize the great job that Wilson does
3 practically daily. Not only with his work with the statistics
4 department but also because he's practically one of the persons
5 that is hand by hand with the fishermen and he's always accessible.
6 This WhatsApp is a great, great tool. I think it's the best thing
7 that we have after Facebook not only for the commercial fishermen
8 and the recreational. It's the way that he manages it and how
9 accessible he is to answer. I think, we know that sometimes the
10 conversation between fishermen and government or Council is very
11 hard to encourage them to participate but I think that the way
12 that they are seeing this now and the simple language that is used
13 when they make the approach, that's one of the best things that
14 they are doing. So, thank you. And we continue working.

15
16 **WILSON SANTIAGO:** Thank you for that word.

17
18 **MARCOS HANKE:** Alida.

19
20 **ALIDA ORTIZ SOTOMAYOR:** I just want to recognize the work and the
21 effort that the liaisons make for outreach and education. They are
22 our first source of information and just to get what's happening
23 in the fishing community, but also to get the information to them.
24 So, without their work we wouldn't be doing, you know, all the
25 thing that we have to do. So, thank you so much, Wilson. Thank you
26 so much, Nicole. And we are here also to help you in everything.

27
28 **WILSON SANTIAGO:** Thank you all.

29
30 **MARCOS HANKE:** Any more question? Nelson.

31
32 **NELSON CRESPO:** Thank you, Mr. Chair. Nelson Crespo, for the
33 record. Wilson is the tower for our tears. All the fishermen in
34 Puerto Rico recognize the huge labor that this man is doing in
35 benefits of the fisheries in Puerto Rico. When we are frustrated
36 because we cannot find nobody in the government, in the Department
37 of Natural Resources, the only person that answers the phone is
38 that man. Every time we need something regarding our license, any
39 doubt, the only guy who clears our doubt is that guy. Wilson, I
40 appreciate your friendship. I appreciate your dedication.

41
42 **WILSON SANTIAGO:** No problem.

43
44 **NELSON CRESPO:** And thank you very much for all the things you are
45 doing for the benefit of the fishermen in Puerto Rico. [applause]

46
47 **WILSON SANTIAGO:** Thank you, Nelson. Thank you for your words.
48

1 **MARCOS HANKE:** Thank you, Wilson. Next presentation is a National
2 Marine Fisheries Service/NOAA Office of Law Enforcement.

3
4 **MIGUEL A. ROLÓN:** Okay. This presentation comes from the meeting
5 that the Coast Guard put together with the international
6 delegation. I thought it was an excellent presentation because
7 sometimes you see these gentlemen sitting in the back there, but
8 we talk about enforcement, but they do more than just what they
9 present at every meeting here.

10
11 So, I asked Miguel, and Miguel checked with the boss and the
12 presentation that you are going to hear today is all the activities
13 that the NOAA Office of Law Enforcement does for the U.S.
14 Caribbean. Miguel graciously accepted. So, if you have any
15 questions be short, but try to get any question that you may have
16 answered by Miguel. Go ahead Miguel. Thank you very much for the
17 presentation.

18
19 **NMFS/NOAA Office of Law Enforcement**
20

21 **MIGUEL BORGES:** Okay. Thank you, Miguel Rolón. My name is Miguel
22 Borges. I'm the special agent here in Puerto Rico for NOAA Office
23 of Law Enforcement. In this presentation, I'm going to talk a
24 little bit about efforts internationally that we do, other than
25 the normal closed season and closed species that we do locally, we
26 also have efforts internationally to do capacity building with
27 other countries to fight IUU and to try to do some traceability of
28 the seafood that gets imported here. So, we're very few and far in
29 between. So, if we have the help from other countries to avoid
30 getting IUU harvested fish to our ports, that goes a long way.

31
32 Next slide, please.

33
34 So, we'll talk about the domestic international operations, the
35 interagency cooperation and information sharing, and the capacity
36 building efforts that we do internationally.

37
38 Next one.

39
40 Here's just a picture of our officers doing inspection in the
41 Northeast, in New Jersey or New York.

42
43 Next one.

44
45 So, just as an overview, the law enforcement office does have five
46 divisions, 51 field officers approximately, 65 special agents and
47 70 enforcement officers, that is approximate, and 74 support staff
48 around the nation.

1
2 Next one.

3
4 We are divided into the five regions seen there in the colors. We
5 obviously are the green one, Southeast, going from Texas all the
6 way from the Gulf and the East part of Florida all the way to North
7 Carolina and the Caribbean. The others in Northeast, the Pacific,
8 the Alaska region, and the Pacific Island division. We cover more
9 than 3 million square miles of open ocean and over 95,000 miles of
10 coastline.

11
12 Next one.

13
14 This is just a couple pictures of what we do. We work closely with
15 CBP, with Customs and Border Protection in airports, seaports and
16 land borders to inspect the shipments and seafood being imported.
17 They have all the information of everything that's being imported
18 into the U.S., so with them we inspect the containers, ships, cars,
19 anything that is bringing seafood to make sure it complies with
20 the regulations and the permits required. That could be seen with
21 a sometimes mislabeling of fish. That's one of the things we will
22 check for. And the proper paperwork that they need for the
23 traceability of our seafood.

24
25 Next slide please.

26
27 The primary loss OLE enforces is obviously the Magnuson-Stevens
28 Act, which is the primary, the National Marine Sanctuary Act,
29 Marine Mammal Protection Act, which we've done a couple cases here,
30 especially in the East. The Port state measures that I'm going to
31 talk a little bit more now. Endangered species and Lacey Act.

32
33 Next one.

34
35 So, domestic operations are the typical operations that most of
36 you are familiar with, which is patrolling, enforcing seasonal
37 closures, protected areas. We have the JEA program with the Joint
38 Enforcement Agreement with the DNER and DPNR in the Virgin Islands,
39 which NOAA gives funds to these agencies, and they provide the
40 patrols in the federal waters. The cases are then forwarded to
41 OLE. We collaborate with the U.S. Coast Guard, which is our main
42 partner in the water for the LMR boardings as they call it Living
43 Marine Resource. Fish and Wildlife. CBP, Customs and
44 Border Protection are the main agencies.

45
46 Next one.

1 Internationally, we do investigations of IUU fishing, which is the
2 illegal, unreported and unregulated fishing. We do tracking of IUU
3 fish and fish products. We do the port state measures and other
4 IUU fishing. We do engagements in bilateral and multilateral
5 arrangements and the capacity buildings with international
6 partners like Interpol.

7
8 Next slide please.

9
10 So, IUU fishing, like I said, is illegal, unreported and
11 unregulated fishing. This fishing activity does not comply with
12 national, regional, or global fisheries obligations.

13
14 Next one.

15
16 The impacts of the IUU fishing, which could be ecological,
17 economic, social, and security impacts. To give an example, the
18 economic impact is important because the imported product, if it's
19 illegal, it could flood the market of that product and then compete
20 with a local product lowering the price for the product. So, that's
21 a way that we also protect the local product and the local
22 fishermen, making sure illegal product is not coming in and
23 flooding the market lowering the price.

24
25 Next one.

26
27 So, the Port State Measure Act entered into force globally in 2016.
28 Currently, there are approximately 72 parties in this agreement.
29 It aims to implement effective port State measures to support
30 sustainable fishery resource use. Works to develop enforcement
31 capacity at PSMA ports. And our success relies in international
32 collaboration and information sharing between all the countries.

33
34 Next one.

35
36 This is just an example. Our aim in the Port Safe Measures Act is
37 for countries to deny entry of IUU harvested seafood at the port.
38 So, it makes it harder for the IUU harvested to be sold, lowers
39 the price of the IUU harvest, and protects the consumer and legal
40 fishing industry.

41
42 Next one.

43
44 So, some takeaways of this Port Safe Measures are that it removes
45 those financial incentives for IUU fishing. Gatherers and
46 communicates valuable law enforcement data and improves the
47 ability to detect the IUU product.

1 Here's the photos of the capacity buildings in Indonesia.

2
3 Next one.

4
5 Here are examples of all the countries that we've been in. We've
6 been there to do these workshops to provide them with the tools so
7 they could do their proper enforcement in their ports. Colombia,
8 Ecuador, Philippines, Peru, Thailand, Vietnam, upcoming. We
9 already did that at Thailand again, but Ecuador, Indonesia,
10 Philippines, and Colombia where we will continue to do more
11 capacity buildings.

12
13 Next one.

14
15 These are specific examples of our partnerships that we've done
16 the workshops. Coral Triangle in 2012, the counter IUU fishing
17 workshop in 2015, the inspector training in Manado with the
18 government of Indonesia in 2016, port State measure, Indonesia,
19 and that's it.

20
21 Next one.

22
23 So, the next steps for our capacity building are new partnerships
24 for the next few years with the government of Indonesia. Continue
25 to help develop and implement Indonesia's port state measures
26 inspector training, curriculum and models.

27
28 Next one.

29
30 This training for 2022, in October this year, we already went to
31 it, I didn't go personally, but the agency went to Indonesia and
32 did another training for another workshop there in Indonesia.

33
34 Next one.

35
36 So, there's another picture of us giving this training there. We
37 are focusing on training the trainer workshops so they could
38 continue training more of their officers to continue the work there
39 in the specialty workshops. And the end goal is to do a hundred
40 percent of Indonesian led and sustained Port State Measure Act
41 programs.

42
43 Next one.

44
45 And just a picture of the trained people there. Next one. And
46 that's it for that presentation. If you have any questions, more
47 than glad to answer.

1 **CARLOS FARCHETTE:** Any questions? Miguel.

2
3 **MIGUEL A. ROLÓN:** Miguel, do you have trainings for the U.S. Virgin
4 Islands and Puerto Rico enforcement agents on a regular basis? or
5 just once in a while and then-- how do you do that for this area?

6
7 **MIGUEL BORGES:** For the Virgin Islands? In this specifically, this
8 is for the imports and exports. So, we don't do specifically with
9 them these types of trainings because in the Virgin Islands we do
10 with CBP. With CBP we do some trainings I participated in their
11 trade week. That's a training they give to other stakeholders. And
12 I present our enforcement regulations and the products we regulate.
13 So, I give training to the OFOs, which are the CBP, Customs and
14 Border Protection.

15
16 **CARLOS FARCHETTE:** Graciela.

17
18 **GRACIELA GARCÍA-MOLINER:** So, thinking about the queen conch and
19 the listing and CITES, does this apply to that kind of category?
20 I mean, CITES has specific permits and, you know, if it was coming
21 into the port in San Juan or Charlotte Amalie or whatever and we
22 needed to look at, you know, what illegal stuff was coming in
23 without the permits, etcetera, is that part of this illegal fishing
24 or CITES is not considered.

25
26 **MIGUEL BORGES:** Yes, Graciela, it is and it's a big topic. Thank
27 you for bringing it up, because we do have a lot of conchs. This
28 year the price has soared in the market for the conch so we're
29 getting more import of conch to the island, to Puerto Rico. From
30 everywhere, Nicaragua, Mexico. They need a CITES permit,
31 obviously, as you said. To Virgin Islands, I was there last week,
32 and we received some import. It has to have CITES permit.

33
34 To be clear, the conch is enforced by Fish and Wildlife for some
35 reason, but I work closely with them. Actually, we share the same
36 office, so I go with the inspector and do a lot of these inspections
37 of the conch when it's brought in. So yes, this applies directly
38 to the conch as well.

39
40 **GRACIELA GARCÍA-MOLINER:** Follow up. So, this would be something
41 that if the people who are interested in providing comments to the
42 listing of queen conch should mention and should take it into
43 consideration. So, it's another agency that deals with the permits
44 from CITES. They call you, they call NOAA, when there is that issue
45 of bringing the conch into port. I know that it doesn't have
46 anything to do with the socioeconomics of the fishery, but it does
47 have to do with the illegal conch that it's coming into the U.S.
48 territory.

1
2 I mean, I will encourage people to think about that kind of, you
3 know, thing for the listing. How those imports into the
4 regulations, because that's something that was mentioned by
5 Richard and was mentioned by Orian during the presentation.
6

7 **MIGUEL A. ROLÓN:** Let me clarify something else. CITES is a
8 voluntary activity by the countries that are signatories of CITES.
9 What the United States does is that one of those countries, the
10 United States is also a signatory, so the office of the Department
11 of Interior, Correspondent Office and National Marine Fisheries
12 Services and Customs, they check for the manifest and that's the
13 first, the reason. But there is other two or three laws that are
14 involved with imports and export of Marine products, that
15 intervene. But the Endangered Species Act and this are two totally
16 different things. Actually, for ESA, socioeconomic is not an issue,
17 but it doesn't hurt that anybody who has any information regarding
18 this topic can send it to the appropriate agency. And of course,
19 in this case, it should be sent to OLE as much as possible, or the
20 Council.
21

22 I have received through the years report from Council jurisdiction,
23 fishers and dealers about this kind of things. And sometimes it's
24 different. I was called a long time ago by custom, because they
25 caught a fish, I mean a fish boat with a strange looking marlin.
26 Well, it was swordfish, not in marlin and we were allowed to use
27 it. But the point is that the people in the field we help with the
28 Coast Guard. I participated several times, Graciela and Marcos,
29 with the U.S. Coast Guard.
30

31 So, the point is that this is a collaborative effort and that's
32 why I asked Miguel. Thank you. Because in many instances we only
33 think about the immediate enforcement issues that we have. But the
34 office that Miguel is part of has other branches that may, you
35 know, if you know more about it, you will be able then to be more
36 effective out there. Thank you.
37

38 **MARCOS HANKE:** We have you have James then Julian.
39

40 **JAMES R. KREGLO:** James Kreglo of Saint Thomas/Saint John Virgin
41 Islands. Yes, I have a question. You're providing training for
42 some other countries, but is U.S. supplying any materials or
43 funding to protect the fisheries and their waters?
44

45 **MIGUEL BORGES:** International?
46

47 **JAMES R. KREGLO:** Correct.
48

1 **MIGUEL BORGES:** Not that I know of. At least the o--

2
3 **JAMES R. KREGLO:** Okay. I'm saying like you showed the Philippines,
4 think Indonesia, some of those but a lot of times they don't even
5 have their own vessels to be able to patrol their waters. So, are
6 we providing any aid to them in that way?

7
8 **MIGUEL BORGES:** At least the Office of Law Enforcement, that I
9 know of, doesn't provide that type of equipment. It's just more
10 the training in the ports for bigger imports of seafood, not
11 directly for the protection of their fishing industry. It's more
12 for the bigger fishing industry that's going to be exported from
13 their country to ours. So, that's why everything we do with their
14 training has to have a link with the U.S. because that's probably
15 product that's going to then be imported to the U.S. So, our
16 capacity building is more for the product that's going to be then
17 imported here. So, bigger shipments of commercial seafood.

18
19 **JAMES R. KREGLO:** Thank you.

20
21 **MIGUEL BORGES:** Yeah, we do provide that type of equipment in our
22 JEA program to the local governments, the state governments, state
23 and territory governments, we do provide funds for the patrols and
24 for equipment. But that's locally to the states and territories.

25
26 **JAMES R. KREGLO:** Yeah. Within U.S. waters.

27
28 **MIGUEL BORGES:** Correct.

29
30 **JAMES R. KREGLO:** Okay. I guess my question, or my comment is that
31 we're able to train some other countries so they can help protect
32 their waters from, you know, foreign vessels coming in and
33 essentially raiding their waters but some of these countries, they
34 don't even have the vessels. I know they actually have contractors
35 come in, I don't know if you've seen that, but they'll hire
36 contractors to come in and then put their agents on board the
37 contractors' vessels so they can control their own waters.

38
39 **MIGUEL BORGES:** Okay. Yeah, yeah. I know it's tough that they don't
40 have the, sometimes, the vessels to do the enforcement. I mean, we
41 don't have to go so far. We don't have it either here the vessels
42 that we need as well. So, completely understand your point.

43
44 **JAMES R. KREGLO:** Okay. that's it for now. Thank you very much.

45
46 **MARCOS HANKE:** Thank you. Miguel. One second Julian, I got you.
47 Miguel and Julian. You ask me to speak?
48

1 **MIGUEL A. ROLÓN:** Oh, me Miguel. Not to discuss it more, but those
2 countries have agreements with the United States, specific
3 agreements, for joint effort. The United State, in the past, they
4 provided vessels, for example, a vessel that has been seized from
5 another country that was given to the Dominican Republic. And I
6 know that because I was a member of the delegation. Unfortunately,
7 they didn't have enough money for the fuel. They have a beautiful
8 boat there, but they don't have money for the fuel.

9
10 **MIGUEL BORGES:** It happens.

11
12 **MIGUEL A. ROLÓN:** And this is a problem that we have. So, in the
13 past, the Coast Guard has engaged in training session. Countries
14 have asked the Coast Guard to patrol the waters. The answer that
15 came from Washington was, "No way, Jose, we cannot do that because
16 there are other laws beyond the National Marine Fisheries Services
17 that apply here." But going back to your question, yes, in some
18 cases, depending on a case-by-case basis, the United States can
19 agree to engage into a cooperative agreement for enforcement, but
20 they go to a certain extent, beyond that it's another ball game.

21
22 **MARCOS HANKE:** Thank you, Miguel. Julian to wrap up this
23 presentation question round.

24
25 **JULIAN MAGRAS:** Yeah. Julian Magras, for the record. I just want
26 to say thank you to you and your team because we've been having a
27 lot of issues in the Saint Thomas/Saint John district with illegal
28 conch import, lobsters and fish. And over the last three months,
29 it has made it very difficult for the fishermen to sell their
30 product. We're in the middle of a nice lobster season this year,
31 and the product is so hard to sell because of illegal imports
32 that's been coming in and flooding our markets. But, you know,
33 Alex has done, Alex is our dedicated officer for the U.S.V.I., and
34 he has been doing a lot of work and getting out there and trying
35 to close the loop in and stop a lot of this stuff that's been going
36 on, which is very important for us in order for us to continue
37 supplying our fresh product.

38
39 So, I just wanted to say thank you to you and your team for at
40 least on those imports that's been coming in, trying to get a
41 handle and slowing it down. So, thank you.

42
43 **MIGUEL BORGES:** Thank you, Julian.

44
45 **MARCOS HANKE:** Thank you all. Next presentation. It's DPNR.

46
47 **Enforcement Reports**
48 **USVI DPNR**

1 **HOWARD FORBES:** Good afternoon. Howard Forbes. Department of
2 Planning and Natural Resources, Division of Environmental
3 Enforcement. Federal Fishery Summary for fourth quarter of 2022 is
4 as followed. The NOAA Fisheries Cooperative Enforcement Agreement
5 for 2022 has been executed on behalf of the territory of the United
6 States Virgin Islands.

7
8 DPNR officers have also completed the mandatory online training
9 necessary to carry out the enforcement responsibilities, who
10 performed GE activities as part of their regular duties as deputies
11 federal law enforcement officers. Also deputised ID cards and NOAA
12 magnet decals for the patrol vehicles was issued to carry out this
13 mission.

14
15 A synopsis of the territory's enforcement activities actions.
16 Report of turtle meat being sold by a confidential source led to
17 officers traveling to location of concern. Upon arrival, officers
18 inspected the area with negative findings. This violation is under
19 investigation.

20
21 Our second case is based on lobster entering into the district of
22 Saint Thomas from unknown location flooding the market. This is an
23 active investigation. Several commercial fishers reported that
24 lobsters are flooding the market. DPNR Officers, along with NOAA
25 agent Alexander Terrero has made several inspections to the
26 location that was reported for the lobsters being sold. DPNR Follow
27 up a lead on Facebook where a private individual messaged for the
28 location to purchase the lobsters, to which the individual got no
29 response. DPNR and NOAA continues to monitor social media to
30 curtail the activities.

31
32 Our patrol hours at sea are 30 hours, and our dock site hours is
33 168. Our commercial contacts for fishers is 108, and our
34 recreational fishing contacts is 34. This concludes my report.
35 Short and sweet.

36
37 **MARCOS HANKE:** Thank you very much. And I apologize that I cut
38 Miguel. He a short, very important report on his presentation. We
39 are going back to Miguel Borges.

40
41 **Office of Law Enforcement- Miguel Borges**
42

43 **MIGUEL BORGES:** Okay. This is the enforcement presentation.
44 Christina, if you could get that presentation when you have a
45 chance. But in the meanwhile, I'll present Alex Terrero. He's our
46 enforcement officer for Saint Thomas. He's right here, in the back,
47 right there. He's stationed in Saint Thomas. He's the enforcement
48 officer. So, he covers Saint Thomas, Saint John and Saint Croix.

1 He comes with a lot of experience. We're glad to have him here.
2 I'm glad to have a partner, at least in another island, but closer
3 at least. He's done a really good job over there in Saint Thomas.
4 Last week I was there with him doing port inspections, we have
5 another one now, so. One second.

6
7 Okay. There it is. So, you can start the next slide, please.

8
9 So, we did a criminal case recently, and it was with Director
10 Howard Forbes from DPNR and the Office of Law Enforcement, myself.
11 We investigated a case where a sea turtle was taken. This is a
12 hawksbill turtle, a big, large one. And those are the photos of
13 the species. Thankfully, it was alive, and it was released alive
14 thanks to the DPNR biologist who also responded and was able to
15 inspect it and release it under his own power at the beach. So,
16 after investigating this case with the DPNR officers and myself
17 and Alex Terrero as well, we were able to submit a criminal case
18 in federal prosecution in Saint Croix, where two subjects were
19 charged with three counts, two misdemeanors under ESA and one
20 felony under Lacey Act. Count one, was taking an endangered
21 species. Count two, possessing an endangered species. And count
22 three, taking with the intent to sell. This is the felony. We
23 already indicted and they were charged and it's in the process of,
24 right now, at the federal court.

25
26 So, next slide please.

27
28 Other activities that we've conducted since the last Council
29 meeting. I participated in the MREP in Parguera on August 26th.
30 Special thanks to Vanessa, Wilson and Lauren for creating an
31 awesome workshop there for all of fishermen. It was a very good
32 workshop and I believe that enforcement should be involved in the
33 education as well. So, I'm glad to participate there and I look
34 forward to participating in other educational programs as that
35 one.

36
37 So, I also participated in a training for all DNER officers here
38 in Puerto Rico and a training led by Michelle Schärer. She
39 organized the training with the commissioner of DNER. They gave
40 two trainings. The first one was 30 officers from the West coast
41 of Puerto Rico, and it was specifically for grouper ID,
42 specifically nassau grouper done by Michelle Schärer. And then, I
43 did more of the federal regulations, federal jurisdiction and case
44 package for the DNER officers. Then the second one was in San Juan
45 for the East coast of Puerto Rico, officers from DNER. The same
46 presentation. It's two days.

1 what else? We also met with the U.S. Coast Guard, and we are
2 planning to conduct joint patrols in the protected areas with the
3 other officers here present. And also, in the, the U.S. Virgin
4 Islands, our enforcement officer initiated an incident involving
5 IFTP, which is the International Fishery Trade Permit, and
6 mislabeling seafood violations. The officers working with DPNR to
7 review U.S.V.I. license violations. In another case, our
8 enforcement officer in U.S.V.I. initiated a Lacey Act violation of
9 importing undersized Caribbean spiny lobsters into the V.I.

10
11 So, these are the updates that we have so far for OLE law
12 enforcement updates. Thank you. You have any questions? More than
13 welcome to answer them.

14 **Discussion**

15
16
17 **MARCOS HANKE:** I'm glad that I went back to you. That's really
18 nice to see there. Thank you very much.

19
20 **MIGUEL BORGES:** You're welcome.

21
22 **MARCOS HANKE:** Any questions? Quick question, one question to
23 finalize this presentation. No? I'm happy to see that I know that
24 everybody shared the feeling. Thank you very much. Next
25 presentation-Julian.

26
27 **JULIAN MAGRAS:** I just wanted to make a comment to Howard Forbes
28 presentation because we didn't have a chance for questions for
29 him. I wanted to say also thank you to him and his officers for
30 also working with the federal officers on some of these cases to
31 try to help the fishers, especially with the one with the lobsters.
32 And also, congratulations. I see you got some new officers, and we
33 are seeing their presence more now. So, I think with your team
34 building we see some future enforcement along the way that can
35 slow a lot of the activity, illegal activity that's been going on
36 throughout the Virgin Island. So, I wanted to thank you for that
37 also.

38
39 **MARCOS HANKE:** Thank you, Julian. Great point.

40
41 **HOWARD FORBES:** Thank you Julian.

42
43 **MARCOS HANKE:** Thank you, Howard. And we have the next presentation
44 which is U.S. Coast Guard. Please proceed.

45 **U.S. Coast Guard**

1 **ANDREW MCGRAW-HERDEG:** Hey, good afternoon. My name's Andrew
2 McGraw-Herdeg for anyone who has not met me yet. See if we can
3 pull up our report here. So, first, huge thanks to Miguel and OLE.
4 As you'll see, we rely on OLE pretty heavily for enforcement. We
5 appreciate all the work they do, the consultation, they're the
6 subject matter experts and we are appreciative of them.

7
8 So, the bottom line. So, I'm representing Sector San Juan, which
9 is principally Puerto Rico and the U.S.V.I.s. As far as living
10 marine resources, LMR enforcement goes, it's been a challenge for
11 us as it is pretty much all the time. The Coast Guard would like
12 to do as much fisheries enforcement as possible. We have a whole
13 fleet of patrol cutters. We have a small boat station in San Juan.
14 We have two boat force attachments in the V.I.s.

15
16 The problem is we have 11 roles and missions that Congress says we
17 have to do. The counter drug mission in the Mona Pass and around
18 the V.I.s and especially the migrant surge, I'm coming from Haiti
19 and Dom. Rep. has been pretty brutal for us in terms of operational
20 tasking. So, all that being said, the actual report here is
21 essentially zero. We have logged zero boarding, zero dedicated
22 hours for fisheries because of all those reasons. It seems every
23 time we try to plan a dedicated op some drug case or some migrant
24 case happens to pull our assets away. And that's unfortunately
25 just how balancing the enforcement goes.

26
27 One bit of illustration for that, if you don't mind scrolling down
28 to the table here. I do have some data just to show the migrant
29 surge we've been seeing. We're on, I think, past the day 100 of
30 Operation Vigilant Sentry under DHS and it's just been a non-stop
31 surge of Haitian migrants specifically. So that's still very, very
32 heavy for us operationally.

33
34 If you go up a bit to that paragraph, we do have some good news.
35 We've got a plan in place as Miguel mentioned. We do have some
36 tasks we might be able to do in terms of LMR for the Nassau grouper
37 spawning periods. There is a way we can maybe balance, say, "hey,
38 if we have assets in patrol in certain areas already, there are
39 ways we can try to do some LMR," you know, while they're not busy
40 with a mission actively. But again, that's all very tentative and
41 it's difficult to commit to that as like a dedicated resource
42 because we just have to be standing by for search and rescue, drug
43 enforcement, migrant introduction and the other missions.

44
45 So, again, some hope for dedicated fisheries enforcement in the
46 near future. I can't comment on too much else, but things are
47 looking okay for that. We also appreciate Michelle and the other

1 biologists for consulting with us. Again, appreciate their
2 expertise and sort of guiding our actions.

3
4 We can go through the rest of the report, but like I said, it's
5 just going to look like zero dedicated hours, zero boardings for
6 all those reasons I mentioned. The only other thing I do want to
7 call out is we have a Living Marine Resources Boarding Officer
8 course. It's a one weeklong intensive training on Caribbean
9 specific fisheries topics. That's been very popular in the Coast
10 Guard, and it frequently fills up pretty quickly. We had, I think,
11 two sessions in the last year and we have more tentatively
12 scheduled. And to my knowledge, we also offer that to international
13 students as well. So, there is a bit of training that we do offer.
14 Unfortunately, like I said, very popular, fills up quickly. I'm in
15 fact still trying to get a seat in that myself.

16
17 Besides that, I think that's about all I have to report for Coast
18 Guards activities here. Pending any questions for me?

19 20 Discussion 21

22 **MARCOS HANKE:** Thank you very much, Andrew. I have a question for
23 you. You're referring to the training that we go? Yes? Okay,
24 perfect. No problem. In terms of the coordination, in the past we
25 have worked very well with the person that was prior to you. they
26 contact us, contact me or Graciela and the group that usually
27 attend, for me to collect the samples to do the fish ID training
28 and the things that we do in support to your effort. Please try to
29 do it with as much time possible in order for us to plan. Thank
30 you.

31
32 **ANDREW MCGRAW-HERDEG:** Understood. Sure.

33
34 **MARCOS HANKE:** Vanessa.

35
36 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
37 record. I just want to make a question. Is there any way that we
38 can make like a plan to collaborate for, especially in the West we
39 know the issue that you're presenting here. Practically every day
40 we have illegal boats coming in and the issue is that most of these
41 boats are left in the water and in the ocean and sometimes in
42 fishing areas or in our coast. Is there are any kind of program
43 that we can ask for so that any association, for example, where I
44 live, that we can take care of taking out those boats, so they
45 don't affect our corals and ecosystems.

46
47 **ANDREW MCGRAW-HERDEG:** Andrew McGraw-Herdeg, for the record.
48 Appreciate that, I think that's a good thought. In terms of new

1 strategies for enforcement I think that's something we'd be open
2 to discussing. If you're able to maybe take that offline, could
3 probably see what next steps would be for that. Of course, again,
4 any new strategy for enforcement would take a bit of planning and,
5 you know, careful research. But we'll definitely be open to
6 conversations in that area.

7
8 **VANESSA RAMÍREZ:** Thank you. I already have the experience. I have
9 commercial fishermen that practically stay for 10 hours waiting
10 all the mission, and then they call me, and we start the
11 negotiation to not let that boat in there because it was an
12 aggregation, especially for grouper. I have to say and recognize
13 that between the conversation, they let us bring that boat out,
14 and of course we have to make the report and practically take care
15 of all the garbage and everything out of the water. But I really
16 appreciate that, and I wish that this could be done every time
17 that a boat comes around. Right now, if you see the coast in the
18 West, practically, we have more than 12 around the coastal area
19 that are practically debris there and this is really affecting our
20 ecosystem. Thanks.

21
22 **MARCOS HANKE:** Thank you. And next presentation or next item on
23 the agenda. It's the CFMC Advisory Body Membership. Uh, Nelson,
24 you want to say something?

25
26 **CFMC Advisory Bodies Membership**
27

28 **NELSON CRESPO:** Thank you, Mr. Chair. Nelson Crespo, for the
29 record. Everyday we're getting older, and I believe in young blood
30 that can bring a fresh input to the work we are doing. This morning
31 I had a nice conversation with Vanessa regarding this issue. We
32 concur we have two guys, two young people that have the desire and
33 confirmed us that they are open to contribute with the Puerto Rico
34 DIP. Their names are Anthony Elizo and [inaudible] Fernández. So,
35 I suggest if you can consider that suggestion, it would be
36 appreciated.

37
38 **MARCOS HANKE:** Yes. I know one of them and have good references
39 about the other one, but I think Vanessa wants to say something.

40
41 **VANESSA RAMÍREZ:** Thank you, Mr. Chairman. Vanessa Ramírez, for
42 the record. As Nelson says, we practically get together this
43 conversation and I want to put on the record that Anthony Elizo is
44 pelagic fisherman. He also has a YouTube channel. He also already
45 did the MREP with us and he express his interests to participate
46 actively in all these things that we do in the Council and in the
47 DAP. So, he has been fishing for more than 20 years, so I think,
48 he's a young one, but has a lot of experience.

1
2 And also, [inaudible] Fernández, he's from Cabo Rojo, so I know
3 him well. He practically is one of the youngest fishermen that we
4 have but has more than 15 years. So, he's commercial divers and a
5 dive master, and also his son is in the industry. He was recognized
6 one time as the youngest fisherman by the federal and had the
7 opportunity to go to Costa Rica also in one project. He also
8 directly explained to me that he wanted to be active in all this.

9
10 So, if I can make a motion. I make a *motion to get Anthony Elizo*
11 *and Mr. Fernández for a membership of the DAP.*

12
13 **MARCOS HANKE:** And second.

14
15 **CARLOS FARCHETTE:** Second.

16
17 **MARCOS HANKE:** Any further discussion? All in favor say aye.

18
19 **GROUP:** Aye. Aye.

20
21 **MARCOS HANKE:** *The motion carries.* We are going to send the
22 appropriate letter to them, but we need you guys to provide us the
23 contact of those people. Please share that with Diana.

24
25 **DIANA T. MARTINO:** I would like if you can send me an email with
26 their names, address, sector they fish in, telephone number and
27 email address. Thank you.

28
29 **MARCOS HANKE:** Thank you. Well, now we are ready to go to other
30 business. At this time on other business, we have a short
31 presentation from the HMS office.

32
33 **Other Business**

34 **HMS**

35
36 **BRAD MCHALE:** Good afternoon, everyone. My name is Brad McHale.
37 I'm a branch chief with the Highly Migratory Species Management
38 Division, and I'd like to thank you all for having me here. This,
39 in 22 years of a career, is my first opportunity to join this
40 Council meeting.

41
42 The presentation really is just kind of a brief overview of where
43 our kind of management and jurisdiction falls. As it was mentioned
44 throughout the meeting, there are overlaps and various concerns
45 across regions. But in a nutshell, what our group is tasked with
46 managing tunas, sharks, swordfish and billfish throughout the
47 range of Maine through the Gulf of Mexico and down through the

1 Caribbean and then for those U.S. flag vessels that might be
2 operating in international waters.

3
4 Next slide, please.

5
6 And as far as the tuna that fall underneath our direct
7 jurisdiction, we're looking at albacore, bluefin, bigeye tuna,
8 skipjack, and yellowfin. I know that Blackfin in little tunny have
9 been mentioned although technically they do not currently fall
10 underneath our jurisdictional authority. So these are the five
11 Atlantic tunas that our rules and regulations directly apply to.

12
13 Next.

14
15 I guess I jumped ahead of the slide here. But here we have the
16 blackfin and little tunny.

17
18 So, next please.

19
20 So, I know through some various correspondence from Marcos through
21 the HMS advisory panel as well as informal conversations that some
22 issues have been raised, I think, in particular to skipjack tuna.
23 Some of the existing rules and regulations that are on the books
24 as far as how these fish need to be, their form, while at sea.
25 Here's kind of some of the information that we have that relays
26 what the current rules and regulations are that apply to those
27 five regulated Atlantic tunas of how they can either be cut,
28 gutted, primarily headed and gutted with the upper and lower lobes
29 of the tail. Predominantly for species identification for our
30 offices of law enforcement as well as data collection processes to
31 make sure that our domestic as well as our international
32 obligations are being met as far as reporting out on any known
33 mortalities for each of those five species.

34
35 So, I know that times of the essence here in the tail portion of
36 the day, so I wanted to keep it brief and just kind of do that
37 introduction and kind of let you all know that I am a resource to
38 collaborate with the Council in regards to kind of how our
39 respective jurisdictions overlap when it comes to the management
40 of these species that cross our collective waters. Thank you.

41
42 **MARCOS HANKE:** Thank you, Brad. I am the representative of the
43 Caribbean Council at the AP of HMS for many years, and I am
44 following up with the letters and the comments received by V.I.
45 and Puerto Rico fishermen of some points that need to be enhanced
46 or change or evaluated by the HMS office.

1 First of all, I want to say that the HMS office historically had
2 been very engaged into customizing or addressing with scientific
3 based analysis and so on, to the extent possible, the Caribbean
4 situation. The best example of that, they created a permit for the
5 Caribbean. And I want to recognize that and the atmosphere that I
6 breath around them is very professional and I can see the intention
7 of illustrating me and making a very professional conversation.
8 What I want to bring to my friends in the Council is that we are
9 in good hands, right? We have a healthy, productive conversation
10 and we're going to be abiding by the laws, by the science and so
11 on. The process is start on this evaluation by this conversation
12 that started when we received the letters. Fair point?

13
14 **BRAD MCHALE:** Fair point.

15
16 **MARCOS HANKE:** Okay. I sent a letter, but I don't want to go over
17 everything. I'm just going to highlight a few points. Here are
18 some possibilities of enhancing Caribbean small boat permit and
19 closing the gap of the gray areas that interfere with or affect
20 our dynamic of multispecies fishery, the way we perform the fishery
21 culturally for many, many, many years. And simply, there are some
22 aspects that are essential in terms of acquiring the permits and
23 the other ones are because addressing the quotas or the use of the
24 skipjack as a resource.

25
26 I'm going to start with the forms and the way people engage into
27 the Caribbean small boat permit. Simplifying the form to acquire
28 the permit is essential. Fishermen have expressed that it is a
29 little bit hard, it is not very easy to find right there on your
30 face. The recommendations that I received from everybody is to
31 create a bottom or an area on the main page where you click and
32 you have the contact information of somebody that speaks Spanish
33 or English, that can guide them through the process. I'm not asking
34 a for a form but something that opens the possibility for a
35 Spanish-speaking person to do it, or an English-speaking person to
36 do it. Basically, it's not changing anything is just making an
37 easier, it's a multi-avenue.

38
39 Data collection is essential for all of us, and I will encourage
40 the coordination with the Caribbean branch and local government
41 and HMS to acquire this data. We have a system in place but there
42 is a lot of room for improvement. We already discussed with the
43 long lining situation on different species that María brought to
44 the Council, that is not related to Skipjack, but they are
45 possibilities of making the data collection more efficient and
46 better for our Caribbean Council.

1 One thing that is super important is to state, an estimation at
2 least, of the total cost to acquire the Caribbean small boat
3 permit. Not just the nominal fee, but the affidavits and all the
4 other costs related to that, or at least a list that you're going
5 to have to provide those things that have a cost. Because most of
6 the people that will acquire this, and there is a lot of people,
7 they have to plan up ahead. They engage into the permit process,
8 they're going through all the paperwork, but if they don't have
9 the money to follow through. It's better to know up ahead is what
10 I'm trying to say.

11
12 This is all comment I received. Okay. Now getting to the meat of
13 this. Skipjack tuna has been used like little tunny and other tuna
14 like species for bait for deep-waters snapper. That's the key and
15 the driver for the deep-water snapper fishery bait on the West
16 coast of Puerto Rico, right? And we recognize-- that image is
17 perfect --the need to identify the species and the need to make
18 everything enforceable. And what we are requesting is to allow X
19 amount of skipjack for bait, but in an enforceable way.

20
21 Let me read this as to not get lost. Allow x number of skipjack
22 bait, keeping the carcass on board, or a minimum number of pounds
23 of frozen or chunks of fresh skipjack on board with the skin on.
24 But reaffirm the prohibition on the other BAYS tunas. I mean, you
25 cannot use yellowfin or the others. It's enforceable also by using
26 the DNA sampling that nowadays is very accessible and it's not too
27 hard to do it. Skipjack tuna carcasses are easier to distinguish
28 from other tuna because of the skin, the color, the pattern, you
29 know, for many reasons, and you guys know all of that. I don't
30 want to be repetitive. And it is important to remember that
31 skipjack tuna doesn't have a minimum size at the time, but in the
32 future, under this scheme, if we hold the carcass, that can provide
33 a fork length measure if it is needed on the future. We are not
34 cutting our legs. It's expandable, right? The main priority is to
35 allow skipjack tuna for bait.

36
37 And I'm going to mention this before, but something that I keep
38 hearing from the fishermen because they have been using the
39 skipjack for many, many years and we are addressing this into
40 enforceable regulation now, is that requesting for three tunas or
41 five tunas on the trip this what they need, right, Nelson? Very
42 quick.

43
44 **NELSON CRESPO:** Yeah. Depending on the size. Yeah. Between three
45 to five, six. That's depending on the size.

46
47 **MARCOS HANKE:** Yes. This is just a drop on the bucket if you
48 compared to any other fishing style. Pole fishing, the one you use

1 the nets, or if you do industrial fishing, or even a medium size
2 approach to catch skipjack. Right? Even the recreational fishermen
3 have more freedom to catch a lot of skipjack and that creates
4 another problem because it creates a venue for a black market where
5 the commercials just have a 10 fish limit when they find the school
6 to keep for bait, obviously they cannot, but let's say they keep
7 it, but the resource now is potentially coming from recreational,
8 creating another problem over that. Right?

9
10 And to cut to the chase here, also, we have a recommendation from
11 a fisherman from Saint Thomas on the bag limit for the Caribbean
12 small permit. Our yellowfin, that are available all year around
13 here, that comply with the minimum measurement tend to be on the
14 smaller size under 60 pounds, 75 pounds, 25 pounds on that range.
15 We are not talking about bigger fish. And because of that, because
16 of the cost of gas and so on, they would like to see a little
17 increase on the permit of yellowfin because bigeye we don't have
18 available here. The real two tunas that we fish are yellowfin and
19 skipjack. Just, in the case of the yellowfin, to make it
20 profitable, to engage and for the people to buy the permit or to
21 engage into the permit and make it make sense to acquire the
22 permit.

23
24 The preferred alternative based on all the input I received so far
25 is up to 15 yellowfin per trip. One incidental bigeye just to keep
26 the eye open in case of incidental catch and 30 to 50 skipjack
27 that you can catch with the permit, but you cannot use all of them
28 for bait. You'll be able to have cut it and the carcass available
29 on the boat and so on, just three to five. There are a few things
30 that we have to work out there, maybe just allowing frozen to avoid
31 the problem of people catching 35, if that was the limit, and
32 cutting a few and you don't know how much they are cutting, right?
33 Then, they are using maybe just frozen. There are ways that we can
34 find a way there.

35
36 The other thing, increasing skipjack from 30 to 50 represents just
37 a drop-- I'm repeating a little bit --just a drop on the bucket.
38 If you compare it to with larger scale commercial gear, like purse
39 seine nets, pole fishing, and other methods of fishing for
40 skipjack. Even more when the other permits are more problematic,
41 including the recreational permits which allows for unlimited or
42 much bigger amount of skipjack per trip that the Caribbean small
43 boat permit don't allow.

44
45 I just remember something that is important to highlight for the
46 Council members. The reason that we have the limits that we have
47 now is because HMS office, when they develop the Caribbean small
48 boat permit, they use the best available information they had at

1 that moment, but they have the interest to facilitate and to do
2 this permit. Now we are requesting an evolution of that process
3 and for consideration on the office. You know? It's not that they
4 want just those numbers arbitrary. It was the best they could do
5 with the information on hand at that moment. That's fair to say?

6
7 **BRAD MCHALE:** That's fair to say.

8
9 **MARCOS HANKE:** Okay. We need to update the Caribbean's small boat
10 permit to allow practical compliance venue for local communities
11 and buy-in on the Caribbean small boat permit. Remember, the
12 skipjack are the most common HMS tuna species available in our
13 area and it's used for consumption and baits. It is part of our
14 local culture and socioeconomic dynamic way before Caribbean small
15 boat permit was created. Enforceability is key, like I said, using
16 DNA sampling and carcass chunks or fillet of any tuna like species
17 must have the skin on all chunks and fillet must be available. I
18 don't know if there is a language that can be included for DNA
19 sampling when they are boarded and there is a coordination in
20 there. Important to remember skipjack tuna doesn't have a minimum
21 size at the time, but in the future the carcass will allow for us
22 to pursue that to make enforceable.

23
24 I just highlighted the key points. The letter was much bigger than
25 that and this is what I needed to say for now. Brad.

26
27 **BRAD MCHALE:** Thank you for that. I think all those requests are
28 reasonable. And, you know, just like you all are aware, there's a
29 regulatory process that needs to happen with Atlantic Highly
30 Migratory Species Management. We're actually not part of the
31 Council process. We're all secretarial authority. So, that's why
32 we actually have that HMS advisory panel that Marcos sits on. So,
33 we'll be taking all those kinds of suggestions back to my
34 colleagues and trying to figure out which way we might be able to
35 move. Obviously, consulting with our Office of Law Enforcement
36 partners to find out what's feasible, what's realistic. I think
37 you hit a lot of the key highlights that species identification is
38 less of a challenge when you're talking skipjack versus some of
39 the other species, whether it's in a round form or if it's in a
40 fillet or chunk form.

41
42 So, again, I think the requests are reasonable and the information
43 is there for us to sink our teeth into and try to figure out which
44 way we can move forward with these. Thank you.

45
46 **MARCOS HANKE:** Thank you, Brad. Nelson.

1 **NELSON CRESPO:** Thank you, Mr. Chair. Nelson Crespo, for the
2 record. Thank you, Marcos. I concur with your words. We talk a lot
3 about decision in the past, and I appreciate your suggestions. To
4 clarify something, when we go out fishing for deep-water snapper,
5 we bring between 3, 4, 5 and 6. No more than six. We only take out
6 from the cooler one or two to let it defrost because we don't want
7 all the bait getting bad during the day. If you don't use it, we
8 have the ability to bring it back and you can use it for the next
9 day. So, that's how we operate.

10
11 **MARCOS HANKE:** Yes. And I just remember on the HMSAP, they reported
12 to me that there was, on other regions of the U.S., a request for
13 filleting at sea bigeye, and yellowfin tuna, a discussion. This is
14 a different scenario because we are not dealing with a minimum
15 size. We just need to address, at this point, the ID in terms of
16 enforceability to know if it's a little tunny, a bigeye or
17 whatever. But we are not measuring the fish for a minimum size
18 because if it is a skipjack, at this point there is no minimum
19 size for it. That simplifies the process a little bit and makes
20 the discussion a little different than the request and petition of
21 some fishermen sometimes on other situations when they are trying
22 to do similar stuff with bigeye and yellowfin. I have a chat
23 question.

24
25 **MIGUEL A. ROLÓN:** Marcos, I have it here because you wanted me to
26 see it. For the record, from Ricardo Lugo. "One item that we need
27 to discuss further is the use of Bacora as a bait, fishermen bring
28 with them for deep water fishing historically and even though it
29 is not written as is, that is an interpretation. I am working to
30 collect information on the topic."

31
32 **MARCOS HANKE:** Okay. I just need, because of the common name. Is
33 this Ricardo Lugo? Yes. Ricardo, can you put on the chat if Bacora
34 is blackfin tuna just to confirm that we are talking about the
35 same species.

36
37 **RICARDO LUGO:** Bacora is the—it's not a blackfin tuna. It's the
38 one that—

39
40 **MIGUEL A. ROLÓN:** The skipjack.

41
42 **RICARDO LUGO:** Skipjack, yes.

43
44 **MARCOS HANKE:** Okay. I just asked because there is no point for me
45 to go over and not knowing exactly because on the East coast, they
46 call Bacora, some people call blackfin tuna Bacora. Right? Your
47 point is well taken. This is exactly what we are doing now,
48 Ricardo. I invite you, if you have any specific points, you can

1 send me an email, or a letter and I will be happy to send it to
2 the HMS people for them to include on the analysis and on this
3 exercise in the beginning of this analysis. Thank you.
4

5 **RICARDO LUGO:** Right. And I would like to make a comment, you know,
6 I have been working with some of the other team members there and
7 they have provided me good information and it's a little bit
8 different on the case of the vaquita, where allow you to cut it,
9 put it in brine and bring into the fishing, into the boat already
10 cut. It gives you even the sizes of the pieces that you need to
11 cut. So, there some information that probably we can look at later
12 on to see how we can advantage of some of the investigations that
13 you have done and is already in the regs.
14

15 **MARCOS HANKE:** Thank you very much, Ricardo. And I remember
16 something else, Brad. The vaquita, the first runner up to
17 substitute Skipjack, right? You can make a case, "Oh no, we have
18 vaquitas to do it." What happened is that in the last 11 years,
19 the vaquitas are not getting to the shore because of sargassum
20 influx and the deterioration of the water quality on the shorelines
21 and the baitfish. And that's super important because they don't
22 have that option available anymore. Just to inform. Vanessa.
23

24 **VANESSA RAMÍREZ:** Thank you, Mr. Chair. Vanessa Ramírez, for the
25 record. I just want to make the comment that as commercial
26 fishermen representative in here, you make a great summary of the
27 reality of the fishery right now and I hope that we can move on
28 with this to help any information that you need.
29

30 And also, especially with the commercial small boat permit, I had
31 the opportunity to help some fishermen complete that. It's really
32 hard, not only for me, also for them. And that suggestion of having
33 someone that can translate at the same time that they are writing
34 is a great opportunity to help get more kinds of permits. That
35 would also help to get better statistics and real numbers because
36 most of them, if they don't have that permit, then they put in the
37 study if that they are mile nine miles inside. Thanks.
38

39 **MARCOS HANKE:** Yes. There are very broad implications on everything
40 and especially on a multispecies fishery. Thank you, Brad, for
41 your time. I want to thank Delisse too for her presence, because
42 she has been instrumental on educating and she gained a lot of
43 respect from the fishermen here. Thank you. Thank you again, and
44

45 **BRAD MCHALE:** Thank you Delisse. Lots of respect from us as well.
46

47 **MARCOS HANKE:** Yes. Yes, sir.
48

1 **CARLOS FARCHETTE:** Alrighty. Since the fishermen have a big ask
2 there, I have an ask also. I'd like some guidance on how-- since
3 you've been here for the last couple days --how we are proposing
4 to prohibit the use of gillnet and trammel nets and trawl and purse
5 seines. I want to be able to get some guidance on how I can extend
6 that to prohibit those gears for harvesting tunas.

7
8 **BRAD MCHALE:** Excellent question and thankfully I was here for
9 that discussion. Most of those gears are actually already
10 prohibited for highly migratory species. So, we just finished a
11 rule that'll be enacted on January 1st that prohibits purse seines
12 gear. The gillnet gears have been prohibited for swordfish, for
13 tunas for years now. So, I think the level of coordination between
14 the EEZ as well as into the territorial waters, the prohibitions
15 for HMS are already in place, so I don't see that being a hurdle
16 that or a challenge that'll come up in your deliberations.

17
18 **CARLOS FARCHETTE:** Okay. Thanks

19
20 **MARCOS HANKE:** María.

21
22 **MARÍA LÓPEZ-MERCER:** Hi. This is María López. So, I just want to
23 remind the Council that two of those tunas that we were talking
24 today, the blackfin tuna and the little tunny (la vaquita) they
25 are being managed by the Council now, in Puerto Rico. So, those
26 regulations that we were talking yesterday for prohibiting the use
27 of gillnet and trammel, etcetera, if the Council is interested,
28 that would apply to those two species as well.

29
30 **MARCOS HANKE:** Yes. Thank you. Thank you, Brad.

31
32 **BRAD MCHALE:** And maybe just--

33
34 **MARCOS HANKE:** Yes.

35
36 **BRAD MCHALE:** And Marcos, just one other item. Regarding the
37 challenges in the application for the Caribbean small boat permit.
38 Those permits are actually issued out of the Southeast regional
39 office. So, the HMS Management Division doesn't issue them
40 directly, but we have a very close relationships with those folks
41 because they also issue our pelagic long line. So, we can take
42 that feedback to them and try to figure out ways to minimize some
43 of the burdens that some of the applicants are experiencing in
44 trying to attain that permit.

45
46 **MARCOS HANKE:** And if there is, at the beginning, if there is not
47 many resources or personnel for doing that, when you press the
48 button, if you have a morning hours or afternoon hours, a specific

1 hour that there is a dedicated person or a specific day of the
2 week that the person can go there, if it's not possible to have it
3 fully available, that person, all the time, I think it'll be good
4 enough to help for what we need.

5
6 **BRAD MCHALE:** And reflecting back to the word respect that we just
7 shared in regard to Delisse Ortiz. She has just offered that folks
8 could definitely reach out to her for some direct assistance so we
9 can make sure that contact information is available until we can
10 find some more permanent solutions to the challenges that are being
11 experienced. So, thank you.

12
13 **MARCOS HANKE:** Thank you very much. María?

14
15 **MARÍA LÓPEZ-MERCER:** Yeah, I just want to add to what Brad said
16 about the permit. So, because we are going to be looking at federal
17 permits for Council-managed species, and they will probably come
18 from the Southeast regional office, I think something that we could
19 all start thinking about is how to provide perhaps the same
20 services to everybody given that it's the same people.

21
22 So, it's something just to think about. Like, if there are needs
23 for language, that's something that we will definitely look into
24 in our office in terms of how we can provide that service to our
25 Spanish speaking constituents as well. So, I think it will be a
26 good opportunity for all of us to think about how we can get that
27 done for those other permits too, for the future.

28
29 **MARCOS HANKE:** Yes. Not to make layers of permits if you can.
30 Making a coordination possible is, for sure, super important
31 because at HMSAP, you here, other regions, what the fisherman are
32 requesting, try to sit down together and try to do something
33 simpler because we want to comply and to follow the rules and
34 regulations. It's not always easier to do, but we are in the early
35 stages. Maybe that's a very good opportunity to do that kind of
36 coordination. Thank you.

37
38 Any other question? No. Well thank you Brad. Thank you very much.

39
40 **BRAD MCHALE:** Thank you.

41
42 **Public Comment Period**

43
44 **MARCOS HANKE:** Next item on the agenda, will be the public comment
45 period. Anybody from the public that would like to make a comment.
46 Five-minute comment. Do you see anyone? Nobody from the public has
47 comment at this time. Next meeting, Miguel.

Next Meetings

MIGUEL A. ROLÓN: Okay. As we have stated in the past, this is the time that the Council selects the tentative days for the meeting for the following year. One of them, August 15-16 is because, as I remember, we need to have a meeting during the week where the term of a Council member expires, and the term of a new Council member starts. So, we have April 18-19, today's meeting, in 2023. August 15-16, and December, the 5th and 6th of December. Those are the three days that we have for our meetings in the 2023. Of course, if the situation calls for, we can have a meeting in between those dates, virtual, a hundred percent virtual or hybrid as the need arises for the Council to discuss any particular issues that you may have.

MARCOS HANKE: Thank you. Miguel. We are ready to adjourn. We are ready to finish the meeting, and I really want to say thank you to all for the patients, for the professionals, for the good discussions to agree and disagree, but looking for the sustainability of the resource and in a respectful environment. Thank you, all. Safe travels.

And I want to specially thank the translator that I keep hearing him on the back and I keep hearing that everybody saying how amazing he is, and he can change the tones and is like hearing the person talking to him, live, right there on your ears. He is amazing. Thank you very much for the translation. [applause]

The meeting is adjourned. Remember that Brazil is still on the World Cup. [laughter]

(Whereupon, the meeting adjourned on December 07, 2022.)