

**CARIBBEAN FISHERY MANAGEMENT COUNCIL  
268 MUÑOZ RIVERA AVENUE, SUITE 1108  
SAN JUAN, PUERTO RICO 00918**

**131st REGULAR COUNCIL MEETING**

**CARAMBOLA BEACH RESORT & SPA  
ST. CROIX, U.S.V.I.  
JUNE 23-24, 2009**

**VERBATIM TRANSCRIPTION**

The 131<sup>st</sup> Caribbean Fishery Management Council meeting was called to order on June 23, 2009, at 9:00 a.m., and was adjourned on June 24, 2009, at 2:00 p.m. The Administrative Committee met on June 23, 2009, from 5:15 p.m. to 6:15 p.m., to discuss administrative matters. The meetings were held at the Carambola Beach Resort & Spa, St. Croix, U.S. Virgin Islands.

The following Council, staff members, and interested persons attended the meeting:

**VOTING COUNCIL MEMBERS**

Viridin C. Brown	St. Croix, U.S.V.I.
Marcos Hanke	Puerto Rico
Eugenio Piñeiro	Puerto Rico
Winston Ledee	St. Thomas, U.S.V.I.
Roy Crabtree	NOAA Fisheries
Ruth Gomez	DFW/DPNR/USVI
Miguel García	DNER/Puerto Rico

**NONVOTING COUNCIL MEMBERS**

Shepherd Grimes	NOAA General Counsel, Southeast Region
Joseph Kimmel	NOAA Fisheries

**STAFF MEMBERS**

Miguel A. Rolón	Executive Director
María de los A. Irizarry	Administrative Assistant to the Executive Director
Graciela García-Moliner	FMP and Habitat Specialist
Diana Martino	Assistant to the E.D. and Executive Secretary
Livia M. Montalvo	Automation Clerk

**OTHER ATTENDEES**

Carr, Liam	Texas A&M University
Dunn, Tracy A.	NOAA Fisheries Enforcement Division
Fairclough, Greg	Highly Migratory Species Division/NMFS
García, Jorge R.	HAP Chair
Gedamke, Todd	SEFSC
Grace, Cindy	University of South Florida

Harold Drevenak, Sera	PEW Environment Group
Jamir, Tom	NOAA Fisheries/SEFSC
Kojis, Barbara	SSC Chair
Magner, Jimmy	St. Thomas Fishermen's Association
Magras, Julian	St. Thomas Fishermen's Association
Olsen, David	STFA
Ríos, Lynn	NOAA/OLE
Robbins, Hall	NOAA/OLE
Rosario, Aida	DNER Puerto Rico
Rueter, Jason	NOAA Fisheries
Schuster, Edward	AP, Chair
Tokotch, Britney	NOAA/SERO/SFD

(Complete list of attendees under Attachment A.)

**June 23, 2009**

**Tape 1 (a)**

## **ADOPTION OF AGENDA**

**Winston Ledee moved to adopt the agenda. Seconded by Marcos Hanke. All in favor. One absent, Mr. Viridin Brown.**

## **CONSIDERATION OF THE 130<sup>th</sup> COUNCIL MEETING VERBATIM TRANSCRIPTION**

**Winston Ledee moved to approve the 130<sup>th</sup> CFMC meeting verbatim transcription. Seconded by Roy Crabtree. All in favor. One absent, Mr. Viridin Brown.**

## **EXECUTIVE DIRECTOR'S REPORT**

Miguel Rolón: I will take this time to give you more or less an idea of how we are going to proceed today. The agenda has two important items; the public hearings of Bajo de Sico, and then the final action in the case of Bajo de Sico, and that will be followed by the ACL/AMs Scoping Meeting results. What we propose to do for the scoping meetings is to allow Graciela to give the presentation of all the information that was take to the public, and this will be followed by the response on each one of them. We have to incorporate this into the record, so we are going to read it, bare with us, I will read the part that deals with the alternative, Graciela will follow with the response from the public or the comments from the public, and then we may add the response from the Council. There are several people who wanted to address the Council, and they have informed the Chair about it before we go into the ACLs. I want to report some important events that happened, especially the address of Dr. Lubchenco, the new Under Secretary for NOAA, and she addressed the Chair's meeting in Boston, and addressed the events that were prepared by some NGOs, the event that we called Capitol Hill Ocean Week, and in both presentations she indicated that her administration wants to emphasize on four points; including the ecosystem based management, better science for better management decisions, she introduced the topic of catch shares, and her administration will look forward for the implementation of catch shares as another tool that we can use for fishery management across the United States, and she also emphasized the need for outreach and education. In the case of outreach and education, she believes that we should be more pro-active in allowing the public to understand the rationale, the reasons why NOAA do what they do, and of course included the NMFS. She also emphasized the need to get feed back from the general public to fine tune the activities that NOAA/NMFS and the other agencies will do in the next four years. I believe that talking to her

and other people in Washington, the catch shares is a tool that could be used by every region, and given the new topic of catch share we wanted to ask the Regional office some comments regarding the direction that this will take in the future. The catch share is something that is not new. You allocate a sector of the fishery to a group, a community, etc., and from the papers that were examined by the group at the Boston CCC meeting that I read, scientists reviewed over eleven thousand catch share situations, you know, limited entry, allocation of a sector of a fishery to a community, and they found that in most of the areas where you have catch share the fishery behaves better, and you have more sustainability of the fishery and it is more efficient. So it seems like catch shares could be a good tool, where ever applicable, to manage the fishery. The ecosystem based management, remember we have been discussing ecosystem based management for some time, and this council and all the councils have been working on the ecosystem based management source documents that will lead to the adoption of management measures that will take in consideration the ecosystem based management approach. So the catch shares, I wanted to ask Roy if you have any comments or more information about how the Secretary envisions the implementation of catch shares.

Roy Crabtree: Yes I do Miguel. I've been asked to speak to you this morning. In fact, I've been speaking to all of the southeast councils on behalf of Monica Medina about catch shares. As Miguel said, at the May Council Coordinating meeting in Boston, NOAA Administrator Jane Lubchenco announced the creation of a Catch Share Task Force, and the task force purpose is to facilitate the consideration and adoption of catch shares, where appropriate, as a management strategy in Regional Council and Secretarial Fishery Management Plan. The properly designed catch share programs have proven that they can resolve the ... to fish, reduce over capacity and improve economic efficiency, and help ensure harvest that are within annual catch limits. The Task Force is being led by Monica Medina, who is the Special Advisory to the NOAA Administrator, and is being charged with submitting findings and recommendations to Dr. Lubchenco on five priorities no later than August 1<sup>st</sup> of this year, and the group has been tasked with the following five priorities: first, to develop a new NOAA policy on catch shares that ensures that catch shares are fully considered when Councils take up fishery management plan amendments; two, to make sure that councils who want to move forward to catch shares have the technical and administrative support to move quickly to design a catch share system while empowering local fishermen to be part of the process; three, to make sure that catch share designs achieve the best possible environmental and economic performance, supporting help to ecosystems, meeting annual catch limits, reducing bycatch and habitat damage, and enhancing economic performance; four, to consider whether any organizational changes are needed within NOAA, to provide the best possible communication and support; and five, to provide advice to the Under Secretary on how to allocate resources to the councils to support this work and how to create milestones so that we can then evaluate our progress. The chair person of the task force asked for nominations of individual experts in catch share science and management, and the following folks have been selected to serve on the task force so far: Dr. Lee Anderson, from the Mid Atlantic Council; George Giger, from the South Atlantic Council; Bob Gil, from the Gulf of Mexico Council; Dave Hansen, from the Pacific Council; Shawn Martin, from the Western Pacific Council; Erick Olsen, from the North Pacific Council; and John Papalardo, from the New England Council have been selected as Council representatives. And I would like to come back, because the Caribbean is not represented now, and I think we need to change that and put up a name for the Caribbean Council. Also on the task force are Dr. Jim Balsinger, who is the Acting Assistant Administrator for NOAA Fisheries Service; Steve Moralski, John Oliver, Alan Risenhoover, Pat Kirkle, Sam Coole, and myself serve on it. Mr. Justin Kinney, who is the NOAA Director of the Office of Communications and External Affairs, and John Gray, who is the NOAA Director of the Office of Legislative Affairs, who'll be ex-officio members of the task force, and Mark Holiday, who is the Director of Policy at NMFS, will serve as the task force Executive Director. What I'd like to try and to start today is a discussion with the Council on consideration in use of catch share strategies, and I think as we move forward on annual catch limits, the catch shares may be some way to empower fishermen to take control of their own fisheries, and the Council has already indicated that catch shares are a possibility, and we've talked a little about that. So what we would like to do is to work with you as a council to try and identify problems and ways to resolve any

funding policy, legal, and infrastructure issues that are impeding your processes. So what the task force needs are some specifics from the Council about the issues and what to be done about them, including how the councils can help. So I think this is an opportunity that we can look at in trying to obtain some new resources for the Caribbean to work on data collection to help us better to find how these types of programs might work. Some examples of things that the Catch Share Task Force is interested in are: what additional investments could ensure the greatest transparency in participation by stakeholders, the fishermen, in the design of catch share programs, where is additional capacity needed to evaluate the effects of individual and community allocation of privileges, what research and monitoring information is currently missing to design programs that meet the Caribbean Council goals for both, sustainable fisheries and sustainable fishing communities. So we've talked a lot about the problems with data collection, the lack of adequate data collection, the lack of funding, now is our chance to step up and tell DC and this task force what we need to come down here and this involves funding potentially for the territories as well to try and improve things, what sorts of standards and practices will best avoid accumulation of excessive shares, what are the design options to best meet your council's objectives for new entrance. Identification and discussion of the impediments can also target where NOAA needs to make investments in research, policy, monitoring, new technology, and all these types of things; where can we adopt the common infrastructure for things, appeals, how to track allocations, and all of these types of things. So why is this important to NOAA? Well the recent scientific peer review studies confirm that fisheries managed with catch shares programs performed better than fisheries managed with other tools. Even in the first years of implementation, catch share fisheries are more stable, it eliminates derby fisheries, the race to the fish, and it can increase the productivity of fishers. The scientific evidence is compelling, that catch shares can also help restore the health of the ecosystems, and get fisheries on the path of prosperity and sustainability. These results, these scientific analyses, are why I'm moving forward to implement more catch share programs as a high priority of NOAA. Catch shares that are well designed and thoroughly prepared are the best way for many fisheries to meet both the Magnuson mandate and have healthy profitable fisheries that are sustainable. Since the Task Force is by design only a short-term proposition, and is going to report these findings by August 1<sup>st</sup>, NOAA has also asked that Council Coordinating Committee, to consider establishing a Standing Catch Share Subcommittee, representing all the Councils that NOAA could work with on an ongoing basis. These would ensure a long-term continuity of communication, performance, monitoring and follow up actions by NOAA and the councils. It would also serve as a venue for discussion of future catch share issues as they come up. A third element of moving forward NOAA is also proposing to take advantage of available NOAA and Council staff expertise in how to do catch shares, much like a team of consulting experts, and these experts would support the catch share task force and the Council. Suppose NMFS and the Councils are being asked to identify experts, if available, who could participate. As I said earlier, to coordinate all this Mark Holiday, who is the Director of Policy for NOAA, has been asked by Monica Medina to serve as the Executive director of the Catch Shares Task Force. So moving forward on catch shares is a joint venture between NOAA and the councils, and Dr. Lubchenco is committed to working with the Councils to find ways to make the help of the oceans go hand in hand with the prosperity of fishermen and the well being of coastal communities. We think catch shares provides one of the best opportunity to achieve this outcome, but NOAA needs the councils and the fishermen and local governments as partners to ensure we have the capacity, the will and the necessary resources for success. So those are the comments that I have. And I'd like to just say a few things; I do think that if this Council puts up a name, a nomination, to serve on the task force, I can email that up to Washington, and I think Miguel, you could follow up with a letter. So I would encourage you as a council to put forward a nomination of someone to serve on the task force, because I do think we have a good chance; secondly, that I think this is an opportunity to address some of the problems that we have down here with lack of support, lack of funding, and lack of data programs that we need to do better assessments. It seems to me the first step in any sort of catch share program is to figure out what the catches ought to be, and all of this we've been struggling with the ACLs and how to figure out how to set those, this is a chance to bring in some new funding and get some new cooperative research projects and things to look at that, and then finally, I think this has a lot of potential to address some of the problems we've talked about in the Caribbean, problems like the differences between the

different islands; St. Croix, St. Thomas, Puerto Rico, and just as an example of how something like this work, we could potentially set up some sort of a program where fishermen could form a sector or some sort of fishing organization or group, and then they could put forward their own management plan, and their own plan for how they want to do data collection, how they want to control after it and those types of things, and the Council could then allocate them a portion of the annual catch limit, and I see this is kind of a way to let the fishermen take more control of managing their own fisheries and their own data collection and get the federal government kind of out of micro managing these fisheries, and I hope this also could be a way that we could work more closely with the territorial governments to try and come up with more consistent approaches to things like how many fish traps ought there to be, and those types of things. So I think there is a lot of potential here for us to work on some of these things and to try to bring in some resources, so I encourage you to put forward a name this morning to serve on the task force. Thank you Mr. Chairman.

Miguel Rolón: Thank you Roy. Also, Monica asked the Executive Directors to submit names for the sub committee of the CCC, the Chairs and Executive Directors Committee, and we are going to have a conference call this Friday among the EDs to see which names will be submitted to Monica from the CCC. The other Councils they submitted the Chairman, so my suggestion is perhaps that we could also submit Geño's name for this group, and that way we would have a liaison with the group and we will know on a daily basis what is happening, and we will be able to prepare ourselves for participating and then be able to inform the group what are the new of the US Caribbean. For that, Mr. Chairman, we need a motion from the group, and then we would follow with a letter to Mark Holiday or the appropriate person. Dr. Lubchenco also told us that she wants to do this quickly. She would like to, the first year, get something that will be construed as the policy or the vehicle that we are going to use to work with catch shares, so it is important that we have some representation at this committee level.

**Winston Ledee: I would like to nominate the name of Ruth Gomez to the task force that Crabtree talked about.**

**Viridin Brown: Mr. Chair, I also would put in the name of Geño Piñeiro.**

Marcos Hanke: I would like just to clarify to make a question. On the other councils, who are representing at those meetings, the Chairman?

Roy Crabtree: I can tell you who the names are, again: Lee Anderson who I don't know if he is the chairman, Joe Giger is not the Chairman of the South Atlantic Council, Bob Gil is not the Chairman of the Gulf Council, so it appears to me some of them are chairmen and some of them are not. Erick Olsen from the North Pacific, Shawn Martin from the West Pacific, John Papalardo from New England. I believe that Shawn Martin, Eric Olsen, and John Papalardo are all chairs of the councils, so it's a mixed bag.

Marcos Hanke: I am ready to vote. My vote is for Geño Piñeiro.

Roy Crabtree: I'll abstain.

Winston Ledee: I vote for Ruth Gomez

Miguel García: I vote for Eugenio Piñeiro.

Eugenio Piñeiro: I abstain.

Eugenio Piñeiro: Three abstentions and three in favor of me going, and one in favor of dear Ruth here, so we'll do that, thank you.

Miguel Rolón: Remember that doesn't mean that automatically you will be a member, we will be writing the letter and we'll be sure to submit your name as a candidate for the group. The subcommittee of the SSC will have an opportunity also, what they are looking for is representation from the group that we call the SSC for representation from the staff and council members, not necessarily the chairs, but people who are knowledgeable about limited entry, socio-economy or have experience in issues related to catch shares or whatever can be construed as a kind of catch share. So we will inform to you at the next meeting on the names, or we'll send you an email on the findings of the staff regarding these two committees.

Roy Crabtree: One thing I think that the Council needs to do and I guess that this is going to need to have them pretty quickly, but I think we need to get with the Center, Science Center and probably with Joe Kimmel, but we need to put together some ideas about what our resources needs are to plug some of the data wholes down here and start coming up with better estimates for what the catch could be, to get the types of programs in place to do better job of monitoring what is being caught and all of these types of things that we've talked about so long, and hopefully we can work with the Center to come up with some dollar values on this, and then, if Geño is put on the catch force or if not through me, we could make sure those get communicated to the task force. But I think we need to do that over the next several weeks, so before our next Council meeting and get that because like I said, this force is going to finish their work before our next Council meeting. So that is something we need to work with quickly, and Todd, I hope you'll carry that message back to Bonnie.

Miguel Rolón: Regarding that Mr. Chairman, we need to be all-inclusive also. You as a Council approved to have geographical areas for the ACLs and Dr. Pomwith have told us the Center can do three areas, in terms of data collection and so forth. So this could be the basis for discussing with the Center and the Regional Office and the staff our data needs, and then put a dollar value. But also, we have to incorporate what the group has been discussing since January, the group that has been dealing with data collection. And I will send an email, once we get this information to all the Council members, and then maybe before the next meeting we have to have those values, because I believe according to Mark Holiday, they are going to be moving very fast on catch shares, and we also have to be realistic one of the issues that the Executive Directors discussed at the Boston meeting is that we are going to be preparing the budget for the next five years, and there is always the issue of writing a budget for everything you think and dream, or writing a budget for something that is doable, and catch shares is an issue that we need to discuss. Also there is a component that, just to keep you abreast of what could happen, there is an international component of catch shares. There is an interest of sharing this approach with other nations and neighbors of the United States and the Pacific, Caribbean, Canada and Mexico. So catch share could be a tool that could be also used region wide in some areas, where applicable. In our case, maybe community based catch share could be the way to go, we don't know, we don't want to make any a priori decisions or any statements. We need to talk to the scientists and come back with the information that you need. So our proposal is that as soon as Graciela, myself, Todd and the members of the SEFSC, and of course Joe Kimmel, we meet, we will send a draft to all of you about the thinking of the people who are going to be working on this. The fishers' component also is something what Lubchenco stressed, the point that she wants the community to work together, and the communities include NGOs, recreational fishers, commercial fishers and so forth. I don't know how much it will take us to implement any catch shares, but certainly we need to be doing this very fast. The relationship with the catch shares and ACLs is that you have to have the ACLs first, to start working with the catch shares, and we want to make sure that we are on track with the ACLs and the catch shares by 2010. That is all I have Mr. Chairman. I believe that between here and the next meeting we will have more information, especially in writing, about this new tool.

Roy Crabtree: And just one last thing. I think, Ruth and Miguel, that it might be that, if we are going to get funding to do this, a good chunk of this funding needs to go to the territorial governments, because you are going to need to be involved in a lot of these data collection programs. So I hope that we'll involve the territories and some of their needs when we put together the need for resources, because in all of the fisheries I've been involved with a big part of the data collection involves the state and territorial governments. So I think this is a chance to get more resources going into the USVI Government and Puerto Rican Government, to help improve some of this.

Miguel Rolón: We have a suggested list of five members; we have Puerto Rico and USVI representatives who are in the government level, and we had a brief meeting with Miguel and Aida, and they are ready to work on this, and I am sure that the USVI, through Ruth, we can come up with something in terms of what we need. We allocated some time and funding for that, and we will meet probably, if we cannot meet physically we can start have a start with conference calls and exchange emails.

Eugenio Piñeiro: We are going to enter now into the Bajo de Sico Public Hearings and Final Action. Immediately after we finish Bajo de Sico we are going to jump into the ACLs. I have a list here of persons who are going to read some letters. Now we are going to start with Bajo de Sico.

Graciela García-Moliner: First we are going to show what we took to the public hearings in Puerto Rico and the USVI, regarding the at the time extended closure of Bajo de Sico, and then we are going to go into the comments received, they are under your tab C, both the summary minutes and the comments received in writing, and finally Britney is going to present some changes to the wording of the Bajo de Sico alternatives. So we went to public hearings after the Council directed the staff to do so, in April 2009, St. Thomas, St. Croix and Mayaguez, Puerto Rico. (Presentation under Attachment B.)

### **Tape 1(b)**

Miguel Rolón: Mr. Chairman, there are two issues that Graciela started; the one about the local governments, we would like to hear from the local government representatives what is the status of their intentions regarding the Bajo de Sico, and also, we want to hear from the Regional Office, Joe Kimmel and staff, about some of the fine tuning of the language that we have. Also, in your briefing book you have the draft proposed rule, and is important, remember this is the final action, so the Council has to take in consideration all these aspects of the issue.

Joe Kimmel: Thanks Miguel. I would like to get Britni Tokotch, our Plan Coordinator for this action to come to the presentation table over there and show her presentation of the language change for the Bajo de Sico. The language changes addresses more accurately, describes more accurately what we are doing in Bajo de Sico. Previously we'd had it labeled as extending the closed season, and we are doing more than that, we are modifying the closed season and allowing some fishes to be taken, which weren't taken before. So I wanted to just make sure that language was in front of the Council before they took final action, but I want you to understand too that we haven't changed any of the actions. The intent of the Bajo de Sico change that was recommended by the Council at the last meetings remain the same, the actions remain the same, the wording is just more descriptive and I think a little bit more precise than it was originally.

Britni Tokotch: Good morning. As Joe said, we changed the language but not the intent of the actual document. The main change was the change from extending the original closure to modifying the closure. The original language was to extend the seasonal closure, the closed season of Bajo de Sico, but as Graciela discussed, we are, previously the HMS was closed to fishing, and with the new preferred alternative 2D, we will be opening HMS to ... for six months and three months. The actual intent of the amendment did not change, we are still

prohibiting fishing for and possession of Council managed species from October 1<sup>st</sup> to March 31<sup>st</sup>. And under the preferred alternative this would be the allowable species, the Council managed regulated and HMS species, including tuna, marlin, sailfish, sharks and swordfish. (Complete presentation under Attachment C.)

Miguel Rolón: Miguel, can you address also the talk points on the issues of compatibility? I understand that there is a Bill in the House, in Puerto Rico, to allow the Secretary to take any action that is necessary for compatibility, but is not at this time even near completion, so the law that we have at this time applies, and we want you to address those two points besides your own regulations.

Miguel García: About compatibility, is something that . . . , about the Bajo de Sico situation, we finally have some established discussion, internal DNER discussion, and then I shared those outcomes with our Secretary and we are in favor of the preferred option, the six month closure from October through March, and is something that is officially, is going to be the official position of the Puerto Rico Government at this point. About the compatibility issue, and what you have just said about the new proposal of the new law project, is something that is very recent that we only had the chance to discuss, and we just got that project maybe a week ago, so it is something that we cannot address at this point. About the compatibility situation, I would prefer Aida Rosario to address that point specifically. She understands that situation better than me.

Joe Kimmel: Thank you Mr. Chairman. While Aida is getting ready I just want to draw the Council's attention to the last two pages under Tab C, it contains the rule that would go along with the Bajo de Sico closure, and the heart of the rule is on the last page, underneath the table that is there.

Miguel Rolón: Joe just wanted to call the attention of the Council members that that is there for you to read. And when we finish the discussion, maybe after that we will have the opportunity to discuss this and include it in the record. But at this time what we want is to hear from Puerto Rico, and Miguel proposed to allow Aida to explain to us, is to go through the species that would need to be addressed on the issue of compatibility.

Aida Rosario: Thank you Mr. Chair. When the DPNR requested the Council to close Bajo de Sico, what we were pursuing was to protect the coral reef of the area that is in very sort of pristine or in very good shape coral reef. So that is basically what we were trying to protect, the coral reef. We, in the last amendment that we made to our regulations in 2007, adopted a compatible regulation with the Council to protect the coral reef by closing the use of bottom tending gear in the area, and we wanted with this new proposal to extend the protection of the coral reef throughout the whole year. Nonetheless, that is achieved by banning the bottom tending gear, and we also included in our amendment to ban the use of anchor in the Bajo de Sico. So if the Council adopts anything that is in that line of protecting the coral reef, we are achieving the compatibility that we were seeking.

Marcos Hanke: Aida or Miguel, either one, about the how compatible is our regulation around the dorado in those limits, which is one of the issues brought to the table, there is any opinion of change in the Department, or any issue if they are going on?

Aida Rosario: To that point, what we have in place we have not discussed any changes to the regulation in place for the dolphin fish. There is only some quota for the recreational fishers and they would be allowed to go fishing trawling within the Bajo de Sico.

Miguel Rolón: Just for the record Mr. Chairman, Miguel and Aida, I believe the letter that you sent, the first letter was to convert Bajo de Sico into a no take zone from the bottom all the way to the surface, and that has been modified by your presentation here, and then when we come back I want to ask Graciela if she can address the issue of compatibility, what would be different on the part of coral of the Bajo de Sico and what would be the same, so that way we will understand exactly what is needed to be done for the Bajo de Sico.



Miguel García: Would it be appropriate, Mr. Chairman, to send like a second letter clarifying that and addressing that point specifically? Because we can do that.

Graciela García-Moliner: A few of the issues that you have regarding compatibility within Bajo de Sico, being a 60-40 split more or less, is that the grouper unit 4, that includes the yellow fin and the tiger grouper, etc., they do have a seasonal closure in the EEZ, but they don't have a seasonal closures in Puerto Rico. The snapper unit 1, for silk and vermillion, there is compatibility of regulations regarding the seasonal closure, but not so for the black and the blackfin. Queen conch, the EEZ is closed, but Puerto Rico has a seasonal closure, a size limit and a quota, and yellowtail we both have the same size limit.

Aida Rosario: Point of clarification. For the snapper 1, is a compatibility with the silk and the blackfin. We do not have compatibility with the vermillion.

Graciela García-Moliner: So two out of the four species have compatible regulations for the seasonal closure, but the other two don't. I mean, you have to discuss the issues in terms of the way that is being proposed now, for all the Council managed species there'll be a prohibition of six months for the harvest of these species, including all the ones you have on the screen. So the question to Puerto Rico then is whether the compatibility for the six months will be complete or not, including all the species that have a different set of regulations.

Aida Rosario: We understand that the Secretary is in favor of all compatibility, 100% compatibility with all the species.

Miguel Rolón: Miguel and Aida, what would be the process that you will follow, and what would be the timetable for the full compatibility with the Department?

Miguel García: I would say that is something kind of complicated, and we would have to get together internally and take some time to discuss that. I don't know if Aida would like to add something on top of that.

Aida Rosario: The way that the Secretary can do this is through an administrative order, and that is a very expedite process, and he will include then the closure for all those species for the six month period.

Miguel Rolón: And that could happen in 2009?

Aida Rosario: That could happen in less than a week.

Graciela García-Moliner: There is another group of species that is missing from this, and that is the group of ornamental species. Under the SFA, all the ornamental species, or those harvested for aquarium trade were put into an FMU for data collection category only, and in fact, in 2005, the harvest for seahorses and butterfly fish that the Council had previously prohibited from the EEZ was opened. So now the EEZ is open for harvest for ornamental species, and including butterfly fish and seahorses. In this case, the Government of Puerto Rico has more restrictive regulations, because they do have quotas set for a number of species, I mean like 15 or 20 species have a set number of animals that can be harvested per year. Aquarium trade fishers are required a license and a permit from the Department to harvest these, and there are a number of size limits that are in place for some of the other species.

Miguel Rolón: Graciela, would that bring any need for any action from the federal side?

Graciela García-Moliner: I understand that they are not Council managed species, so basically there would be, let me go back to what the preferred alternative reads like. I am going to put on the screen the preferred alternative, as the Council has it now so that you can discuss the ornamentals under that specific language. Here is the preferred alternative that the Council has on the table for Bajo de Sico, and it would be to establish a season closure for Bajo de Sico from October 1<sup>st</sup> to March 31<sup>st</sup>, and the option D is to prohibit fishing for and possession of Council managed species.

Miguel Rolón: So that would not be in controversy with ornamentals and the regulations of the DNER?

Graciela García-Moliner: If the Government of Puerto Rico, once they harvest the fishes they are harvesting them from anywhere in Bajo de Sico, they would be landed in Puerto Rico and they would have to be under those set of regulations.

Miguel Rolón: And, Joe, when we prepare the final actions and the papers, we need to address the comments received at the public hearings. Do you have enough information to prepare a response, or do you want to go and develop the record for anything that is missing at this time?

Joe Kimmel: I think we have enough information, but I would like to request the Council to give us editorial license to make those sorts of changes to the document, as we all agree, don't change the intent of the direction of the action you want to take.

Miguel Rolón: The question to the Council is whether we have seen anything new, if you as a Council have seen anything that would change or merit any modifications to the preferred alternative?

Shepherd Grimes: Thank you Mr. Chairman. I didn't have anything more than what we are going to have changed in the preferred alternative, but having gone through the document there are a few instances where we don't really have a rationale to support decisions that are made in the document, or I would say the analysis might tend to lead to a different conclusion. I also went back and looked at the minutes from the last meeting, and I guess you had an issue with the tape. So I don't know, I remember having some of these discussions, but they are not reflected in the minutes, so we may have to go over some old ground again. But anyway, just so I can get some discussion and then we can add it to the document after this meeting in the event that you take final action on it. But the biggest question, or perhaps the biggest question, I guess, there doesn't seem to be, well at least at this point we haven't articulated the bases for our apparent view that fishing for highly migratory and pelagic species does not post the same risks to habitat and other species that you are seeking to protect in the closed area, because as the prohibition is now, you'll be allowed to fish for coastal pelagics and highly migratory, but you won't be allowed to fish for groupers and snappers during the closure. So I guess what I am looking for is some discussion as to why is ok to fish for one species, but it wouldn't be ok to fish for the other species.

Miguel Rolón: Yes, we can start the discussion, but it is expected that the gear for coastal pelagics and highly migratory will not affect the species that we intend to manage, as long as you do not anchor, or if your planners do not go deep enough to catch the species that are managed. So the Council considered at the beginning, and this is a question for the Council members, is that; number one, do you think that there would be a possibility for the gears that are used for coastal pelagics and highly migratory to impact the species that you want to protect on your preferred alternative?

Shepherd Grimes: Just one follow-up question to that, remember the rationale for establishing these areas was built around two things: habitat and species. So when you are addressing your rationale for specific measures you have to think of the impact to both of those components.

Marcos Hanke: The strategies of fishing, the type of gear that we use for the coastal pelagics and the highly migratory species, I understand they do not affect the managed species by the Council, and I want to touch a little bit more about the issue of the ... and the down ... and the things that we discussed in the past, and what Graciela brought to discussion about those gears in Puerto Rico, they are used different, and we don't fish for groupers or snappers on deep waters with those gears, they are used for wahoo, for king mackerel and other species, and I don't see a reason, beside of the cause that people don't want to lose them to be worried about it in terms of impact in the bottom with them in Bajo de Sico and other places. And I think we are ok with the gear used for the coastal pelagic and highly migratory species.

Jorge García: I agree with Marcos in this regard. I conducted a scientific baseline survey of Bajo de Sico and have been there dozens of times, and most of the activity that I saw in the fishing effort there that was for coastal pelagics and highly migratory species mostly addressed at the surface. There are people that fish for tuna there too, because there is quite an activity of tuna, particularly blackfin and skipjacks, they seasonally are present there, and the depths at which these species are fished does not pose a threat for the reef bottom fishes. Aside from that, the bathymetry at Bajo de Sico is extremely robust. The presence of the deep water snappers and groupers is usually associated with the spears and the, at the base of the sand chides, places that are practically interspaces between the sand and the rock reef structures, and at those places the rugosity is so extreme that any fisherman that knows what he is doing will not risk losing his gear. Particularly the down rigor, the deepest section of the down rigor is a cannonball that is one of the most expensive part of the gear, you know, each cannonball, at least in Puerto Rico costs at least fifty dollars, if not more, and that is if you don't consider losing the swivels and the rimes and the wires that go to support it. So nobody will start having such a high risk of losing these gears in search for the possibility of having a grouper, a strike of grouper in that line. So I really don't see any big risk of taking a large reef grouper and snapper in the effort of getting highly migratory species or coastal pelagic. So I see that the open ... water column, particularly in those times of the year is actually what most of the recreational and perhaps some commercial fishermen during that period of the year of October to March are seeking, and I believe that, and I always said this from the beginning, you know, that those fisheries for coastal pelagics and highly migratory species should be left open, because of the great importance that it has for the fishermen in the area, for that season. So my opinion is that there is not a big risk of, for what we were always trying to protect, which was the reef groupers and snappers in terms of the effort for the coastal pelagics and the highly migratory species, because of what Miguel Rolón just said, the gears are completely different. And we did see there lots of lines entangled in the bottom, and we reported on that, and we wanted that to be taken care of, and I believe that at least for the period where mostly the spawning of these groupers are that will be protected at least.

Marcos Hanke: Reni, did you ever saw in those ... especially at Bajo de Sico any plainers, any seawind, or any of those gears that we are discussing entangled in the bottom?

Jorge García: Negative.

Aida Rosario: Just for the sake of discussion, if it is a possibility? Yes, there is always a possibility. A probability, no, I don't think so, unless there is a person that is not very familiar with the area, or with the fisheries itself. I would like to take the opportunity to bring out another two points. The Coast Guard representative was asking me how long it will be in place the administrative order if the Secretary issues one to close the Bajo de Sico. That could be indefinitely. But the Department is revising the Puerto Rico regulations, so it might be included within the revision of the regulation. There is another issue that we need to discuss and that is the yellowtail snapper, because these are not a pelagic species as such, and it does not have the same behavior as all the other reef fishes or associated species to the reef. So they kind of live in the column of the

water, but the way to capture them is being anchored. So we need to discuss what we are going to do with the yellowtail snapper species.

Marcos Hanke: About the yellowtail, because in case of Bajo de Sico the main idea was to protect the bottom, and to fish the yellowtail effectively you have to anchor. I don't think that it should be allowed in there, the yellowtail, especially because of the numbers that we show on the public hearings there is not too many people that use that. It looks like there is an occasional fishing taking place in there, but the risk to them in the area with the anchor for the yellowtail I think that we shouldn't allow the yellowtail in there.

Jorge García: Along the same line in terms of the yellowtail snapper, we observed yellowtails, we know that yellowtail snappers are in Bajo de Sico, not in great numbers, but there is a population there of large commercially viable yellowtail snappers. Again, you know, if you prohibit the anchoring it takes care of the problem, immediately, because for effective large scale yellowtail snapper fisheries you need to chum, you need to that at night, anchoring and chumming, and if you take care of the anchoring, that will prevent any massive fishery of yellowtail snapper. Also remember that we conducted water current studies at Bajo de Sico, and those studies were at 20 meters, you know, the current is very swift, there is a very strong current, so that will, number one, prevent any big effective ... to take place, because the current is going to in that open part of the water column is going to ... that chum pretty much, and also the anchoring under those water current conditions the anchoring is going to be very difficult. So I would really support pretty much the alternative of anchoring, of prohibiting the anchoring. It will protect many fishermen from losing their anchors, it will protect the black corals that grow on the wall and along most of the hard bottom of Bajo de Sico, and again, it will protect the fishery of yellowtail snapper as well, and perhaps other snapper species that are actually fished in great amounts while chumming. So I am pretty much on the same line of Marcos, on the ... that no anchoring is a great way to protect the reef, reef species not only of yellowtail snappers and other snappers, but also the coral resources and the black coral resources there that probably have been affected by anchoring for many years in that reef, involuntary, because the black coral there are not actually commercially, in the commercial fishing, but we have at least five species of black coral there, that those don't have any value for commercial trade, but are currently accidentally being affected throughout the years by the anchoring practices.

Miguel Rolón: Just to convey to you what the issue of the yellowtail is, and I don't think you have any information regarding the socio-economics of the yellowtail, so don't say that there is no yellowtail fishing there. What the fishermen said at the meeting was; number one, they are anchoring with the rope that they put the anchor, and they do have a fishery that is protected by the size limit, so the question is why I cannot come here and fish with the anchor that you asked me to build ... and the size limit of the yellowtail is working because I catch enough yellowtails, big enough and throw back the small ones. The fishery is done at night, and the currents are different from the day, and they have a fishery of several fishermen who came to the meeting. Actually, they thought that it was a done deal when they came the first time, so they only sent two of the guys who are fishing for yellowtail. So that is the questions they have. I don't have any saying as to go or not, but we want to hear from the Council members as to what is the response that you have for those guys, so we can put it on the record.

Jorge García: Well, as far as I know the best fish ties for the fishery of the yellowtail is out of the closure. So maybe I am wrong, but as far as I know, April, May are a good time for yellowtail snapper fishery, year round, but at least in Puerto Rico the biggest harvest that I've seen of yellowtail snapper are in April and May, that pretty much coincide with some of the snapper fishery; mutton snapper and, but April and May are good months, so essentially if it goes year round they have six months to get it.

Marcos Hanke: My issue here is with the anchoring, even though you have the system to recover the anchor, you are always affecting the bottom, especially soft corals and coral growing or whatever, with any of the

anchors there is some kind of damage, and if one of the main ideas of this is to protect the bottom, also to the point that for the Coast Guard and for the law enforcement agents it would be much harder to make this work out, having some people anchoring there, that would create a little law enforcement problem. I think that that shouldn't be done. That is my point.

Eugenio Piñeiro: I am personally from that region. There are a lot of places, Añasco and outside Mayaguez, where it is easier and much closer to home, and you can harvest them. As you said Dr. García, if you go there it is very rare to see people going there at night lately, and the weather is very rough, and it's not of big use. That is my opinion as a local boy.

Marcos Hanke: The issue from the west, I've been there many times, I am not a local, but you have many other areas for the yellowtail that you can fish, that are not as dangerous, not that much current, and that is why is my opinion, because we are not really ... the lives of those fishermen, they have other alternatives to fish for the yellowtail.

Joe Kimmel: I just wanted to mention too that if while you are fishing for pelagics in the Bajo de Sico, and that is permitted, there is probably going to be capture of some of the jacks, you may get some of those smaller jacks, the amberjack as well, and those species will be on the prohibition list, so there will be some discards if those are caught. Those species will have to be discarded when the fishermen come back to shore.

Miguel García: Yes, I just want information about the previous topic that I thought that we had a closure for anchoring in Bajo de Sico all year around. I will check on that, and also I concur that there are other good places to go, and safer, you know, just ... the prohibition of anchoring all over Bajo de Sico.

Marcos Hanke: Just to clarify something. Do we manage amberjack and albacore jack?

Graciela García-Moliner: The problem with that is going to be in the state waters, because the state waters have a regulation of prohibiting landing of greater amberjack.

Marcos Hanke: To make my opinion I need to make sure that, especially the avacore jack; do we have an issue with it? Do we manage the avacore?

Jorge García: The jacks that prevail in Bajo de Sico are mostly the black jack and the horse eyed. Those are the two that are year round there. There is probably some migratory movement of avacore, but remember that those are going to be discarded immediately because of the ciguatera. So I know jacks, even the black jacks and the ... horse eyed jack, the Puerto Rico fishermen, you know, as soon as they see that, is a great recreational species because of the fight they give, but as soon as that species is ... they immediately put it out because of ciguatera issues. Nobody, I mean, those are the main ciguatera suspects of Puerto Rican fisheries. So those are going to be thrown back in the waters, because they are great at fighting, a recreational value fish, but not for eating at all.

Marcos Hanke: First of all, I can count with my hand the avacores that I catch trawling for wahoo or dorado, fishing for coastal pelagic, those are juveniles that attach to structures floating, and we release them. They are very strong fish, and we catch and release them, and is in very few occasions that we have that. And the second is that...

## Tape 2(a)

Graciela García-Moliner: The... and the jacks are on the FMU for reef fish. I mean it is true that there is some landing, that they are not basically harvested because of the ciguatera association, so that is something that needs to go into the research needs, but in terms of the issue for the Council, the species that would be allowed, and those are the ones you have on the screen right now. But there are regulations in the state waters for great barracuda and the rainbow runner that deal with no selling of these species because of ciguatoxins. So for the great barracuda there is no selling of the fish. For all the other ones, the wahoo and the dolphin and the mackerel, there is a quota of the numbers of fish by fisher per day, up to a number per boat. So that is going to take presence once they cross over and land in Puerto Rico.

Jorge García: I would like Miguel for you to explain what is the type of anchoring device that the fishermen are using to fish for yellowtail snapper. Can you repeat that, and what the system entails in terms of the reef bottom?

Miguel Rolón: According to their deposition, they have a rope that is tied to the... of the anchor, so they can remove the anchor vertically, rather than dragging the anchor. Mr. Chairman, the question will be, also for Shepherd, if we have covered what we need to cover on the record for making a final decision. According to what you have said, if I may be able to summarize it, is that the most important issue regarding Bajo de Sico is protecting the coral reef, and you also are concerned about some of the species, like the snappers and the groupers, especially Nassau groupers that according to Dr. Reni García, they have been found in some numbers there, and large sizes that could be leading to maybe a spawning aggregation some other time. You also said that in the case of the yellowtail, even the issue of sportsmen, balancing protecting the corals versus allowing some fishing of yellowtail in that area, and also you said that there are other areas for yellowtail fishing and also outside the six months closure, that the fishery will continue in some other areas. The question is whether you have enough information then to make a final action decision for the Bajo de Sico?

Shepherd Grimes: Thank you Mr. Chair. I guess I would also add that you have existing year round gear restrictions for pot, traps, bottom longline, gill and trammel nets, so those are things that are going to apply and protect the coral reef itself year round. The fishing that is going to occur will all be vertical gear during the open season, which poses less of a risk to the coral reef resources. The only other thing and thank you for the discussion you had on that, the only other issues that I have relates to bycatch and discard issues. There are some statements in the document that given the nature of Bajo de Sico and the multiple species there and depths that it is not an ideal place to go target something, because you are going to catch any number of groupers and snappers and other species, and we don't really address bycatch and discard between, of species that are closed when you are allowed to fish for the ones that are open. And I guess just having a look at if I may provide some of what you might be thinking. If you look at all the existing closures; vermillion, black snappers, silk snappers, black den and other snappers that are closed between October 1<sup>st</sup> and December 31<sup>st</sup>. Red hind is closed west at 67 degrees, ten minutes from December 1<sup>st</sup> through the end of February. All groupers are closed from the beginning of February to the end of April. Your preferred alternative would essentially close is for all of that time. The only time when you have another closure over lapping is that grouper closure. You'll have the month of April that is open for fishing for snappers, but you will be closed to groupers. So that one month is the only time when you might have a problem with folks going out and targeting snappers but catching groupers and having discards and a discard mortality issue.

Marcos Hanke: To the point of bycatch and everything, we have an issue with that if we allow the bottom fishing in the area, and we want to, is already done, we don't want that ... to take place, if you don't use that technique, if you just allow the fishing on the top, we won't have that issue. We can be pretty much specific on what we want.

Eugenio Piñeiro: Let me remind you that is a very highly specialized fishery, using fish finders, GPS, and even though they are in the same area, you don't fish for snapper where the, is too shallow where the groupers are. So you are not, people are not going to do it, besides there has been a great outreach and education regarding those groupers in the west coast of Puerto Rico, and they are fully protected. Shep, is that enough?

Graciela García-Moliner: There is an additional request for Council discussion, and one of them has to do with allowing spear fishing at Bajo de Sico, at times when it is open, and that the actual table that we have of allowable gear doesn't include spear fishing and commercial harvest under the same category. And the second issue is regarding the use of electric winch by recreational vessels. A number of recreational vessels brand X non commercial fishing vessels have electric winches that they use and a point of clarification that we need is whether these winches are allowed for recreational harvest or either deep water species or used in the down rigor, because they use them as down rigors, but also they are usable as other kind of harvesting devise. I need clarification on this.

Miguel Rolón: In Puerto Rico regulations, do you prohibit the use of electric reels or hydraulic reels in recreational fisheries? And second, regarding spear fishing, do you have any regulations or intent to address spear fishing in Bajo de Sico?

Aida Rosario: The regulations in Puerto Rico prohibit the use of spearfish, and SCUBA gear for recreational fishermen at the same time, but the commercial fishers can use the spearfish to perform their fishing activity. If we are going to allow that in the Bajo de Sico, if we pretend to protect the habitat, it might be some risk to allow the use of spearfish in the area. So it might be a possibility that we consider not to allow the use of spearfish for commercial use in the Bajo de Sico. Regarding the electric reels, the regulations establish that the legal gears for recreational fishermen are reels, hook and line, hand line, and it is not explicitly established that it is not legal to use electric reels, but as it is described or defined in Spanish it would be illegal for recreational fishermen to use electric reels, or the malacates.

Miguel Rolón: Regarding the Bajo de Sico and the use of spears, the AMNEA Group uses spears for, the AMNEA Group is a group of sports fishermen who go skin diving in open sea, and they fish for pelagic, coastal pelagic, and anything that they can shoot at, and their concern was whether they would be allowed to fish in the water column over Bajo de Sico, and of course they use spear, that is the only thing that they use, and they will be in compliance with Puerto Rico in terms of the use of SCUBA in conjunction with spear, because they don't use that. So the question will be for the record, is the intent of the Council to allow the use of spearfish in the fishery that we call recreational and sport fishing, and also in the commercial.

Marcos Hanke: My opinion is that we should allow them and we could work some compatibility with the, the target species they have there most of them are the Dorado, the wahoo and the tuna, and we are allowing that the way we are presenting things right now for the recreational fishermen to go fishing on the water column, that is the intention of what we are doing here. I think we should allow those guys to make their sport, and as far as I know they are pretty precise in what they do, and is a very organized group that should be allowed to keep going with their thing on open water, and maybe some restriction on this case not to harvest any grouper or snapper deeper, or in the mid waters and just to retain the wahoo, dorado and tunas.

Eugenio Piñeiro: Before we continue, Marcos, you chaired that meeting, the AMNEA divers they don't target bottom fish, they target the water column and they use no tanks and no SCUBA gear?

Marcos Hanke: Yes, that's it. That is the point, they just want to make sure that if the Council want to really take care of it we can write some language just to make clear that they are allowed to use the spear but for coastal pelagic and what I just mentioned.

Aida Rosario: To that point, we are talking about during the closed season, or during the whole year, or when?

Miguel Rolón: If you follow what you approved as a preferred alternative, any species that is not a Council managed species will be allowed to be fished. The issue here is also the gear, the spear fishing, by any of these groups, or both of the groups.

Shepherd Grimes: A number of things. I guess first, based on the discussions that we had at the last meeting, spear is not on the list of authorized gear for commercial fishery, and it is on for recreational. I guess that we are in the process of modifying the commercial aspect of this, but I guess I wanted to clarify and what we are talking about, if you go with your preferred alternative now, spear is like any other gear that is not prohibited year round. They'll be able to use it when it is open, and they'll be able to use it for HMS and pelagic species when the other species are closed, but you are not talking about allowing spear fishing year round for groupers and snappers, right?

Miguel García: Even though I personally concur with what Marcos just said, I would like to bring to the table any potential conflict with enforcement when they are practiced, you know, the spear fishing evaluated more carefully to see if enforcement could be implemented at the same time without any problems.

Marcos Hanke: If you want to please clarify, the enforcement trouble is in which way? Because I don't understand.

Miguel García: Well you know, enforcement in the sense at least that they will go, I mean, I know that people in some way do, could do something different, how could you implement and carry on enforcement what they are spear fishing instead of what they are allowed to ...

Miguel Rolón: If you approve what you have so far, the spear fishing would be allowed by the AMNEA group and other educational fishing, it would not be allowed for commercial fishers to fish for snapper and grouper, that is clear, and any other Council managed species, and if Puerto Rico comes up with compatible regulations as they will be on the federal side then there would be no issue of enforcement. But you are right, if any of these measures are different, then there would be an issue of enforcement, because it would be very difficult to, you know, you have to be there to catch these people any way, but also you have to be able to pinpoint exactly whether they are in the EEZ or the area of jurisdiction of Puerto Rico. Hopefully, if we have compatible regulations when we make a final action that would do away with the enforcement problem.

Jorge García: ...the activity, as long as there is no any enforcement issues related to it.

Tracy Dunn: I think I probably should speak at this point. At any time, I mean, we don't get involved in all the biology and everything on what you are trying to do, but anytime you take a regulation and you add more and more exemptions, that you can do this but you can't do that, you can use this gear but you can't use that for commercial or recreational, you are making it a nightmare for the enforcement officer. Clearly what we have here is that the enforcement officer would have to be on the scene, and now they are going to have to look at everything on that boat, so the boatings are going to get a lot longer. I mean, it's not impossible, nothing is impossible, but you are just going to create a little bit of a link here boating, and the officer is going to have to be a great deal more knowledgeable on that specific set of regulations when he gets out there, you know, what is the gear you have, what fish do you have onboard, I mean, I am just letting you know that the more that you manipulate your options and everything, the more enforcement will have a little bit more difficulty with it. The



spear fishing means that even with the boat trawling on the surface going after HMS, that is a little bit different than allowing a spearfish activity. Now we are going to have to look at that a lot closer, because there is a potential for a take, and we are going to have to look at that boat a lot more closer than we would with some other fishing activity.

Eugenio Piñeiro: Regarding that and to the point, I know some of those guys, the majority, and they are very environmental, you know, people with very good sense of protecting the environment, and they spear close around me and they just target pelagics. They have no intention, besides the current is so strong that they would not spend more than one minute on there. Secondly, you have an excellent enforcement agent in here, Lynn Rios, I don't know if he is around, and he has a great contact and rapport with the US Coast Guard, and they are on top of everything, they have good communication with the Council, and the enforcement situation is pretty much covered on that side of Bajo de Sico, is immediate, the Coast Guard is in touch with NMFS by email and in a matter of minutes they can identify the species. I don't think it would be too much of a hassle. Thank you very much for your comments. Shep, do you think we have enough?

LT Charlie Gris: Yes sir, considering the comments that have come back and forth, as the Coast Guard representative here, I do think that it is important for me to concur with what Tracy did say, and that yes, generally species can be identified at some point, and yes, it can be readily discernible in most cases whether a particular fish was taken with spear or not, but it is important to consider that as more and more regulations are added then it becomes more complex, especially with Coast Guard officers who don't just do federal fisheries, all federal law enforcement that you do build in and add a layer complexity there. So from our perspective, and I think I can speak for most law enforcement that a keep it simple principle would apply in all cases.

Tracy Dunn: Just one quick point that you made. There are a lot of conscientious fishermen out there. There is no doubt about that. But if everybody followed the regulations we wouldn't have a job. So, if we always have to look at how the regulations can be broken more so that the vast majority of people will follow it before my enforcement people get on the scene, how difficult would that be for them to enforce that set of regulations. I am fully onboard that there are a lot of fishermen that no matter what regulation you write they are going to follow it to the letter of the law, and we work for them more so than anybody else. But we do understand that human nature, being what it is; somebody will find a way to break the law.

Marcos Hanke: To follow this through, we are not dealing with different species for the spear fishing. What we are pretty much dealing with the way the fishing is done; they don't anchor, and the gear that they use, and just for the enforcement agents to know, those guys, when they are taking ... they are all dressed up, it is very evident what they are doing in terms of which technique they are using. A boat that is trawling for coastal pelagic and a guy that is spear fishing, they look like a ghost trying to hide in the water column, and they have their whole setting of gear or whatever, and it is very obvious what they are doing.

Jorge García: I think that it is important to add that there is still during the open season there is going to be people that perhaps are commercial divers that will go hunting for big groupers, and the way of, you know, during the open season that would be allowed. They will be hunting for big groupers there and that would be allowed, and they would be going with tanks. There is going to be SCUBA diving with tanks. And I believe that the law of Puerto Rico allows them to do that, for commercial fishermen, not recreational, but these guys have commercial licenses, so they will go out there and they will be hunting big groupers and risking their lives for that.

**Viridin Brown: I move that we adopt alternative 2D, for the Bajo de Sico regulatory amendment.**

Shepherd Grimes: I think that you already have your preferred alternative in the document. What you need is a motion to submit this document to the Secretary of Commerce, along with the regulations that you deem necessary and appropriate for Secretarial review, approval and implementation.

Viridin Brown: Then you need no further motion to accept this, even though it is listed as preferred?

Shepherd Grimes: What I am saying is that you have a preferred in the document. You don't need a motion to pick a preferred if you want to submit this to the Secretary for review, approval and implementation, then that is what your motion needs to do.

**Viridin Brown: So be it. Then I move that the document be submitted to the Secretary, with our listed preferred alternative, and the accompanying regulations, which are in Tab C of your briefing book.**

**Marcos Hanke: Second.**

Shepherd Grimes: I just wanted to elaborate as Dr. Kimmel mentioned earlier, the staff will take the document, clean it up, review it, add in some of the discussion that you had today, and that will be the final product that goes into the record and gets reviewed by the Secretary.

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Ruth Gomez, yes; Winston Ledee, yes; Miguel García, yes; Eugenio Piñeiro, yes. It is unanimous. The motion carries.**

Eugenio Piñeiro: Before we start with the ACLs presentation, I would like to let all the presents here know that Vice Chairman, Viridin Brown, this is his last meeting, he is retiring after many years of services. In those days it was different. The appointment was awarded by the President, and Abraham Lincoln awarded it to him. The Council staff prepared some momentums from Viridin's career in the Council that we would like to share with you. Miguel I would like you to add something.

Miguel Rolón: Thank you Mr. Chairman. Viridin, Livia from our staff prepared four or five slides. Viridin C. Brown was our first Chairman, representing the USVI, and he has been a member of the Council more than any other Council member. He started with the Council in the 70s, 1976. Viridin, as we affectionately call him, was the first Chairman of the CFMC representing the USVI. He was Commissioner of the Department of Planning and Cultural Affairs of the USVI. He also served as a Senator, and President of the Senate of the USVI, and he was instrumental in assisting the CFMC, especially with the Spiny Lobster FMP. He represented the people of the USVI, and has been associated with the Council for around 33 years. He has represented the Council at many meetings, especially at the Chairmen and EDs meetings, both as Chairman and Vice Chair. Actually at this last meeting we said goodbye at the CCC meeting to two outstanding members; John Hansen from the Pacific Council, and Viridin Brown from the CFMC. He helped us coordinate the CCC meeting in 2008, which was a success story, and he was able to get the assistance of key members of the USVI society; the Governor, Commissioner, and other people who are important to the business of fishery management in the US Caribbean. So Viridin we want to say goodbye and thank you for all these years of service. We have something that we call a marine reserve in a bottle, and I want the Chairman to give you this as a departing gift.

Viridin Brown: As I said at the last meeting, I don't know how to say goodbye. This is my last meeting as an appointee, but I can say it's been a nice association, a great association with all of the friends and family here. I guess my longevity might be marked by the fact that I came in when doña Hilda was our first secretary, Omar Muñoz Roure was our Executive Director; Miguel was a young ... there, I called you a young radical, but he was right there, he was a shift move and shaker. But I speak of the dating myself in terms of doña Hilda being there, when I look down the table and see one of our off springs of her family here, who I guess wasn't much thought of at that time back in the 70s, and here she is now carrying on a role. So it goes, and my time in here

has been long. I have had great associations. There have been some good times, some hard times, and I would say never no unhappy times to speak of. It is just work. You know what you have to do. You get out and you do it. We have a mandate to meet, and we meet it. So it has been. I can't talk about the Council without thinking of all of you. You've made it. You've made this easy for me. You've made it enjoyable for me, and I think of Hector Vega, you saw him in the pictures earlier, he was the first vice chair and he succeeded me as chair when I went out of the Council, and he did a great job. And there have been others that have followed. There have been some mementos things that I have been involved with, and there was one in the early years, the negotiation of the reciprocal fisheries agreement between the US and the UK, and it turned on its head in the sense that the BVI never really fully honored it in the later years, but it was the first negotiated agreement under the FCMA at the time. Another memorable time was participating in the fishery forum in Washington; there were two, the National issues related to fisheries. I can say to you that I've seen the change come. When I started we were talking about getting out, and the law really focused on getting out the foreign fishers, getting them away from our shores and stopping them from depleting our resources. The change has come, not because we said it had to by ourselves, but because the law and circumstances around the world and in our nation has forced the laws to be changed to focus more inward in terms of fishery management, and therefore fishers feel they are put upon, at least their rights, their opportunities are being taken away. Be that as it may, I always say that we fish to feed our people. We fish to feed the nation. Other nations come and fish throughout the waters of the world to take back the resources to feed others, and so we want to see the things that we enjoy continue. The only way it can be done is that it is done on a sustainable basis, and that is my hope that as you go forward with these new mandate that have come in this second major amendment to the FCMA, that you look at the sustainability issue as it work for the benefit of not only the fish, but also the communities that enjoy the fish. I am happy to be with you guys, happy to be with you ladies, always enjoyable. And one last thing was, in those early days we had what we called the Coqui Society, the Coqui is a frog from Puerto Rico, and that was a social gathering of the Council that we joined in after the meeting and we had fun, relax and get to know each other better. But whether it come ... in terms of if that socialization is there or not, remember, you have a function; you have a job to do, and do the best. Thank you for the opportunity to serve.

Eugenio Piñeiro: We are going to the ACLs now. As you all know, this has created a great deal of discussion and arguments. Personally for me, that discussion is always healthy. Out of the SFA we had the St. Thomas Fishermen's Association, and out of the ACLs we have now the St. Croix Commercial Fishermen's Association that they have come in together. Also the Puerto Rican crew is here. So it has united all the fishermen, and to what for some is a painful and grotesque document, for others, like me, I feel that it is the starting point from which we can work to improve the conditions of not only the fishermen, but also of the environment. At this point, before we initiate the discussion I'd like to invite the voting Council members within a few minutes we are going to have a, and let me tell you these discussions have been good because we also have environmentalist groups in here; the PEW Commission is here, which is something that we never had before. So it is, it carries a momentum, what we are going to be discussing in these few days. So at this point I am going to invite voting Council members to say, make a remark like I am doing here, of their opinions about this document, because in the few next minutes I am going to ask the public, some of them have written statements, and in that order Mr. Ledee is going to call them. At this time I would like the voting Council members to give us some of their remarks, give us their thoughts about the ACLs.

Miguel Rolón: Before we go I wanted to give you an idea of the suggestions by the staff about the way that we are going to proceed. Graciela has all the slides that incorporate what we took to public scoping meetings, and each one of the sets of actions or alternatives will have the comments received during the comment period. And then we can go ahead and allow Graciela to discuss each one of them, and then come back again today and tomorrow to focus on the alternatives that you want to keep, or the alternatives that you want to reject at this time. We don't need to take them again to the public. Before we start Mr. Chairman, what we would like to hear from the members of the Council is if there is anything in that document that you can modify, eliminate, or

consider that is not necessary so we can speed up the process, so that when we go back to the one by one you will get rid of those issues.

Viridin Brown: Thank you Mr. Chairman for recognizing me first. There has been a lot of consternation about the proposal to close areas, and I think that to some extent the fishers in the USVI have a great right to be concerned in terms of the smallness of the area and what, the extent to which they are affected by existing closed areas, some initiated by the Council, but others that were initiated by other agencies that we have no authority or control over. In one instance, or two instances they have been of great impact on primary fishing areas. To that extent, I want to do something radical, maybe, and I want to make a motion: **I move that the closed area options be eliminated from the draft regulatory amendment. So moved.**

## **Tape 2(b)**

Roy Crabtree: So I think we are basically talking action 8 in the amendment. So what we are moving is that it would be moved to the considered but rejected part of the document.

Viridin Brown: For the refinement of that so that it be further clear that the option be placed in the considered, after amendment. The option shall be placed in the considered but rejected category. Instead of draft regulatory amendment, eliminate that and put scoping document. Thank you.

Roy Crabtree: And my reason for supporting this is based on the scoping meetings we had. It was extremely unpopular and it seems to me this is the least acceptable way of getting where we need to be, to the members of the public, and I suspect that is because they see that it will have the most economic impact. And also just in terms of where it seems to me right now this document is going, is that unless we get something that I am not expecting yet from our SSC that causes us to rethink all of this, it seems to me we are going to be heading towards setting these ACLs at some sort of, something approximately what the recent catches have been. We put the SFA amendment in place a few years ago, and the argument was those would be sufficient to end overfishing, and unless we come up with contrary information and more needs to be done, it seems to me we are likely to put in place ACLs that are at least pretty close to what the catches have been in the last few years. And so to me those large closed areas aren't necessary. There are other ways, I think, that we can get where we need to be. And so at least for right now I am comfortable with moving them out and pursuing other alternative ways that are more acceptable from the public.

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Ruth Gomez, yes; Winston Ledee, yes; Miguel García, yes; Eugenio Piñeiro, yes. It is unanimous. The motion carries. No closed area options for this document.**

Winston Ledee: The first speaker is Nelson Crespo.

Nelson Crespo: My name is Nelson Crespo, and I am with the Rincón Commercial Fisheries Union, and I also represent the deep-water fishermen in the west coast of Puerto Rico. I want to thank you for the opportunity to comment on the scoping document for the amendment 2 to the plan for the queen conch and the reef fishery of Puerto Rico and the USVI. Many thanks also for inviting us to be part of the SEDAR process and the ACL Working Group, and the opportunity to go with both distinguished scientists and also our fishing brothers from the USVI. (Letter included under Attachment D.)

Winston Ledee: Our next speaker is Sera Harold Drevenak.

Sera Harold Drevenak: Good afternoon I am Sera Harold Drevenak. I am here on behalf of the PEW Environment Group ending overfishing in the Southeast... thank you for the opportunity to provide input in support of science based... catch limits and accountability measures for the fisheries of the US Caribbean. My family came to St. Croix in 1985, and I can remember swimming here at Davis Bay before the hotel was there. My father taught me how to snorkel here, to swim slowly with my hands behind my back so that I wouldn't damage any of the coral or the animals in the water. I can remember not sleeping before my first trip to Buck Islands, where as an 8 year old the number and the size of the fish terrified me. We are all here because of experiences like this, and yet my children may never be able to see what I did. (Letter included under Attachment E.)

Winston Ledee: Our next speaker is from Senator Malone's Office, Drew Mesa.

Drew Mesa: On behalf of Senator Malone I would like to make a statement in regards to the fishery management plan. (Copy of this letter can be requested to the CFMC Staff.)

Viridin Brown: Before you go I'd like to ask you a question. You made reference to an original 12-mile limit. Do you have some research to show that there was an original 12-mile limit for the USVI territorial sea? The point I am making is that from 1917 was there such research, and I am talking about back to Danish time per se, because what existed then would have carried forward.

Drew Mesa: The evidence that we used to produce this I can get that to you.

Viridin Brown: Ok. That should be submitted to the Council office.

Roy Crabtree: I appreciate your comments. And I think it might be worth asking Todd Gedamke from the Science Center just to comment very briefly on the landings issue. Because we have set up working groups and SEDAR groups, and we've gone through a lot of time and effort trying to make sure that we've got all of the landings data available. It doesn't seem to me quite accurate to say we are not using Virgin Islands landings. Todd can you comment on that, in terms of the landings and what we've done?

Todd Gedamke: Let me just give one other comment here and I'll lead right into that. I think one of the points that I really noted in that presentation was the comment regarding the data collection program, and I just thought I would start with that. At the inception of the data collection program the goals and the objectives were different in the late 70s. As time has passed the goals and the mandates have changed, and the data collection program has not, over time. So our current challenge is facing the ACLs guidelines, this has put us up against a new challenge, and we have put in significant amount of effort in the recent path to try to evaluate the information that we currently have available, and also how we are going to move forward into the future. So that comment is well taken, we've understood that, and we are making strives and moves towards getting ... in the future. As far as the landings are going, we are using the USVI landings information, there is still some discussion regarding the expansion factors, whether they should be expanded. I believe the staff of the St. Thomas Fishermen Association, and please correct me if I am wrong, has said that it should not be expanded, so that's there, but there is still some ongoing discussion there. But we do have the landings information and that last issue is still currently being discussed.

Winston Ledee: The next speaker is Julian Magras.

Julian Magras: Good afternoon to all. My name is Julian Magras. I am the Chairman of the St. Thomas Fishermen's Association. I am also a commercial fisherman. I have a written statement prepared for this

afternoon, but after some discussion with our representatives I have decided to withdraw that statement. I just gave a copy of it to Dr. Crabtree, and that is for Dr. Crabtree to keep for himself, as it was directly towards NOAA and its administration. Recently our Governor has written some strong letters to the Acting Administrator of Fisheries, we had one written to the Under Secretary, we also had one written to Dr. Roy Crabtree, we had the Commissioner as you heard Senator Malone who represents fisheries of the Virgin Islands, we have our entire Government that is fully on board with us right now. After some heavy discussion last night and today, Dr. Crabtree said he is willing to work with the fishermen in trying to create a document that can make everyone happy, and at the same time achieve the goal issues of sustainable fisheries. So we are willing to give this a try again, even though we have put up a lot of resistance because of the way the process was going. And we would like to start that process today, but we don't want it to try to be accomplished by tomorrow afternoon. So I am going to ask one of the members of the CFMC to make a motion that we can have some side meetings so we can start this process being for ... what we would like to see for the Virgin Islands in this scoping document so it can be amended so we can move forward it, because the way it is right now we are going to reject it and we will ask for it to be completely removed, but we are willing to work with the Council, as Dr. Crabtree said last that he is willing to work with us... with Joe Kimmel, everyone, you know, we never had such a high representative from Washington down here to one of these meetings. And I guess from all that has been going on he came so we can get this moving in the right direction, and that is what I would like to see. Thank you.

Eugenio Piñero: We have two more presentations, but they are going to be given tomorrow, the delegate for the Virgin Islands is going to be here tomorrow. I have Miguel and then I have Ruth.

Ruth Gomez: You know me. I like to get to the business at hands, very quickly. I would like to make a motion that the USVI be given the opportunity to step away from the table, take a look at the scoping document, and come back with something that will make us all happy. As per your request.

Miguel Rolón: Ok, the process that we are going to follow to discuss the document, and what will happen at the end, you already removed one of the alternatives, which is the area closures as a proxy for ACLs, and there is a possibility that at the end of this today we will go back again with another set of scoping meetings, at least in the USVI, that would be St. Thomas/St. John and St. Croix. So what the staff has prepared, well the staff is a lot of people, just Graciela prepared, she put together all the recommendations received at the scoping meetings, and the written recommendations received. So at this time Mr. Chairman, we wanted to ask you if we can go one by one to go quickly with them, and then we come back again, and then you will deliberate on the different alternatives that we have. We have three interventions that are connected to the ACLs alternatives, by Barbara Kojis, Aida Rosario and Todd Gedamke, and I would like Graciela to lead us into when and where in the discussion we should ask Barbara and the other two people to give us the information that they have to give. Aida has the information on the data workshop. Todd has information on issues related to the data that are connected to the different groups that are considered being overfished or in overfishing. And Barbara was asked by the Council to clarify the Section 7, the statements made by the SSC, and she will give us a presentation on what the SSC meant, and details as to what the SSC is recommending regarding this issue. So what we are going to have in the screen is the document that we took to the public hearings with the comments.

Graciela García-Moliner: This scoping document and all the alternatives have been a team effort work with the Southeast Regional Office, Jason and Joe, and everyone has been involved in developing the scoping document that we took to the public meetings, and in gathering from all the other meetings that we've had; the TMCT, the ACLG, the SEDAR, meetings with the Southeast Fisheries Science Center, meetings with the region, there have been a number of meetings along the way, and all of the alternatives that were in the scoping document that was taken out to the public were gathered from all of those meetings. All the recommendations were taken into consideration, and this data has been used as much as possible in developing all these ACLs and the numbers

that you see in the documents that were taken to scoping meetings, and all the comments received are under tab D in your briefing book. (Presentation included under Attachment F)

### **Tape 3(a)**

Miguel Rolón: Mr. Chairman, I suggest that we go back and do one by one, that way we'll save some time. Can you go back then to one, and then read what we took, get the comments and we get the pleasure of the Council on what we are going to do. And remember, this is the first draft of the scoping document. If you want to go back to scoping meetings at least in the USVI, that will be the other document that you are going to prepare. In the case of alternative one, we are talking about amending the stock complex that's in the reefish fishery management unit, and this is the preferred alternative by all the deponents in the USVI, is the no action, do not change the stocks complex in the reefish FMU.

Graciela García-Moliner: That is the recommendation that they made, but there are additional changes that need to be made to the FMU, so if we can go to separating, I mean, this is a decision that the Council has to make, whether the three larger of the parrotfish will be separated into a parrotfish unit 2 or not. I think that you should discuss this as we go along so that we can decide whether these are going to go as part of your preferred alternatives or not. The SSC has recommended that three parrotfish be separated into a unit, be taken away from the regular parrotfish landing.

Eugenio Piñeiro: Ok, so the question is this, this is for the voting Council members at this time to decide what do you guys want to do, what do we want to do with what Graciela is saying.

Miguel García: We have some comments, and since there might be some discussion arising from those comments I will invite Aida Rosario to address the meeting here.

Aida Rosario: Our comments are with other of the proposed units, and not specifically with the parrotfish. So when the time comes I will make the appropriate comments.

Roy Crabtree: Let me just a couple of general comments about what we really need to be focusing on now. I don't think you need to think about which alternative are we going to choose. It's way too early to be thinking we are going to make decisions. What we really need to think about is does this document contain all of the things that people want to look at? And does it contain all the different ways? And that is what you really need to be thinking about. So it sounds like what we are going to do is to have a couple of more hearings between now and the august meeting, and we've taken some things out of the document, but we need to try and focus on, when we come back in august, lets try to have all of the ideas and all of the alternatives the people have come up with on the table and in this document, so you know, there are some things I think that the USVI Government and some of the fishermen want to see in here that some of which may not be in here. So we need to figure that out and we need to get them in here. And so in August we'll come in and we'll see as a Council, do you feel that this covers the range of things that you want to look at, and if that's where we are then you may in August decide, well these are just crazy, we are not going to do that, or we can maybe take some more out or maybe put some more in, but then at that point what we'll do is ask the staff to go back and analyze all of these things. And so, what I'd like to see us do is we come in in August, we'll say Ok, we are happy with the range of alternatives we have. Now, the staff is going to go out and analyze all of this, and then we come in to the December meeting and we have a pretty well document that has a lot of analyzes in it, and then at that time in December, we could start talking about, well, do we have enough, are we comfortable choosing some preferred alternatives or not, and then at that point we would be looking at going back out to public hearings with a real document, and publishing a draft environmental impact statement, and then at the March meeting, or maybe

even the June meeting next year, if we have to have one, we take final action on this thing and submit it to the Secretary. So that gives us nine months to a year to get this all done. But what I would ask everyone to focus on between now and August is making sure of the things you think ought to happen are in the document. Don't worry if there are things in here that you don't like, that's ok, somebody else might like them. And that is what we really need to focus on to the extent we can work out some alternatives or motions and put some things in here we can do it in this meeting, but if we have a couple of more meetings between now and August we can come up with some motions and alternatives at those meetings, and then come back in August and put them in here. But that is really how I see this going. So we are not even going to get to the point of making decisions until probably the December meeting, and we are not going to have the analysis done until December. So that is really what I think the focus need to be on now, is if there are things you think to be looked at that aren't in here, and if they aren't we need to get them in here, and particularly with the territorial governments, if there are things you want to see looked at, we need to get those figured out between now and August and get them into this document.

Miguel Rolón: Roy, the way that we prepared this is different from what you are suggesting. What you are suggesting is easier to do now. So how would you like the Council to proceed then, so we can speed up the process?

Roy Crabtree: I am not that interested on speeding up today, and I don't mind going through the presentation and then we have a lot of comments from the public from the scoping meetings, and there are probably a lot of ideas in there. So we really probably should focus on what did the public said, and what were the comments, you know there are some things in all that that we need to put in the document. I don't know how long the presentation is, but it might be good to refresh everybody's memory to kind of go through what's in here. But we are not at a point where you are going to be trying to make choices among these. We are a long way from making any choices.

Miguel Rolón: In that case Mr. Chairman what we could do is to go to the language in the presentation and people can read it, we don't have to go over it, and these changes a little bit what we are supposed to be doing, and here what we are doing is making sure that the bookends cover all the possible alternatives that you can take to the scoping meetings again, and that way Mr. Chairman what we need to do is to make sure that we capture what the public gave us, and if you have any reaction to the public comments and you need to add another alternative then so be it. You already took away for the next scoping document the proxy for, at least you want to see it in the considered and rejected part the area closures proxy. So Graciela, what are the comments regarding annual catch limits.

Graciela García-Moliner: I came back to the St. Croix queen conch to see if you wanted to start over talking specifically to everyone of these, but aside that the USVI deponents offered a no action alternative for all of them, so we don't have anything new as a suggestion in terms of a specific management alternative, except for the comments that were brought up regarding the quota that is already established in the St. Croix conch fishery, and that is already an alternative that is in here, so the range that you've already included go from 0 in the EEZ, to a share at 50 thousand pounds ACL, to a 90 thousand pounds ACL. So you have the range of poundage that is reflected from the landings. Jason and the SEFSC have been looking at the data that we have available to come up with these alternatives. So in terms of the queen conch that is all I wanted to ask, if you had anything that you wanted different from what we have in the scoping document.

Miguel Rolón: So for the next iteration of this document, Joe, do you think that we have enough to cover the range of the alternatives that we presented and the comments that we received?



Joe Kimmel: Yes. One thing that is going on as we are considering these options here is there is, Graciela mentioned it, we call it an IPT, is a team of plan development kind of guys, most of them work at the NMFS Southeast region, some are at the SEFSC, and what we do is that every time we meet we look at what the Council has recommended and we discuss it among ourselves to see what do have to put in this document to support that recommendation. So that process is going on as we speak. And we'll do that again, after this meeting we'll get back and we'll formulate the IPT and we'll talk about each of the alternatives, find out what we need to support the alternatives, and we'll assign people to write up that section and we'll put it in the document. So we are building this document, so we can also take away from the document. Later on, when you say we don't like that alternative, like you did with the closed areas, we pull it right out and we forget about that one. So we continue to upgrade the document, build it as we go on, so at the end of the process in December, we are not going to have a whole lot of time to do everything, so we are not going to wait till then to start, we are starting right now, so that when we get there we have a pretty good head start. So that is part of the process here. Now, back to your question, do we have everything? Graciela mentioned a few changes that we had to the FMU, and the queen conch, and I talked to Shepherd earlier about what the Council needs to do to address these changes. I think as long as we go through, and we've mentioned the changes, one of the changes was the Creole fish, we'll moved it from FMU, one other was to put the black grouper in the FMU. So those little things, as long as you've mentioned those and the Council members look at them and agree that they are viable alternatives or options at this stage, then at the end of the day when we finish going through this the Council needs to go, yes we agree, IPT go ahead and build the document along those lines, and then we'll go that round, and then after the next meeting we'll make whatever changes the Council wants at that time. But yes, I think we have enough information at this point to start beginning to do the analysis that the Council has suggested. But we'll continue to ask the Council for more guidance, do you want this, do you want that, you want to take this out, this in and so forth. So I think that we are on the right page.

Miguel Rolón: So if at this time we continue one by one then you can ask the questions for the group?

Joe Kimmel: Yes I think that is a good process.

Aida Rosario: To that point. We would like to go over group by group, because we are not in agreement with some of the changes that are proposed here, and we would like to have some say before we go back again to present this to the fishermen, because I think that it would be misleading in some of the cases. So I would like to have the opportunity for us to give some feedback on the groups that are proposed, and the changes that are proposed on the management units.

Graciela García-Moliner: So we are going to go back to queen conch, and queen conch as like to St. Croix, and there were specific requests at the last Council meeting, one of them had to do with the information to support the 50 thousand pounds quota that is already established in the Territory, and we have requested such information, so we don't have the actual background documents for the determination of that quota, but that is one of the alternatives that you have under the annual catch limit for St. Croix, that would be alternative B, and then you also have two other alternatives; one that considers a much higher quota, that is 90 thousand pounds, and a much more restrictive ACL of 0 in the EEZ. So you have the complete range of completely restrictive all the way to allowing 90 thousand pounds to be harvested. The one issue that we have is that the quota has already been reached in St. Croix, so the fishery is closed as of May this year, and I believe that the way that the regulations that are in place read is that there is no possession of queen conch in the state waters. So basically if you are fishing off in the EEZ and coming to land in St. Croix, the fisherman would have to prove that this conch comes from the EEZ, but I don't know how that applies with the no possession of the state, because you are transiting through the state waters and landing in the state waters. So we've been following through with the information that the Council had requested at the last meeting. We have nothing more to report in terms of queen conch.

Joe Kimmel: One of the things with regards to queen conch, the fishing year for queen conch in the USVI evidently is November 1<sup>st</sup> to October 31<sup>st</sup>, and while we haven't really established a fishing season for the EEZ, if we are going to do this sort of management where we have compatible regs, it might be a good idea to include the measure in the scoping document that would establish a fishing year similar to that that's in the USVI, and that would be November 1<sup>st</sup> to October 31<sup>st</sup>.

Eugenio Piñeiro: Graciela, include that one.

Graciela García-Moliner: In the other issue that needed to be discussed there's some specific recommendations from Puerto Rico regarding the closure of the queen conch in the EEZ, and that is to monitor and determine what the status of the population is in the EEZ, and if we needed to include additional alternatives to deal with the fishery that is already closed. There are no alternatives for queen conch in St. Thomas/St. John, because the EEZ is closed for queen conch in those areas. We have to discuss the fact that we need alternatives for the fishery that is closed. We had assumed from the scoping document that we didn't need any other alternatives for St. Thomas/St. John and Puerto Rico EEZ. And then, just again request supportive documentation for the 50 thousand pounds quota that is already established in St. Croix.

Roy Crabtree: I think that for the fishery that is closed you are essentially going to set the ACL at 0, and if we at some point want to reopen and have some harvest, we set it at whatever we decided that level of harvest was.

Miguel Rolón: Just a side comment, now that Roy mentioned ACL=0. Some people in the public were confused, they thought that if ACL equals 0 that it means that you fish without restrictions. And others believe that if ACL equals 0 you don't fish. So just for the record Shepherd, if ACL equals 0 that means that the fishery is closed.

Shepherd Grimes: That is just kind of where we are going to be with Nassau grouper and goliath grouper and some of these fisheries that are closed for now.

Miguel Rolón: Is just that sometimes we take these things for granted because we've been working with them, but when you take it to the public people are confused. So please Graciela, include it in the document what it really means when we say ACL equals 0.

Graciela García-Moliner: Joe mentioned this morning that the Council would be working in research recommendations for the regions, and we do have specific recommendations by commercial fishermen from Puerto Rico, so that will be included in the research recommendations from the Council. To set an annual catch limit for parrotfish unit 1 and for unit 2, I mean, it will depend on what happens in action number 1, whether the parrotfish becomes two separate units or not. So basically there is a request for no action. There was one confusion and I think this has to do with what Miguel mentioned about ACL equal 0, and I think that some fishermen from St. Croix believe that it meant that they can go ahead and fish and there'll be no restrictions, and then we evaluate the situation in five years. So five years is the number of years that we thought would be recommended for looking at the implementation of a new data collection system in the area. For parrotfish unit 2, the ACL equal to 0 in the EEZ, and then get information, there are no specific landings for the USVI, so this will have to be a general recommendation for the parrotfish. For parrotfish unit 2, the SSC recommended 0 annual catch limit, that they should not be harvested. Most of the fishermen requested that it would be a recreational harvest rather than a commercial harvest, so that there would be some harvest allowed for this. Again, these were mostly recreational free divers, but this would apply specifically to the state waters because at the depths of the EEZ I doubt very much that they could reach the bottom in the EEZ.

Miguel Rolón: Graci, is that already included in the document scoping meeting. I need more language regarding this comment.

Graciela García-Moliner: It was a comment when they were discussing the commercial harvest. So the first section deals with the commercial harvest of parrotfishes. There is one action that deals specifically with the recreational harvest, and again these comments are repeated there because that is where they really belong. So that is the comment. But there is one specific recommendation for the ACL, for Puerto Rico, and that is that they said, well just take the poundage of the commercial fishermen harvest now, multiply that by two, because they recognized that there are some recreational fishers that harvest as much, if not more than the commercial fishermen, and divide that by 2, and set the ACL for commercials and recreationals at 80 thousand pounds. The range of poundage that you have goes from 0, again, to quite a large number of pounds per year, and these are based on averages on the landings, and right now we are speaking specifically for Puerto Rico. So that was the one specific recommendation that they had in terms of applying an ACL.

Miguel Rolón: So you will include that to the document that is going to go to scoping meetings?

Graciela García-Moliner: If you want me to include it, yes, if it is the pleasure of the Council to include this as an alternative. I mean, the only information that you have for parrotfish in Puerto Rico comes from the MRFFS, the MRFFS between 2000 and 2008. Parrotfish is one of those species that have quite a bit of landings from the recreational sector. I don't think it reaches 80 thousand pounds a year. I would need some specific discussion and rationale to accept the figure of 80 thousand pounds for the recreationals, and we would need it as a team to develop this alternative.

Miguel Rolón: Is there any opposition from the Council to include it, or not?

Roy Crabtree: I am inclined to go ahead and say ok and include it as an alternative. I think we ought to give serious thought about whether we really want to develop these fisheries. I think they are important to the health of coral reefs and those things. But I think at least for now we should include this.

Eugenio Piñeiro: Then Graciela, if there is no objection to have it there, then go ahead and include it.

Joe Kimmel: Mr. Chairman, with regards to parrotfish, if you are going to split the parrotfish into two groups, right now, for the Council, parrotfish are in one group. There was a recommendation at one point to separate parrotfishes into two groups; the larger parrotfishes and the rest of the parrotfishes. If you do that, we are going to have to set or reexamine the determination criteria, MSY, and all those other parameters that we did to make the SFA amendment, for anything, not just parrotfish but everything that you add or extract from the management plan. That's just one comment. Also, there is an uncertainty scalar that we have to take in consideration in setting ACLs. Everything we talked about setting ACLs, it'll have to be addressed by an uncertainty scalar, that I would refer to Todd to explain for me, but the scalar would adjust the ACL based on the management uncertainty, and maybe other sorts of uncertainty as well. Then with, we develop alternatives, and we could include an alternative in the document using every sketch for all species that include the 94 and 96 timeframe, and the 99 ... timeframe. So we can add that to the document as well. Right now those sorts of things are not included for all species, so.

Graciela García-Moliner: Regarding the averages that were presented in the scoping documents, these were years that were looked at in the various meetings that were held with the TMCC the ACLG, etc., so these are averages that people requested that were looked at and analyzed for the determination of the ACLs. So for St. Thomas, these are the alternatives that were taken to the scoping meetings; 0 in the EEZ, an average of 50 thousand pounds, as recommended by the ACLG in February of this year, and then the average landings

between 94 and 2006, which is a different average than the previous one, and that multiplied by uncertainty scalar. And for St. Thomas we didn't have any other specific recommendations at this time. Moving on to St. Croix, for St. Croix things are a little bit different because as you know there were regulations that came into place regarding the banning of the net gear in St. Croix, and that was basically what made the average drop, so they looked at 0 in the EEZ, at the average landings between 99 and 2006, of 260 thousand pounds, and that is the recommendation from the ACLG, in February of this year. In addition to that, to look at the landings between 94 and 2006, that multiplied by a scalar, and then additional alternatives were included; to include the average landings between 76 and 90, from 82 thousand pounds, and that was also discussed at the ACLG and the SSC in the February 2009 meetings, ... with the net fishery basically completely from St. Croix, for the average landings between 83 and 90, that also comes to 82 thousand pounds. So this is the timeframe recommended by the SEFSC, because is the pre gillnet fishery, and again, there were no additional recommendations at this time for additional options.

Miguel Rolón: Gerson Martinez from St. Croix gave this to the Chairman, and I am just going to read it for the record.

Gerson Martinez: Good afternoon. My name is Gerson Martinez and I am the Vice Chair of the St. Croix Fishermen Association, and I was looking at the numbers that the document for the ACL was establishing for us, and while I was calculating the annual numbers of 250 thousand pounds a year for the ACLs for the state waters, they will not work for us. By saying this, myself, I catch an average of 300 hundred pounds of parrotfish a week, which gives us 15,600 pounds a year, that is the amount that I catch a year, and we have 130 fishermen, and at these numbers I calculated that 300 pounds a week that an average fisherman can catch, and I calculated that by 30 fishermen only, which gives us 468 thousand pounds of parrotfish caught by just 30 fishermen. And I think you should take this in consideration, the numbers that you are giving us, and if you do go by those numbers the fishermen in St. Croix are going to suffer. Right now we have a quota of 50 thousand pounds of conch, and that was met in three months. What are we going to do when we have a quota for conch and a quota for bluefish met, what are we going to do for the rest of the year? So please, take a calculator and calculate these numbers, and ... that quota cannot work for St. Croix. If it's only for federal waters, as they said, annual catch limit for parrotfish unit 1 for St. Croix equals to 250 thousand pounds for the EEZ, and do not establish the state waters ACLs, but relate to the data collection program described there in the document and revisit ACLs for parrotfish five years after implementation. That can work for us, if you set that for federal waters only. Thank you.

Eugenio Piñero: Ok. Would the Council members have an opinion on that if you would like to include that in the document? Any objections to it? Any reason why not put it? None? Put it in.

Graciela García-Moliner: I mean, we have to request then from the SEFSC to take a look at the landings data and the reports that we have for St. Croix for other periods that have not been considered, to give some documentation and supplemental information to the alternatives. So again, I mean, one of the things requested is to go back to the way the SFA had been handled and look at the US Caribbean in terms of the parrotfish landings, and we have an alternative from 0 to 380 thousand pounds to be landed for the ACL for parrotfish. There were some specific comments regarding the ACLs for Puerto Rico and St. Thomas and St. Croix, basically stating that if the landings represent are basically the ACLs and there should be no other fishing as determined by the SFA, you have this documentation in your tab D. These are direct quotes from what you have under tab D. So in terms of the general comments that people presented regarding parrotfish, again, that recreational harvest be allowed. They do request that however there would be a quota specifically for the recreational fishers. It seems that they wanted to equate the commercial to the recreational landings, and the reason for this is because they stated at the scoping meetings that recreational and commercial fishers do harvest the same species and over the same areas, not necessarily using the same gear, and the other reason being that

there are many more recreational fishers than there are commercial fishers, and that, for example in terms of vessels, there are over 60 thousand vessels that are recreationally licensed in Puerto Rico alone, and about less than two thousand that are licensed as commercial vessels. And some people dictate that they had not seen a change in the amount of total landings of parrotfish. That is all we have for parrotfish, and no other recommendations were made at the scoping meetings. Grouper unit 4, the USVI set a no action alternative as their preferred during the scoping meetings. Grouper unit 4 includes the tiger, the yellowfin, the red and black, and the misty and yellow edge, depending on what the Council decides to do. There were again, ACLs certified for Puerto Rico, St. Thomas/St. John and St. Croix separately, and again for all the US Caribbean. These alternatives go from 0 in the EEZ, to the 10 thousand pounds average for Puerto Rico between 94 and 2006. The average for grouper unit 4, including a generic category within the groupers in the landings of 15 thousand pounds, and then a sufficient level of catch to be determined by the SEFSC, ... to allow with the cooperation of the fishermen to collect these fishes, but doing it in a scientific way. Specific comments, there was one alternative that was presented in Puerto Rico regarding grouper unit 4, and it has to do with establishing a preliminary 50 thousand pounds ACL in the EEZ, not establishing one in the state waters, but relying on the data collection program described in the document, and revisit the ACL for grouper unit 4 five years after implementation. The person who presented this is agreeing with all the other alternatives, and this was the solution to be added as an alternative to the scoping document. Among the things that the scoping meetings, the information that was presented at the scoping meetings, is that there are already seasonal closures in place, although in Puerto Rico specifically the seasonal closure for grouper unit 4 is not compatible with the EEZ closure. So the EEZ is closed for grouper unit 4 during three months out of the year, but that is not the case for the state waters.

Joe Kimmel: The team that was working at the scoping document when it got to this particular action in this alternative recommended that we remove the language that reads, under alternative, I think 2, yeah, but relying on the data collection program described later in this document and revisit ACLs for grouper unit 4 five years after implementation, and what they suggested was to add to this alternative and all other alternatives in this section is to fishing a level of catch for collecting needed data on the fishery. So they thought that was a better way to handle it than the five year after implementation, and it just go to be, you know, five years after implementation would not give us, I don't think we would be able to determine what we needed to determine five years after implementation. I think that is what their concern was. So they wanted to reword this, and just add, a sufficient level of catch for collecting needed data on the fishery. And that sort of coincide with what the SSC recommendations were too.

Roy Crabtree: Joe has anyone advised us on what a sufficient level of catch would be to collect the data that we are needing? I mean, I think that language is better, but unless you define what the sufficient level of catch is, I mean, it is still not clear what it means exactly. It seems like that's what you'd then be setting the ACL at that sufficient level of catch.

Joe Kimmel: I agree, and no, there wasn't a recommendation for what that level was.

Roy Crabtree: Well that is something we need to work on, I guess, if we are going to go with that language.

Graciela García-Moliner: St. Thomas. You want to include these actions of the 50 thousand pounds for grouper unit 4 as an alternative? ... on the other sub alternatives are in fact a reflection of the landings, so they are based on the average landings that were reported for those species over the period of time that the... look at. The 50 thousand pounds is way beyond the, I think the maximum that you have of 15 thousand...

### **Tape 3(b)**

Shepherd Grimes: I certainly wouldn't say that you couldn't put it in, but I guess I would be a little bit concerned if you have absolutely no rationale for where the number came from. Just sticking it in the document this is making more work for you down the road. If nobody has provided a basis for that number, then you really don't have anything upon which to judge the merit of it.

Eugenio Piñeiro: I totally agree with you.

Graciela García-Moliner: Under tab D, you have the written statement by the commercial fishermen where this information came from, but there is no additional rationale and nothing was presented at the scoping meeting per se.

Miguel Rolón: Graciela, this is the same thing that had the presentation made by Gerson before, you know, multiply three hundred by fifty two by whatever number you have and then you have two million and something. In this case the question would be whether we do have any recent statements regarding the fifty thousand.

Todd Gedamke: I just want to say I second Shep's comments, and Miguel your follow up. That is exactly what I was thinking with the earlier presentation. And also this alternative without those numbers is going to be very hard to justify, and the word rationale I'll be using a lot on some of this, and then without that is going to be very difficult to defend.

Shepherd Grimes: I think at this stage, in developing the document and your suite of alternatives, if you look at the other alternatives I'd say is not so much about the number, but how you arrived at the ..., it's a theory for what the ACL would be, it shouldn't be results oriented and look just at the poundage, it would be average catch over some period, which just so happens to result in the number, and this is exactly the opposite, is just a number with no logic for how you achieved it, so.

Roy Crabtree: And is going to be really hard to justify, I mean, I am looking at the average landings and this is much higher than that. I think it would be hard to justify.

Eugenio Piñeiro: Does any Council member wish it to remain there, because if not we can drop it. I don't see why that should be there. Any opposition? Being none, we'll just drop it.

Graciela García-Moliner: As I said earlier, the problem for the USVI is that there is no species specific landings information, so therefore we have to go back to the groupers sole landings, and that's what was done for the grouper unit 4 in St. Thomas/St. John, so it would be the total landings of groupers. And you have 0 in the EEZ, the whole range of alternatives, to 61 thousand pounds, that would be the average between 94 and 06, for all grouper species. And again, the landings between 94 and 06, multiplied by an uncertainty scalar. There were no additional recommendations after the scoping meetings regarding this action for alternative 3. These are landings that are reported in the USVI, it would include red hind and yellowfin and tiger and all of the groupers.

Eugenio Piñeiro: Winston Ledee asked if the strawberry grouper is in there. Red hind is included there.

Winston Ledee: Are we going to separate the strawberry grouper from the other four species? Red hind.

Graciela García-Moliner: The thing is that you don't have landings for specific species, so you don't have red hind landings in the USVI, you have groupers landings, and in your grouper landings all the species are

included. One of the things that has also been done is that the SEFSC has looked at the TIP data, that data recorded directly from the fishermen regarding the size of the fish and the total landings when they come in after a trip, and the issue with that is that we don't have enough numbers in most of these species to deal with them separately, so that it could take the TIP data, you know, the specific data from the fishermen, and back track it into the landings. We just don't have enough numbers and the Science Center has looked at all the data that is available from that program. So the only way that you can really, well, the SFA looked at it in another way, it looked at the total landings for groupers and then looked at the proportions of the different species that would be calculated back, and then give you a species specific landings for the USVI. That's what was done in the SFA, and because of all the problems with the SFA, and the request and requirement by the Council and the stakeholders, we've moved away from really doing what we did in the SFA, and calculated it based on the information that is available, and for groupers specifically, all groupers are looked at together, because that is the way that they are reported. That doesn't mean that that's going to be the way that it will always be, because there have been movements already towards creating a new data gathering, data collection system or program, so that is already in the works, but as of right now this is the information that you have available.

Shepherd Grimes: So this ACL for action 4 is for grouper unit 4, which does not include red hind. I mean, again, the numbers that you are getting from the territories are for all groupers, which functionally for our purposes would be unit 3 and unit 4, and you would be using that, or one of these alternatives is using that total as a proxy only for one unit, which is why ...be high ... cause it includes species that aren't included in that grouper unit.

Roy Crabtree: So, is there discussion of combining grouper unit 3 and 4, and just having a larger grouper unit since that is how the landings are reported?

Joe Kimmel: That wasn't discussed as far as I know. What they were trying to accomplish here was that because we didn't have more detailed landings information from St. Thomas/St. John, of the USVI, is that for grouper unit 4, the ACL is not only for grouper unit 4, but for all groupers due to lack of species specific information. So if we go this way, that will apply to, under sub alternatives B and C, it will apply to alternatives 3, 4 and 5.

Roy Crabtree: Joe, one thing we need to do then is to write this more clearly, that if the ACL for combined grouper units 3, 4 and, whatever, cause I haven't picked up on that.

Joe Kimmel: We'll clarify that in the next document.

Winston Ledee: I am not sure that 61 thousand pounds is accurate, because a lot of the fishermen are maybe putting the grouper in some other line in the catch reports, because I think that is a very little number. That is our primary fish that we catch right now when you trap fish.

Roy Crabtree: So Todd, Winston is saying that there may be groupers reported, what would they be reported as, miscellaneous?

Todd Gedamke: I will take a look, I will take a note now, and Winston, if we could touch base and I'll figure out specific details of what you want me to explore, and I'll do it.

Roy Crabtree: Todd, how much catch is there that is just reefish but is not reported in any of these groups? Is that a substantial amount of fish that we just have no idea what it is? Or the most of it we can assign it to some broad group?

Todd Gedamke: I reserve the right to clarify that again, but I believe that the number unclassified in the USVI is fairly small right now. I believe there are in the groups, but I need to double check on that.

Roy Crabtree: We also will see, if there is not much unclassified being reported, then I am not sure, I guess is possible that just people are just under reporting, but I am not sure what to do about that.

Barbara Kojis: It may be that also people had difficulty while fishers can't identify species, because they have a combination of species. I know from my experience at Fish and Wildlife, at least one fisher came in and was putting butterfish in snapper. So sometimes these groups didn't mean much to people, because they don't use grouper, they don't use snapper, they got specific names. So they may just have put it in a different category that sounded like it was similar.

Eugenio Piñeiro: Thank you Barbara. And I agree with it, we don't have to be less restrictive at this time. What we want is what the Council members from St. Thomas have to say on this, and then we are going to wait then for Todd to get back to Winston. All right?

Graciela García-Moliner: So again, for St. Croix we have the same issue, because it is reported as groupers. So this would be an ACL for all groupers in St. Croix. And again we have the 0 ACL in the EEZ. The average landings of 94 to 06, for all grouper species of 32 thousand pounds, as part of the groupers ACL, and the average landings between 94 and 06, multiplied by an uncertainty scalar. Again, we have no new alternative presented at the scoping meetings.

Eugenio Piñeiro: Does the Council members wish to add at this time any other alternative? No? Ok.

Graciela García-Moliner: We also have under tab D, specific quotes from some recent statements regarding the current landings and what they represent in terms of the definition of overfishing, and in terms of the ACL being set for this unit. The one issue that was brought up specifically for St. Thomas had to do with the closure of the Grammanik Bank, which is a well-known yellowfin grouper spawning aggregation site. And they also do have the no-take zone of the MCD in that area. So basically the fishery for yellowfin, which is one of the, which is the indicator species of grouper unit 4, has been closed in St. Thomas since 2005.

Roy Crabtree: If I could Mr. Chairman, this all is getting us at one of these issues about the status of the stocks, and, I mean, we can have discussions about the status of the stock, and whether some of these that are currently list overfished ought to be switched back to unknown or something like that, and see where that goes. We'll have to confer with headquarters about that. I do think that the intent is, as we go through future status of stocks report is to indicate in there, you know, whether the stocks are below the ACL, or something like that, in terms of measuring performance of management. So we'll continue to work on that, and I don't have any answer to how to deal with some of these. I mean, my view is when we did the SFA amendment a lot of these status determinations were based on expert opinions. And so we ought to be able to change them based on expert opinion, but whether we have enough consensus among the scientists and the working groups and the SSC, and all those to justify making a change to some of these ore not, I don't know. So we have to continue to explore that.

Graciela García-Moliner: That is all we have for grouper unit 4 on the grouper ACL. Now, there is some new information that has come out regarding the snapper unit1, and we can present it now, so that the SEFSC can bring us up to date in terms of the changes that have taken place regarding the use of the data, etc., and then look at the alternatives that were taken to scoping meetings, and the comments that came out from that.



Todd Gedamke: I want to make a clarification on my earlier comment regarding the USVI landings. I just have Steve Turner's group has been handling that. I emailed him, and I just, the exact words on that, we have the total landings are available, the USVI landings are not available by the species group, only for all species combined, and that there is still debate about whether and or how to expand the VI data. The current recommendation from the Fishermen's Association is not to expand. So the landings by group are still not finalized.

Roy Crabtree: So what that means Todd, is that we are still getting essentially pot fish, all species combined, and that's how it's reported?

Todd Gedamke: What we have for USVI is total landings of everything reported in not pot fish, but everything in the USVI.

Roy Crabtree: But is not reported by gear type at least?

Todd Gedamke: The way it's presented and summarized right now...

Ruth Gomez: I actually brought the actual catch report that is used to report their landings, and is basically groupers, snappers, jack, surgeon fish, parrot, shell fish, trigger, porgy, barracuda, goat bait fish, pelagics, and that's it, and it's reported by gear, area fished, distance from land, hours fished, and ... Is total lobster, total conch, total whelk, and total finfish, but then the finfish is broken out by those groups.

Roy Crabtree: My only comment, we need to over the next month or so get straight on that, because somehow the ACL has to jive up with how things are being reported, and if things are just being really ... in the reporting, then I am going to lean towards more to what these guys are arguing, that the ACL needs to be really lump. Now, I hope we can get away from that, and get more specific reporting, because I think that is what we really need to get to, but we need to get some resolution on all of that, because we are just going to keep running into problems if we have ACLs for this species group, and for this species group, but then when the reports are all lumped, then we can't really tell what is being caught, and then if we can't get away from that, then it seems to me we are going to end up lumping and having bigger species groups. So we'll try to figure it out.

Todd Gedamke: I don't disagree with any of those comments. It is correct, is reported by groups, and that is all we have available to us. So in the previous comments about the grouper unit that is what we have available, is for groupers as a whole, not for any of those individual species, and we will not be able to break those apart in the near future. So, we don't have that ability to break those apart. Also, to follow up on that too, the word that I am getting is that we should have those numbers finalized in the near future and just, second, I believe what Shep said before, is that at this point we really should be looking at the process whether we are looking at average catch and how are using those specific numbers in this case might change lightly, based on clarification, but it's really the overall process and logic behind how we set these.

Graciela García-Moliner: ... presentation on the snapper unit 1, the new revisions from the SEFSC.

Todd Gedamke: I'll try to be brief on this. Many of you have seen the build up on this, and presented the methodology in exhaustive detail at a number of times. But I think that some of the lessons that we have learned throughout this process are germane to this process. Following the last Council meeting it was requested that I do a more detailed analysis on the silk snapper fishery, and the moral and the end story of this is that I am not definitively able to say that this species is not overfished, but the moral is also that the TIP program has worked, and what I am going to show you are some very positive signals from the fishery. (Presentation included under Attachment G.)

Jorge García: Todd do you think that spike that you see in the late years, could that be a result of management practices, and the closed seasons, or an overall decrease in fishing effort, or things like that?

Todd Gedamke: I thought my presentation was already long enough and I didn't include that, but yes, that is exactly one of the things that you look at, and if it was a large pulse of recruits where they had a really good year, and they reached that size, with every year you'd watch that pulse walk to the right, so that it get a little bit older, a little larger, so that would indicate that is just a recruitment event. If it was just people getting to the spawning aggregations, those spike would occur at certain months of the year. So I evaluated that too, but that is not the case. If you look at it, that one spike is solely due to the implementation of that minimum sizes regulation.

Roy Crabtree: So Todd, the bottom line is that we don't know the status of the stocks. So we think that the minimum size limit was counter productive, and as I understand it then Puerto Rico is removing that and is opting the closed season, which you think probably will have some positive impact on things.

Todd Gedamke: The minimum size regulation was ineffective, and in such a deep-water fishery bycatch mortality would have negated or amplified any problems that were occurring. So I believe that was recognized and that the closed season, Aida correct me, it was put into place, replaced the minimum size regulation in 2007. So that should have a positive effect.

Roy Crabtree: So based on the analysis we have a sort of inconclusive, but based on the management measures we have we should at least be moving in a positive trajectory now.

Todd Gedamke: Given the lack of change in the size structure from 1983 until now, you now have measures during the closed season, so we did not see a recovery in the size structure during that time period, but it was sustainable, it indicates the management is sustainable, and with those additional measures we should see a signal of potentially improvement.

Marcos Hanke: Just to make a field report to you guys, in the last two years we have been seeing in the case of the silk snapper much larger species reported, not that the composition of the catches are all of those huge fish, but they were not present a few years ago, and now they are, we are seeing very large fish.

Roy Crabtree: Then Todd, if these changes are in place now, and we get another year or two of data and larger fish are starting to show up, then this sort of analysis should pick that up and we should be able to tell where we are. Is that right?

Todd Gedamke: That's right, and we have now one year, 2008, which is in there, and we get a few more years if we get sample sizes up that could be compared to these other blocks in previous years and detect the signals. I did the same analysis in all the previous years, they are all relatively stable around .5. The only other thing that I would like to throw in here is a recommendation, but this type of analysis to really reduce the uncertainty, original age growth study would provide life history parameters which would allow us to pin point this much better than using ... parameters from other regions.

Roy Crabtree: And so I will explore with headquarters, I mean, it sounds like we can't do what we hopefully could do maybe which is to say not overfishing, but maybe we could get it changed to unknown for now. So I'll explore that with my good friend Sam Rauch and folks in headquarters to see what we can come up with.

Eugenio Piñeiro: That seems like the right thing to do, because all the signals we are getting is that that fish is, the measures of management have really worked.

#### **Tape 4(a)**

Eugenio Piñeiro: ... project of deep-water snappers in Puerto Rico, in which includes that species, done in 2005-2006?

Todd Gedamke: I believe that I've taken a glance at it. Which aspect are you referring to?

Eugenio Piñeiro: The size. The sizes and the spawning CRP of reproductive aspects done with NMFS and Aida Rosario at the Lab.

Todd Gedamke: I've taken a look at it. One of then tasks that I have is looking at the broader areas. I could conduct an analysis and that was, I believe the west and southwest coast that study. So we could look at that and come up with a potential regional estimate, but that doesn't get us toward our objective now looking at the island as a whole.

Eugenio Piñeiro: Marcos I have a question. Vieques/Culebra, is that fishery beginning there at all, taking off?

Marcos Hanke: The report in Culebra, north of Culebra, which is one of the most used fishery by the commercial and by the recreational, this is where those reports of larger fish are coming from. Just last week I had three reports; one of fourteen and a half pounds, the other one about thirteen, the other one about twelve, and the average size of the fish was around two/three pounds. I normally don't see that kind of report all the time, and this had been happening on the last two years.

Todd Gedamke: I just like to ask you a question and I have a couple of comments regarding the larger fishery scene. Marcos, are they coming from the same areas that people have fished before? Or do you think that people are exploring new areas for this?

Marcos Hanke: The area that those catches are, because they fish in different areas, I don't have the specifics, but it is north of Culebra, all the way to north of Icacos. I don't have the coordinates for it, but all that range.

Graciela García-Moliner: The study that was conducted was only of the west coast of Puerto Rico and we don't have any age and growth for that period of time for the fish that you sampled. But the other thing is that we don't have any information on the recreational harvest of deep-water snappers. In fact, they do use snapper reels to fish up. I've heard it both from the east coast and the west coast of Puerto Rico, and I think you mentioned that some other landings that they were reporting these larger fish were recreational harvest?

Marcos Hanke: The thing is now a days we have reels that are six to one, which brake the line, that you can fish them recreationally at that depth, and maybe they don't catch a big poundage of it, but they catch a few fish to eat, and this is what those reports are coming from. One of them, one of the large fish was caught by a commercial fisherman.

**June 24, 2009**

**Tape 1(a)**

Winston Ledee: Delegate to Congress Donna Christiansen speaker, Makeda Okolo will speak now.

Makeda Okolo: Good morning everyone. My name is Makeda Okolo, and I am representing delegate to Congress Donna M. Christiansen. Unfortunately she is stuck on the Hill working on some reform, so she couldn't be here, but I am instead, so I'm not complaining. (Copy included under Attachment H.)

Eugenio Piñeiro: Thank you very much. We are going to start today with a presentation by Aida Rosario.

Aida Rosario: Good morning. Thank you Mr. Chair. I would like to start my presentation making a note that this presentation was prepared by the contractor that we use for the data collection workshop that took place in PR, and that they incorporated some information for PR and some information for USVI. I will only be presenting the PR recommendations that they put into this presentation. I don't feel that is appropriate for me to make the presentation for the USVI, since there were some concerns by some fishermen with the presentation when it was submitted to them. So this workshop came into place as a result of the last SEDAR meeting that took place in PR, in San Juan, in January 2009, that it was recognized the need by all persons that participated in that meeting to have a workshop to try to have a better define for the data collection in the US Caribbean. And the members of that meeting included persons from the USVI, DPNR, Fish and Wildlife, the Caribbean Council, NMFS, The SEFSC, and it also included fishermen from St. Croix, St. Thomas and PR. All those people were invited to participate also in the workshop that took place in PR, in early April or May. (Presentation included under Attachment I.)

Miguel Rolón: ... the priorities that you just mentioned. Do you have a ballpark figure as to the timing?

Aida Rosario: Well, we, Daniel and I, have been working on determining how many periods we need to cover to review the month reporting, either by the individual fishers or by fish house or dealers, and when we have that data, then we could sit down and see how many people we might need to visit those places and collect that data in a timely basis. Because here is not only who are they, but also how frequent are we going to be targeting them so that we educate them on the importance of submitting the information in a timely basis.

Miguel Rolón: Are you going to use the port agents again, or would this be different from the port agents?

Aida Rosario: I really don't know right now. That is a question that, I don't have any idea how we are going to be doing this.

Todd Gedamke: I just want to follow up. We, the SEFSC right now, after an initial meeting we are looking at the ports and how to evaluate that. I am spending the next two months and with grad students working on simulating the number of samples necessary from different sites, I believe our follow up meeting is in the beginning of September, so we are planning on coming back to the table on the beginning of September with a preliminary evaluation, and then work on developing the next step from there. But I believe we are looking at trying to get a report later on this fall.

Ruth Gomez: How many commercial fishermen are there in PR?

Aida Rosario: That depends on whose data you are taking into account. Anyway, registered we have received from information that it was something close to 1,100.

Ruth Gomez: And how often do they register?

Aida Rosario: They register every four years, if they are part-time of full-time commercial fishermen. If they are three years, they register at the end of the first period.

Ruth Gomez: And there is no mechanism in place by DNR for penalties for not reporting?

Aida Rosario: Yes, there are.

Ruth Gomez: Do they adhere to them, or they just blow them off?

Aida Rosario: Very good question. I don't know. We had some problems in identifying those persons that are fishing without license. We need more enforcement in that direction. In the report that we receive from enforcement I only saw two interventions from January until May, with fishermen without license. So from 115 interventions, only 2, that is very low, and we know there is a high of fishermen out there that are fishing without license.

Jorge García: Aida, how many commercial landing ports are in PR?

Aida Rosario: We have 90-92 landing sites.

Ruth Gomez: And how many port agents?

Aida Rosario: We have three port agents, plus the supervisors that also work as port agents.

Ruth Gomez: For 90 landing sites?

Aida Rosario: Yes. That includes also Vieques and Culebra. Our next workshop is going to take place in Puerto Rico, from the 13 of September I think, and after that we are also planning to hold some meetings with fishermen around the island, and we are planning on having three meetings at least around the island to talk with the fishermen and explain to them the importance of a better reporting system.

Barbara Kojis: Are registered commercial fishermen required to land their catches at those landing sites that you mentioned, or can they land it anyplace?

Aida Rosario: They can land wherever they want. Most of them do it through an association or a landing site, because it is easier for them to get in there, leave the catch and they receive their money and they forget about the rest. But they are not required to. They are also contemplating the revision of the PR Regulation to make the fish dealers to require from them to submit the information to us. Right now we cannot do that with the current regulations that we are planning on including them as a reporting agent ...

Eugenio Piñeiro: Aida, when I surrender, and every fishermen surrender their data, the day trip ticket, there is a space for the mate. Most of the mates they don't have a license. Some of them don't even have a driver's license. They don't boat, some of them usually are young kids or people who really don't care, but they are also fishermen. So we can understand, I mean, we should then be able to pinpoint that if there are eleven hundred and twenty some people rendering their stats, there are another eleven and twenty more at least who are on board but they don't have a license, but they are fishermen. How does the Department plans to deal with this issue, which is a reality issue, it might not be on the papers, but it is a reality, because we know that no one goes

by itself, there is always one or two other guys in the boat. I mean, we have a ghost issue here. What do you plan to address that reality? Because that is reality.

Aida Rosario: You mentioned a hundred and something registered fishermen. That is what the office of permits, that is the information from the office permit. That is not the amount of people that renders information to us. It is about eight hundred and seventy four individuals that report to us. So there is a difference between the fishermen that are registered and the fishermen that are reporting to us. Yes, we know that there is a problem with the persons that go out as mates. As the definition by law, that does not exist. That is a category that does not exist. It is supposed to be a person, a registered licensed person doing fishing. If that person that you put in there does not have a license number, we do not account it as a fisherman. It is only a person going out with you to do whatever. How are we going to account for this problem in the future, I really don't know. There are some considerations, some suggestions, but what is going to be at the end, we really don't know. I have no idea.

Todd Gedamke: Just to follow up directly on that, the question, all the questions you are asking are pretty much the first 36 hours of our last meeting, and that is how are we defining our sampling frame? What do we need to sample? And your question about the extra fishers, I was the one who stood up and said, I am not sure that I can know whether there is one person or six people on the boat, as long as our sampling frame is a vessel or that piece of equipment or that piece of gear. From the territorial folks, they say, well this is part of the socio-economic aspect, so that is being considered as part of the necessary information. So really the whole objective now is defining that data frame, figuring out, you know 92 sites, that was the one we kind of all looked at, and said, that is a lot to get a handle on. So by taking a look at the dominant landing sites and where most of the stuff is coming in we can then stratify how they are able to go to those sites and make the most efficient use of the port agents they have. The other aspect of this is that the logic, we flipped around a little bit from what does Aida have available to go send the people. Let's not look at that as a starting point. Let's look at our needs, which are to be able to assess the populations, and start with that. So we are looking at the number of sites, the amount of samples that are necessary from these sites in saying, if you want to have valid assessments, this is the amount of information that is going to be collected. With that sort of information, you guys can then go and try to pursue funding or the number of people that are necessary to get the information that we need to do the correct assessments.

Miguel Rolón: We need to be mindful that there is a need for data collection to fulfill the next ten-twenty years of the requirements to put together the ACLs and monitor the ACLs. And that is nothing but be sure that we know how much is removed from the resources that we have; by species, by area, and that first part is the basic for whatever we are going to do in the future. And we need to allow the group that you have now working together, especially the Center, to come up with a plan, the sample sites, where to, how much we can get for the money that we have, and the money that we think that we'll have for the next ten years. The other aspect is the socio-economy of the fishery that is important to the local states. Right now if you look at studies made by Valdés-Pizzini and others, you have more than 2,000 fishermen that are not even registered anywhere. You have a bunch of divers. They go out every day and they don't have a license. In St. Croix for example, they told me that they have a lot of people who are flight by night kind of fishermen, they just fish, they don't have a license, and the fishermen are concerned, because the fishermen who have the license comply with everything is competing with that person, and the persons come and sell their catches. They can sell it for 30% of the value of the catch for a commercial fisherman, and that's socio-economy. There are socio-economic issues involved there. So we need also to connect what you are doing with the project that the Council approved with Dr. Berson, because that has been modified a little bit here and there, and then after, what we need to talk to you and Berson and make sure that we are on the right track with this one. Also, with the new emphasis on catch shares, we need to examine whether this approach will be a tool that we can use for the catch shares also, if we ever approve or adopt a catch share system for the fisheries that we have here, which is still an open question.

So Mr. Chairman, we need to use this information then, and I am sorry that we don't have the Virgin Islands here, but maybe Todd can give some light as to what happens, what will be the situation in the Virgin Islands from the point of view of the Center. Is it really exactly the same way for Puerto Rico and USVI in terms of determining the number of samples, where to go with the information, to collect the information and so forth?

Todd Gedamke: The idea is to develop a consistent data plan across the different island groups. So yes, the evaluations that we are currently doing are to set up a consistent form. There will probably be some slight differences, based on the concerns of the stakeholders, and of the people working on these islands, but the idea is to be consistent across the board and use the same types of methodology to determine sample sizes. Now, when you are comparing 92 sites to eight and tens, it comes a little bit easier to handle.

Miguel Rolón: The Council also approved to look at the possibilities of establishing ACLs by sectors; St. Thomas/St. John one; St. Croix another, and maybe one for Puerto Rico. When Dr. Ponwith was here she said that the Center didn't have information to separate four coasts of Puerto Rico, but we could go Puerto Rico as a unit, St. Croix another, and St. Thomas/St. John. The data sets that you are examining, the way that you are looking at this would allow us to do that, to separate the sectors that way? The way that you are thinking of collecting the data?

Todd Gedamke: I think that if we achieve our goal, we'll have separated the information out enough so we will be able to separate it out by sectors. I mean, the idea right now is to be able to get enough information from each island groups so that we don't have to do any lumping on information, any borrowing of information. So the objective is yes, to be able to do that.

Jorge García: Aida I think that we've gone through the ACL meetings and become aware that the recreational fishery catches are a huge black hole in this determination of our fishing status, and statistics associated with this fishery. I was wondering and wanted you to comment on a couple of things; first, what's the status of the recreational fishermen license in Puerto Rico, and if as part of that licensing process it would be possible to make this recreational fishermen register or record their fisheries data through one of these landing ports, because we all know that the problem with these recreational fishermen is that they take their fisheries to their houses and perhaps sell part of their catch directly to a restaurant. So the data doesn't become available anywhere, and then later on they report whatever they want whenever they want. So there is no leverage on reporting of this catch, and as we are now aware, you know, there may be much more recreational fishermen than commercial fishermen in Puerto Rico. So this is becoming a huge gap in the fisheries information that is becoming proportionally larger and larger every year. So I would like you to comment on this.

Miguel García: Well one of these questions about the status of the permits for recreational fishermen, there is a commitment from the actual Secretary and the Governor to go for it and within this year we are going to be dealing with the recreational permits/license for this year. The only obstacle has been that parallel to that we have to implement a regulation to charge for that license, and that has been something that has been going back and forth in terms of how much it's going to be, and how to implement that, like any process that you could imagine. But there is a commitment that is a compromise to do that within this year.

Aida Rosario: And the other part, on the reporting, there is a restructure of the recreational statistics program in Puerto Rico, and they are trying to target as to get ... fishermen more frequently and to collect the data in a fairly frequent basis. We recognized in this data collection workshop, not only the need to include the data collection of the recreational sector, but as it is...we have our hands full with the commercial data collection, and the recreational sector is going into a ... process, although it is not as structured as ours, but they are revising their collection data system right now, and we might incorporate that in the future to do it a more comprehensive data at the end of the process. Also, it is recognized the need to have an independent data that

we need to improve the fisheries independent surveys, and the need to incorporate not only the independent sites, but also to make the fishermen, either commercial or recreational part of those independent surveys to help us improve ... those independent surveys.

Barbara Kojis: I think the idea of a very intensive sampling period during five years is an excellent idea. And I think that maybe that type of thing needs to be done both in the USVI as well as Puerto Rico, because I suspect that there is a lot of information that could be gathered to really set up a sampling program that will work. Todd mentioned something about getting ... per unit effort ... towards some type of sampling gears such as traps, that might work, for something like SCUBA spear fishing, where some people go out with one person, and other people go out with two or three people in vessels that are the same size, you would expect to get quite different results. And if you are just going by vessel, and using effort by vessel, you are not going to get an accurate reading. Even with traps, if you got information about how people baited their traps as to how much fish they caught, or what types of fish they caught, that may be important as well, instead of just putting traps ... you know, there is just a lot of information out there that you need to probably look at in very intensive way, and then figure out what it is that you can do to ... to a minimal amount that will give a good idea of what the catch per unit effort is, what the catches are and so on, and is not coming back to, as we do at these meetings all the time, where the fishermen are going, well yes, but you know, we do it this way or that way or you are not going to sample, say, yellowtail snapper with traps, you sample it by using another type of gear and another type of fishing ... you'll have to go after that type of fishing method in order to target so we have a real good idea of what the fishery is and how things are collected, or how fish are caught before we actually sit down with the final cut for the sampling forms that fishermen are filling out and how we are going to analyze it. I think that is an excellent idea. They are doing a very intensive program to begin with.

### **Tape 1(b)**

Aida Rosario: ...they were very similar as of what you see for Puerto Rico, and it went a little bit farther to improve reporting from, instead of groups by species. So that is the major difference with the recommendations that they made for Puerto Rico, since you are reporting it by groups to improve it to make a reporting by species.

Marcos Hanke: Following the line that Reni just was considering in terms of the big problem that we have with the recreational fishermen, is something that we have to solve in knowing that the fishermen, the commercial fishermen sell their catch, their main markets are restaurants and fish houses, because you guys are dealing with that now, trying to work with the dealer permit or something, to create a system that involve restaurants, and dealer houses, like a paper trail. You cannot sell to them unless you have a commercial license, create a system on that matter to protect the market for the commercial fishermen. At least closing the door somehow, somehow, to the recreational fishermen that are doing illegal, to the point that if you are a recreational fisherman and you go there and you catch a lot of fish, maybe they can sneak and sell ten or twenty pounds to the neighbor or whatever, but you have a lot of fish and is going to storage and it will not work out as good. It is going to be frozen and people don't want that anymore, and is a good way to try to cut the legs of those illegal fishers.

Todd Gedamke: Two quick follow-ups. One about the recreational fishing question, Barbara mentioned that the intensive survey, one of the ... would also be to try to get as much information as possible, and we suggested potentially including questions from the local commercial fishermen on the magnitude of recreational fishing that's occurring at the landing site in that area. Obviously is not going to solve the problem, but it may give us a little bit of a baseline as a starting point for magnitude of recreational fishing. The second thing is, I don't think that my answer to Miguel's question regarding sectors was fully complete. I just wanted to throw the other side of the issue out there, while we are trying to collect information that is islands specific, there is still the



discussion regarding the stock as a whole. You have St. Croix, which is very separate from St. Thomas and Puerto Rico. St. Thomas and Puerto Rico are on one platform. So there is still some other discussion as to whether if it is one stock. You have people fishing basically on the opposite end of a single pool. So that is not a dead issue, and I just wanted to make sure that that wasn't clear, but the idea once again is to collect island specific information and use that as best as possible.

Barbara Kojis: The SSC was asked to clarify the intent with respect to scenario 7 on the table of scenarios for determining the amount of data that was available in order to determine OFL, ABC and ACLs, and the status of stocks. Scenario 7 that was management advise given by the SSC, and that management advise was taking into account fishery independent research and control the fishery with the purpose of collecting needed data ... the effort as limited to what is required to collect sufficient data, and there was also a note that participation in the fishery is dependent on following all data collection protocols. So the CFMC staff asked the SSC to clarify what that meant. And an email was sent during the last meeting asking if the SSC meant to restrict the fishery only to those fishers collecting the data, or to allow the present fishing level to continue while collecting the data and so on. Well, it was determined that we needed to have another meeting with respect to this, and we had a conference call and we developed an advice with respect to this. So what I am going to do is in essence read what we came up with in all and agreed to. (Letter included under Attachment J.)

Miguel Rolón: The meeting that the SSC is proposing, how many days you need?

Barbara Kojis: I would say that at least two or three days. I would suggest that it be relatively soon, before, well before the Council meeting so there'd be an opportunity if we need to come back and work on documents and so on to present to the review of the Council so that we have time to do that, because I think some of that can be done back and forth by email among all the members as well as to finalize the wording of things and so on.

Miguel Rolón: So I believe, if I may Mr. Chairman, that is probably one of the key meetings that we need to have very soon, and as per your presentation I believe that maybe the end of July would allow us to provide you the documents that you need and coordinate the meeting, and then the Council meeting will follow in August sometime. Graciela, the papers that we need for the SSC might be ready for the meeting in July? If you have it that's ok, if you we can work it, because what I will propose is that we sit down on the side with the Chair of the SSC, Barbara, Joe, the Council and you, and come up with a strategy for that meeting.

Graciela García-Moliner: All of the reports that the SSC might need are dependent on the local governments and the SEFSC specifically. So we need to sit down on the side with Todd and Aida and Ruth.

Roy Crabtree: Barbara, just to make sure I understand where we are in all this. So it sounds like to me where we are is, we are going to move forward with essentially ACLs somewhere near the catch levels that we think are likely with the regulations that are currently on the book, and were put in by the SFA amendment. And then you guys will continue to review the status of the stocks and the information about the stocks and as more information becomes available will make adjustments accordingly. So the take home point from that is, we aren't looking at draconian cuts with these ACLs. We've already done the tough work in the SFA amendment, and we are looking at putting in place ACLs that are going to be pretty close to the catch levels that we think are going to occur since that amendment. So we have to figure out how to lump the species and what the groups ought to be and those kinds of things, and we'll do that over the next several meetings, and we keep focusing on data collections. But it doesn't sound like to me, based on what we have now, that we are looking at deep reductions coming out of all this. I think you guys as a Council can decide you want to be a little bit more conservative, that's up to you, but that is my take on where we are right now, and we'll see what comes if we

have another SSC meeting and they look at this a little bit more, then I guess we'll come back and see if there are any adjustments that need to be made in August.

Eugenio Piñeiro: You said that you don't think any more reductions are coming?

Roy Crabtree: It looks to me like where we are heading in this ACL amendment, for now at least, is we are going to use pretty much what are the expected catches now. Now, we've already, we've put in some tough things, I mean, queen conch is essentially closed in the EEZ. A bunch of these fisheries are closed in the EEZ, so some of the ACLs are probably going to be 0, but they are already closed. And it looks to me for these other groups we are going to be looking at what we think are the catches now, and something along these lines. But I don't think we are looking at coming in with massive cuts right now for any of these stocks, beyond what we've already put in place. And that's what I am reading that the SSC's advice here is. Is that we've already put these things in, and that they are not calling, I mean, they are saying right there, we are not calling for further reductions beyond those already put in place at the time of the SFA. So unless you as a Council want to look at additional reductions, it doesn't look to me like we are looking at significant cuts in this particular amendment. Now, I think, you know, you saw the analysis Todd did, and I think that data programs are going to get better and we are going to get more assessments, and those assessments may show that there have to be reductions in some of these stocks, and we'll deal with it as they come along, but at least right now that's the way it seems to me. I guess that's what their position is.

Barbara Kojis: That's correct.

Miguel Rolón: The problem is that that position is not a position yet until they meet again. So hopefully they will have the same mind when they meet in July, and I asked Barbara to clarify this, and we did it through a conference call just to make sure that they were in agreement to expand the question that the Council asked. So if we have the meeting in September, you said the last week of the 31<sup>st</sup> is Ok? That would be the first week of September. So Barbara we will then plan with you and the Center and Graciela, so we can have the meeting in July, then we come back to the meeting in the first week of September, and we will then finalizes the recommendations from the SSC and incorporate them. The other thing that I wanted to mention is that I need to prepare the next five years budget for the Council, and this is an excellent opportunity to incorporate what we need to do, so we will follow the ACLs and all the other stuff that we need to do.

Barbara Kojis: One of the other things that I wanted mention is sort of related to this. The SSC members have said several times that, you know, and the SSC needs to incorporate scientific uncertainty into their recommendations, but they said it's clear in the documents that the Council has to incorporate the risk factor based on management; how well is the management, how accurately are fishermen reporting, how rapidly are documents coming, you know, information coming in and so on, whatever they feel is important on all of this. So the SSC members just want to make it clear that, you know, the SSC is responsible for the scientific uncertainty, but the Council is also responsible for determining management risk and determining what the ACL levels and so should be. And I think it is important also for fishermen to realize that the more accurately they report and the more confident we are with the data all around; the less reductions in ACLs and what have you need to be made. You know, if the reporting is coming in and people are actually reporting what they catch all the time, then they can take the data right then and there, and they don't have to say, oh, we are not sure whether people are under reporting or over reporting or what have you, so we need to, you know, this is what the average, we need to reduce it by 25% or something. And the other aspect of it that I just want to mention, because scientists area always mentioning this and it is that you never know what the ramifications are when you are under reporting or over reporting or inaccurately reporting, because they can go any way. It just depends upon how you are looking at the data at the time, and what instances are happening. So accurately reporting exactly what you catch is crucial. And then, it is important for you because this is your profession and

a sustainable fishery is going to be important in the long term for yourself, for your children, for your community, for the people who like to eat fish. So if you are reporting accurately on this whole thing, and then as long as fishermen, as well as scientists, as well as managers are all looking at the same data and sitting down and talking about it, then you have something in front of you saying, this is what we are actually doing, so let's all sit down and discuss it and look at it from each of our perspectives, and try to make everybody understand where we are looking at it from. And if we can do that, I think that we can then manage these species well, and make sure that we all got fish to eat for the long term.

Todd Gedamke: I have to speak on behalf of the Science Center here, and I really do want to highlight the importance of the Council's consideration of this aspect of the process. As Barbara just mentioned, the NSI Guidelines do specifically state that we do have to account for uncertainty, and in everything we've been discussing there's really three different sources of uncertainty. You have the average catch, which we are using as a baseline. We've already discussed misreporting and un-reporting; those are two different aspects that differ between your platforms, and the other one, as Barbara just touched on is how close is that average catch to an overfishing limit. So during the SEDAR process, the Center had provided three different options in the case of these types of data situations, where if we had the analysis to present the baseline related to an MSY benchmark, we can then use that average catch to scale down average catch. The second option was to use an informed judgment approach looking at productivities acceptability also coming up with a scalar that is based on a qualitative aspect, which Barbara was just kind of touching on a minute ago. Also, other regions that have been facing very similar situations have come up with two different scalars they are using to scale down that average catch and that provide precedents. Now, I am not saying that anyone of these are the way to go, but I think the word that we've used before is that there has to be clear rationale for the decision of what to do and how we are accounting for uncertainty in the final ACL setting. So I think Barbara touched on it, and I think the SSC getting back together will revisit this, but I did want to just highlight that.

Edward Schuster: Just hearing what Barbara said and so forth, and you keep asking for this accurate reporting. From 2005, we've been attending meetings, and I mean, you have to trust the judgment of the fishermen for you to have exact poundage exactly on the money. You're asking the fishermen to actually where they catch daily, I mean, you have to trust our judgment of somebody that's been in this industry for years, that we can almost look at a fish and tell you the size, I mean, I am sorry, the weight. And the other point that I wanted to touch on is, this reduction I keep hearing, I mean, you are asking to cut it down by 25%. I mean, from the time this document has ever come out you asked us for this 33% reduction, and when is it going to stop. We have, I mean, countless things we have gone into ... an effort of reduction. So I mean, when is it going to stop? When is it going to actually pinpoint where the problem is?

Julian Magras: This is just a quick comment, Julian Magras, Chairman of the St. Thomas Fishermen's Association. I was glad to hear the statement made by Dr. Crabtree, that there will be no drastic reductions right now, and then I heard Barbara speak about the uncertainty measures, and for the fishermen to start report more accurately. I just want to make it clear that you are setting these ACLs right now, and at the same asking the fishermen to start reporting more accurately, that we must be careful when revisiting the ACLs, that if you see ... getting the correct data information that NMFS needs in order to do their job, that the fishermen will not be penalized because you may see an increase in landings, and that really needs to be incorporated into the whole decision making here, because you are putting my livelihood at stake, because if you see a 20% increase, I don't want you to then come and tell me that we are overfishing and we need to take more reductions into consideration. So that needs to really play a role with this.

Roy Crabtree: That's something Julian we've talked about, because I think it is reasonable to think that the catches may be under reported now, and if we get better reporting, they may turn out to be a fair amount higher than we think, and we are going to need to factor that in, and I am thinking maybe at the next meeting we can,

you know, you have the accountability measures that talk about what happens if you go over, maybe we can put something in there to reflect that, if we think we went over just because the reporting has improved that we take that into account somehow. But I tend to agree with you, the catches probably are under reported, and so the message you guys need to help and get out to the fishermen is, we need to report accurately, so we can get away from these things.

Julian Magras: I agree with that. I think we can build a good relationship between both the territorial, the NMFS and the fishermen, once the fishermen can build the trust that the data that is being collected is going to be used accurately and in their favor, and it work for both, their livelihood being able to continue and we keep a sustainable fishery. I think that everything can work perfect that way.

Winston Ledee: Julian made the same point I was going to make.

Todd Gedamke: All three of those just made the same point I was going to make, and I just was going to expand a tiny bit in that as Julian pointed out, if we get better reporting we may get increased landings and therefore the ACLs would have to be readjusted and go up. The point here is that it is directional. I hardly doubt that at this point that we are ending up with severe over reporting, and the other aspect too is that with better reporting we are reducing uncertainty, which is also going to reduce the need to account for uncertainty in those ACLs. Roy just touched on the accountability measures, as we get better reporting one way we can take a look or track the differences and how we may adjust it, is we could end up with a 20% increase in landings, but we are also going to get an increase from people that had not previously reported, so we can be tracking the people that are reporting currently versus those that are getting newly onboard.

Eugenio Piñeiro: Thank you very much. We are going to move now back into the ACLs.

Graciela García-Moliner: Yesterday, after Todd's presentation we were going to discuss the alternatives that were taken to the scoping meeting. So we retake it with the snapper unit one. The snapper unit one includes the silk, the vermilion, the black and the blackfin. Depending on the decision of the Council, the wenchman will be part of this. When we took the scoping document out to the public, the no action was the preferred action by the USVI for the snapper unit 1. We took then the alternatives for Puerto Rico, which again include an ACL of 0 in the EEZ, three hundred thousand pounds. I am just going to read up the total amount of the ACL; two hundred thousand pounds from the average of 99 to 06; three hundred thousand pounds, which include the landings of the wenchman, the average landings for 94 to 06 for a total of three hundred and fifty five thousand. The average for 99 to 06 is three hundred sixteen thousand pounds, and the average for 94 to 06, which totals three hundred seventy four thousand pounds. Of course, most of the comments came back stating that they would like to see the highest of these total landings applied for the ACL in Puerto Rico, and there was an additional alternative at that time to use the average landings times 1.2 the value selected from the previous hundreds of ... pounds that I mentioned. So we did have two new sub alternatives that were reported or presented by the commercial fishermen of Puerto Rico; one of them would be to establish a preliminary five hundred thousand pounds ACL for snapper unit 1 in the EEZ, and to not establish one for the state waters, and then revisit these numbers five years from the time of implementation, and another sub alternative, which suggests to establish equal amounts for snapper unit 1 also for the recreational and the commercials. So that would be the highest amount of three hundred and seventy four thousand pounds for ACL for the commercial sector, and three hundred and seventy four thousand pounds for the recreational sector. Although there is no rationale, these were offered in the comments that you have under Tab D, and they were not explained at the scoping meetings at the time, one of the reasons for establishing the same amount for the commercials and recreational as they stated at the scoping meetings was that the commercial and the recreational fishers harvest the same species and over the same areas, and apparently using, although maybe not legally, the same gear type to harvest these species, and harvest them at about the rate. So that was one of the rationales that were brought to the table. So

then again, one of the issues before the Council now is whether you are going to consider these two sub alternatives that were offered at the scoping meetings.

Joe Kimmel: Sub alternative 81.2 times the values selected from the sub alternatives B through G. The team that was looking at the document when it was created and just a couple of weeks ago recommended that, this was really an OFL recommendation, not an ACL, and they suggest removal of the alternative from the document. And so I present that to the Council for them to decide what to do with it.

Todd Gedamke: The 1.2 comes from the silk snapper length analysis, and given the uncertainty and my presentation yesterday, I would also recommend that, the Science Center cannot support that scalar, so that sub alternative should be removed, as recommended.

Roy Crabtree: Based on that I think we ought to take it out. Do you need a motion?

**Roy Crabtree: I move to remove H.**

**Viridin Brown: Second.**

**Roll Call Vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, Yes; Ruth Gomez, yes; Winston Ledee, yes; Miguel García, yes; Eugenio Piñeiro, yes. Is unanimous, the motion carries.**

Marcos Hanke: Is a comment, aside. I am processing what I am seeing, and to begin with, my main concern here is that because we don't have accurate numbers for the recreational fishermen, I don't like to set the number the way we have it, because we know that it is a lower number than they are actually capturing, and recognizing my observation from yesterday that we see that the fishery is doing good, and we are doing even better with the recent management from the state waters. I think I don't have a number, an opinion right now for analyzing this, but I think we have to set up this on a higher number that we can build a rationale to it.

Miguel Rolón: Marcos, remember that what we are doing here is preparing a document that is going to go back to scoping meetings. So you will have ample time to go through this, and by the time you are ready to make a decision we'll be probably in Christmas, so you will have the opportunity to go over it. And I also wanted to make a comment to all Council members. If you need any information from the staff to start processing this, this is a very complex issue we'll be available. You can call us or send us an email, and we will send you any clarification that you might need, because the Center for example has a lot of information that is, ...is difficult to provide you with that, we'll be able to clarify that for you.

Miguel García: I am just asking that here in Puerto Rico we would like to add something to that alternative, and if the answer is yes, how is going to be the process to...

Miguel Rolón: Which one is it?

Aida Rosario: We would like to see removed the wenchman to be added to that number that was proposed in A or B, since the wenchman, as it is reported by Puerto Rico is another species, not the one that they have identified as wenchman.

## **Tape 2(a)**

Graciela García-Moliner: Then your request is to not include it under snapper unit 1 here. So the landings that you'll see here that show the alternative that has wenchman included in it, which basically comes from the

number, then that would be deleted. So you want sub alternatives B and G, I believe, deleted from this consideration?

Aida Rosario: That's right.

Miguel Rolón: Joe, do we need a motion from the Council to do that, or just take note and do it?

Joe Kimmel: I don't think so. I think that as long as there no real objection at the end of the session today you can just approve the scoping document the way you want it.

Miguel Rolón: Is very clear now for you and Graciela and the team?

Shepherd Grimes: My question would be how is this going to impact the reclassification, or I guess the addition of wenchman to snapper unit 1?

Graciela García-Moliner: It is stated to say what we call in English the wenchman, the correct version of that is the cardinal snapper in English. The wenchman is a misnamed in this case, is referring to the species that belongs in snapper unit 2, and is a matter of changing the scientific name and the common name to the correct one. So it is basically instead of reading wenchman, under snapper unit 2, it will read cardinal snapper, and in snapper unit one it will read wenchman, because those are the correct common names for the species that we are referring to, but the category that Puerto Rico call wenchman is actually cardinal snapper. So therefore, your sub alternative D, E, F and G, will eliminate the category of wenchman from the ACLs for snapper unit 1.

Shepherd Grimes: I understand the problem with the terminology, but if what Puerto Rico is reporting as wenchman is really cardinal snapper, then those landings should be attributed to what will be snapper unit 2, and what happens to the species that is actually wenchman, that they are not reporting landings of, how will that be accounted for in the ACL for snapper unit 1. That is my question.

Aida Rosario: We do not have a direct fishery for that species. That was a mistake that when the SFA document was prepared that what we called wenchman was identified as *Aquindoliaris*, when in reality in Puerto Rico what we catch is *Macrualmus*. We requested, several years ago, that this species be removed from the SFA document, and I think that the Chair gave a rationale for that in the moment that we made the request. So we have been dragging this problem for many years, and we really need to stop dragging the same problem into the next level.

Jorge García: Considering that this snapper unit 1 fishery is probably one of the most important fisheries in Puerto Rico, I would like the Council to be very careful regarding this one in particular. And I have a few concerns; one of them is to ask whether the unreported catch is considered within this poundage, or this landing value. I wanted to know, because that will bring a lot of uncertainty in the pounds that are not reported, or the unreported category, which we know is very high. Another question that I have is regarding the source of uncertainty for which we want to be conservative now. Although there is a trend of this fishery that shows that is improving with time because probably all the management measures that have been taken, there is an uncertainty and we want to be conservative because of this uncertainty, and I would want to know, and this question is mostly for Todd, what is the source of the uncertainty?

Todd Gedamke: The source of the uncertainty really comes from three different sources. What we are looking at now as our baseline, our starting point is the average catch. So with the average catch alone or these landings we are looking at misreporting and non-reporting, these two sources. The way the language is written, and the uncertainty is really directed more of the MSY base metrics. If we were able to get a  $F_{msy}$  or  $F_{current}$  in

relation to Fmsy, what we would end up with is an uncertainty on our estimates for that. So you'd be looking at, for the silk snapper for example we had an estimate, but the uncertainty around that estimate was too broad in comparison to the current estimated Fmsy. So you have both, how does that average catch relate to Fmsy, and then what is the uncertainty surrounding the estimation of the average catch.

Jorge Garcia: Yes, but the thing is that what I am worried is; one, the variability in annual catch probably is reflecting a reduction in overall landings, because of the closures during the spawning season of the fish, one; and also the uncertainties associated with the under reporting will just, what it will do is that it will be an uncertainty associated with a reduction of the catch and not by overfishing. I mean, what would be happening is that you would really be fishing more, but you don't know that. But it is not an underestimate. It is a result of an overestimate of what you have. If it would be the other way around, that you would be saying that you are catching more than what you are really catching, then it will make you believe that there is a much more, that the stock would be much bigger than what it really is. But now the contrary is true. You know, you are at the uncertainty; the source of the uncertainty is on the fishes that are there but are not being reported. And then, what bring the source of the error in the variability in the annual catch on the same lines works towards an underestimation of the stocks, because, and all this is because you don't have a measurement of effort. Because if you would have a measurement of effort, you could normalize the entire data set and you would know. But since all you have is the catch, when you put management measures that tend to reduce the overall catch because you are not fishing during the time when the fish are more concentrated... what you do is you introduce variability that works towards an underestimation of the stock. In my opinion that is what is going on.

Miguel Rolón: We all know that. At this time all that I need from the voting Council members is whether we are missing anything for the scoping document that is going to be prepare for the next iteration of meetings. And if that is captured there, fine, if not, then we have to develop a language. So we have to be specific as to what is it that we are going to take to the scoping meetings.

Jorge García: Miguel, what I am worried is that we put a non realistic annual catch limit to this stock that will be, very quickly now, with the more efforts in being really strict about the statistics become very easily ... and then the fishermen will start fishing on the reef fish stocks, and shallow water is more exploited than our deep reef fisheries.

Miguel Rolón: No, no, the point is not to erase your concern. Actually, I personally would like to see a written statement from you regarding that, because that's important. But the thing is that that discussion will take place when we come back from the scoping meetings and make sure that all that is included in the record. So my question to you is that, looking at what we have on the screen, whether we are missing anything that is related to what you are saying. All the discussion about uncertainty, we know that, and the Center is very aware of that. So anyway, if you can put that in writing somehow as your comment, we'd really appreciate it, because that is the kind of thing that will help us develop the strategy for the ACLs, and most people don't know really what we are talking about when we talk about uncertainty, but believe me many of the fishermen are really beginning to grasp what uncertainty is. So the question for Graciela and Joe is where are we? How much time do we need to continue or finish the ACLs?

Graciela García-Moliner: You need to let us know if the sub alternatives that were presented by the commercial fishermen of Puerto Rico are to be included; that is to look at five hundred thousand pounds for snapper unit 1 in the EEZ, as the ACL; and suggest equal amount of the most, well now this would have changed, because you have eliminated the wenchman poundage, so all the numbers will change in this alternative. Is the intent of the Council to consider these alternatives as part of the discussions?

Marcos Hanke: My position is that if it is coming from the fishing community, then is something that I think is worth to discuss during the meetings and the scoping meetings, and the consult that you are going to do to the fishing community so we should keep it there.

Graciela García-Moliner: I mean, it would have to be requested to the SEFSC to see if the catch reports that we have in any manner support five hundred thousand pounds of landings for snapper unit 1 in the EEZ.

Shepherd Grimes: I just want to reiterate something that I said yesterday. When you want to put alternatives in the document you are free to put those alternatives in and try to analyze them. But if you are going to have a meaningful alternative, whether it comes from the fishing community or anyone else, it needs to include a justification for the poundage that comes out. Is not just about the poundage, it is got to be about the logic behind arriving at that poundage. And if we are going to come up with alternatives, these alternatives should be structured around, here is a new way to look at it, or this is the way that we are going to calculate whatever that eventual number comes out to be, and we'll need the eventual number, but again, it cannot be just pulled out of the air, because we can't justify it.

Marcos Hanke: To the point. I was not the person who brought those alternatives, but I can see that behind this we are just recognizing that this under estimate we have uncertainty with it, and they are also trying to create a mechanism to reevaluate in the future years, and we should take that uncertainty or whatever, into account. If the fishermen have that, I really think they are in the right track. The exact number, nobody here in this table knows, because we don't have the data to support that, to really know.

Roy Crabtree: Well I guess the second one, if you could make an argument for why you think the recreational catch is about equal to the commercial, there might be some logic behind that, but if the first one is just five hundred thousand pounds but there is absolutely no rationale for it, I wouldn't include that, and the second one with the equal amounts maybe that makes some kind of sense.

Eugenio Piñeiro: I tend to agree with Marcos on this. I would allow both of them, the uncertainty is too high, and the reporting, at this point we don't know much. We are in the process of discovery of evidence.

Graciela García-Moliner: We have under sub alternative C, the corrected landings for silk snapper, for Puerto Rico in this case, and the poundage that you are looking at anywhere along the way doesn't come up to five hundred thousand pounds, even if they are corrected. So just following through with the information that we have available.

Miguel Rolón: Just to remind the Council that you can try to be ... with people, but at the same time we need to be realistic. Each one of these alternatives will be followed with an analysis, and we don't want to give the false impression to people that we can support those numbers, because we cannot. Personally I would drop it, because you already have alternative C, you have the suggestion, and we have a hint that at least in Puerto Rico, by some numbers, the recreational fishers are capable of catching exactly the same amount of the small artisanal fishermen. There are some indications that fishers from, the deep-water snapper/grouper guys are way ahead of the recreational fishers, but that is another story. But anyway, my point is that unless you can support something like half a million pounds, don't waste anybody's time and drop it. If the scientists are telling you that we cannot support it, and hearing what Graciela just said, there is no need to have it there, except for what Marcos said, you know that the people would like to see the numbers there.

Eugenio Piñeiro: Ok. So sub alternative J stays, right? And then remove sub alternative I.



Graciela García-Moliner: On the SFA of 2005, on table 7, it states that for snapper unit 1 you have a 60-40 division between the commercial being 60 and 40 by the recreational. Anecdotal information on the recreational harvest indicates that they are using snapper reels, that they are harvesting the same amount, this was proposed by the recreational fishermen in Puerto Rico. So, I mean, there is indication that this is a fishery that is probably a 50-50 now. So the percentage most likely has changed. The only information that we have from the recreational sector comes from the MRFFS, and that is in numbers of fish landed, that then have to be converted to weight. So that is one additional factor that we have. In terms of the sub alternative I, the information that you have in the scoping document for the other sub alternative have looked at the average poundage for different years, 94 to 06, 96 to 06, so that information is available from the commercial sector, and it doesn't get, in the years that we've averaged anywhere near five hundred thousand pounds.

Eugenio Piñeiro: Thank you very much. Now I understand you perfectly.

Marcos Hanke: I stick with my position, even though I understand what Miguel is saying, for the reason that the fishermen are doing this by experience, and that they are estimating the same as the scientific methodology that we are using. We are estimating and we have uncertainty too, and we are not talking about perfect numbers on the other way around. And we are going to scoping meetings, and even there is a clarification there that there is no rational around it, this is the opinion of the fishermen, as a Council member I would like to see that on the document and to be discussed fully.

**Marcos Hanke: I make a motion to keep all the alternatives the way they are.**

Shepherd Grimes: I didn't understand the motion. I think you want to add these sub alternatives to the document, because they are not currently in there. So your motion is then to leave and to add sub alternatives R and G that are on the board now to the alternatives listed, or the sub alternatives listed under alternative 2 for action 5?

**Winston Ledee: I second.**

**Marcos Hanke: My motion is to add sub alternatives I and J as alternatives. Sub alternatives as alternative 2.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, no; Viridin Brown, yes; Ruth Gomez, yes; Winston Ledee, yes; Miguel García, yes; Eugenio Piñeiro, yes. Six yes, one no. The motion carries. We are going to include that in sub alternative I and sub alternative J in the document.**

Graciela García-Moliner: We said yesterday that for the USVI we don't have species-specific landings data from the commercial sector. So therefore, the only way of setting ACLs is to establish an ACL for the snapper category that is reported in the landings. So for St. Thomas/St. John you have sub alternatives from 0 in the EEZ, to 116,000 pounds for the average of 94 to 06. And then the average for those years is multiplied by an uncertainty scalar. There were no additional comments from St. Thomas/St. John from the scoping meetings.

Joe Kimmel: I just want to clarify that because there is no species specific information for the USVI, that the alternatives 3 and 4 is for all snapper, not just snapper unit 1, but for all of them.

Graciela García-Moliner: For St. Croix is the same. We have only the category of snapper, no species-specific information. So again the sub alternatives that were taken to scoping meetings range from 0 in the EEZ as an ACL to the average of 94 to 06, which is 112,000 pounds, and another sub alternative that average times a scalar due to uncertainty. We didn't have any comments specific to this in St. Croix.

Edward Schuster: Joe mentioned that since there is no specific species you are grouping all the snapper in one group because of how the catch reports have the snapper unit categorized?

Joe Kimmel: Frankly I am not sure how we got to the number. You may have to refer to Todd. But the information we have for the USVI, nothing is reported per species, and so however we go there, we used only snappers. We can't separate just snapper unit 1 or snapper unit 2, but all species in the snapper category. I'd have to refer the response to that to the data set that we were working from, and Todd might be able to speak to that better than I can.

Graciela García-Moliner: There are a couple of things; one, the landings information that comes from the USVI came in time. So you have a data set that began in the 70s or 80s, reporting by gear type. Then, in the 96-97, came to reporting by family groups, so you have snappers and groupers, etc., in the reporting information. The information that we had in the SFA, looked at that and at the data that was available from the program that measured the fish when the fishermen allowed for the port samplers to measure, and back track using also the information from Puerto Rico to then get to the percentage that is in these species will constitute in your snapper category. If that's not being done anymore, because you don't want to rely on the data from Puerto Rico and the percentages that it represents, and we don't have enough sample sizes in the TIP program, in the measurements of snappers to go back and tell you what are your categories and how much they represent under snappers, then it was decided at all the meetings that we've had to use the snapper category. But anything that is reported under snapper category for St. Croix, that's what is here.

Edward Schuster: Again my question would be to you, because of how it's on the catch report, then all the snapper units, or the snappers, snapper period, is grouped on the catch reports. You are not giving a specific species a quota?

Graciela García-Moliner: You have to go back and rely on all these other mechanisms to which every one was opposed from the beginning. So we are using what is available, and what is available is the snapper category. So for all snappers that you report, because that is how is done, look at your catch report and is reported under snapper, when everything was average over that period of time. Now, I have to make something very clear, we are dealing with the Science Center regarding the data sets that are being used, and this might have an impact on changing the base that we are using for averaging the data, and it might have an impact on the corrected and uncorrected landings that are available. For example, the USVI has requested that no correction be added to the landings that you are reporting. So all those things are being considered in the data workshops and in the SEDAR, and they've been discussed in the sense of what would be the best available information to be used to set the ACLs. So all these things, we do have a request to the SEFSC for the final data-base that will be used in establishing the ACLs.

Edward Schuster: It still raises a question in my mind. Why should the fishers, or why should we be here now today with our backs against the wall because of how we were forced to report according to how the catch reports were set up? The way how the snapper and the grouper were placed into one category was to make it easier for this data entry of DFW. You cannot now because we are setting annual quotas to species specific because that's how the data was collected for years, group all the snappers into one category. It is a fishery that has been ..., you are going to ... these catch at ACL more at a point where you are going to reach its peak, because you have to take into consideration a specific type of fish and fishing method was removed from our fishery, which resulted in pushing fishermen into this other category of fishing. Now, if you did it, I don't know if it's a violation, but if you did it for other places, then you are going to have to give us a period of time to get these species specific if they are listed. Like I remember the last time we were here it was listed as species specific of the deep water snapper, yellowtail, shallow water snapper. If it's separated ... then you are going to

have to give us an equal opportunity in order to have an accurate or pinpoint what these limits are. You cannot judge because it's limited you grouped shallow water, deep water, snapper into one group, set a number because of how it's been ... we all know the way the data was collected or grouped is wrong.

Graciela García-Moliner: ... solutions to the problem, and one of them is for you to write down the ACL that you would recommend for the commercial snapper fishery in St. Croix, within the knowledge that you have. Like yesterday we did with the parrotfish for St. Croix. There is a recommendation that it be added to the scoping document that deals the total poundage that they recommend for an ACL, with the rationale of why this poundage was recommended. So it stated the total pounds of parrotfish that every fishermen harvest during the week, for a number of weeks during the year, for a total poundage. So therefore, within the basis that they are given it should be the ACL.

Edward Schuster: Then again, it's sending a small scream here, because in order for us to be into compliance, or whatever you want to say with this reduction, you know, they'll ask for compatible regulations. Since being a member on the FAC, which is our Fisheries Advisory Committee, which advises our local, we have asked to have compatible regulations, in order that it makes it easy for enforcement. What has been a recommendation from our FAC is to make it clear, we have asked from our FAC to do a five year period to adjust that catch report form, and then take the data from there and separate it in species specific, in order for us to pinpoint it, because I know for a fact if you group all these snappers together, I mean, you are going to, for sure you are going to exceed it.

Graciela García-Moliner: Under sub alternative B, the average landings are from the reports from 94 to 06. So what Joe was saying, and what you were saying in terms of you suggesting, recommending in terms of your knowledge and the fact that the seasonal closures have gone into place in the territories in 2006-2007, and the, for the seasonal closure of the deep-water snapper, then, and this is from the actual report. I ... to site... the SFA document from 2006, that for the snapper unit 1 in the USVI, it was a total landings of 35,000 pounds.

Shepherd Grimes: I have, I guess is a rhetorical question, but regardless of whether it was broken out by species in the reports, or whether it's aggregated by snapper in the reports, that 112,000 pounds would equal the average reported landings, right? So even if you could break it out by species, and aggregate, it would equal 112,000 pounds. So the fact that it is an aggregate and not separated out by species, in and on itself would not result in any reduction in the overall landings level. Now, if you are arguing that 112,000 pounds is too low, then it has to be that it was unreported, period, regardless of how it was actually reported. And if you are going to make that, then I guess you need some basis for adjusting or accounting for what was under reported. And it would seem to me that it would have to be something other than intuition.

Edward Schuster: There's still a level of uncertainty because we do not have any catch reports from the recreational sector. So therefore, you are going to have the recreational sector tapped into 112,000 pounds of a total snapper group?

Roy Crabtree: Right now we don't have recreational landings reports from the USVI. But I agree with you, when we start getting them we'll have to come back to this number and adjust it. But I am not sure how to get around that right now. I know we have some alternatives, but they rely on using Puerto Rican's, and I don't think anyone is comfortable with using the Puerto Rico split. So my view is, until we have recreational catch estimates for the USVI, we probably just shoot at set a recreational catch ACL, we'll just have a single ACL, but as soon as we get recreational catch estimates, then we are going to have to quickly come in and adjust things up to take that into account.

Graciela García-Moliner: There are recommendations to that, and that is to, the ACL for the recreational sector in the USVI to equal 10% of the commercial total landings.

Julian Magras: One quick clarification here. I think what Ed is trying to get at, from what I understand is, I don't think is the issue of the 112,000 pounds as of snapper unit. What he is saying, and correct me if I am wrong, is since the net ban went into effect for the parrotfish, that the fishing pressure has moved to other areas of the fishery, and so you will see an increase pattern in some of these other fishing methods, different types of, you know the snapper unit, you have the yellowtail with deep water snappers, so when the fishermen had to move from fishing it with nets, they either went into the trap fishery or they went into the line fishery. So you would see more increases in those areas, and that can make an impact in the ACL that is being set for that fishery.

Shepherd Grimes: Well I guess when did that occur? Because if that occurred prior to this time period, then that does elevate the landings that would be accounted for in this ... If that occurred after that, then it wouldn't be accounted for in this ... but then again, it wouldn't be within the rationale that was provided under the SFA amendment for preventing overfishing. So I guess, if landings have gone way up since this time, then we have to constraint them to the levels we said we would in the SFA.

Edward Schuster: Your records only go as far as 2006. It has been implemented or enforced from 2008. So you have a two-year period where you are definitely going to see an increase in landings because the fishing effort has been shifted. The fishermen have been forced from the shallow reef fishery into a different category of fishery, which they have gone into either deep-water snapper fishery, or the shallow water fishery, which would be the yellowtail snapper. So these 112,000 pounds are going to be exceeded.

Roy Crabtree: Eddie, if it's exceeded because more effort is shifted to it, well that's a problem, and then we'll likely going to have to take management measures to address that. If the catches go up, but only because under reporting was occurring, then I think we can adjust it. But if catches go up because more effort is shifted there, then that is a problem, and that is something the Council likely would have to address.

Edward Schuster: And we go back to the same thing that I have been saying in these meetings, you did this closure, it has been banned in the EEZ, which is net fishing, gillnet fishery, and because to becoming to compliance with this 33% reduction that you guys have been asking for, the local, meaning the local government, state water, has shifted or adopted your measures which has asked for compatible regulations. So therefore, a social-economic study was never done locally, to see what effect it would cause in the federal territory or jurisdiction that you guys have over. So therefore, you, basically you are creating overfishing, as a result of you guys asking for compatible regulations, the VI Government on the donkey pulling a card to come into complying with the 33% reduction, creating increased fishing effort on your deep water resources. Not knowing what percentage of the twelve hundred and fifty thousand pounds came from federal or local state waters. So I mean, this is what is causing the overfishing. You are forcing fishermen into an industry where ... or a result of ..., and now, and this is what I said when we were down there in Puerto Rico at the DNER building, don't come around in a run around circle with somebody painting whatever and saying that we are going to do a ... because now here it is you are going to force, you are putting this hundred and twelve thousand pounds on fishermen, and it is going to exceed, and you just ... and you said it, you said that the fishing effort has been increased, but it's because of state waters trying to come into compliance with the 33% reduction.

Roy Crabtree: I don't disagree with you Ed, but that doesn't change the fact that we can't have effort increase in this. This is not an unusual problem, this happens all over the country all the time; we restrict a particular fishery, the fishermen shift their effort to somewhere else, and then we have a problem there. Is a common

problem, I don't think we are going to get to a solution today, but is something that are going to have to deal with.

Marcos Hanke: The thing is that we just made a measurement on those snappers to protect them on federal waters, and we don't have the time and we don't have the data to see how good it has been. The indication in Puerto Rico is that is has been positive, through our observations, and to penalize the fishermen again, and trying to set something that we really don't know the effects of what we did in the past, and all the rationale we did in the past, I think is unfair for the fishermen.

Eugenio Piñeiro: That is what this process is all about. The scoping meetings are going to come and when we come back all these comments are going to be incorporated, we are not going to solve that today. However, what I do have to solve today as a Chairman is that some of the members, and we have to break out of here in five minutes and I have two persons who want to address the group; one is Mr. Tom Daley, followed by Mr. Jimmy Magner, so please go on.

Tom Daley: I am here to say that those numbers up there reflect before gillnet operation, prior to the ban on the gillnet. The snappers are there in the deep, and...

## **Tape 2(b)**

Jimmy Magner: ... I guess that we don't really have any choice about this ... why you keep taking our livelihood, and you can't explain why are you taking it. Catch reports? The documents I saw, that would never work, even in the biggest fisheries in the US, with Internet data and all of these kinds of things. We are dealing with people that live on the ocean. You are dealing with fish. You are dealing with numbers like that... you can't work a system without numbers and then try to correct them. We go backwards. 21<sup>st</sup> century and we are backwards? I just find it amazing how we work that. A bunch of minds that are supposed to be brilliant can't come up with a solution simple. It would be nice if they would come and work with the fishermen to learn about the fisheries so we can create a management system that would work for everybody, instead of creating one outside, and then give it to me and tell me this is what it is. We are trying to work and work, and as long as we are being pushed, we are going to be confrontational. And with that I thank you. I have a lot more but I'll leave it there.

Graciela García-Moliner: There is an additional alternative for the sole snapper unit in the US Caribbean, and that is the same thing, 0 in the EEZ, five million five hundred forty nine thousand pounds, which is the average 94-06 for all of the US Caribbean; that's Puerto Rico, St. Thomas/St. John and St. Croix, and the same average landings times an uncertainty scalar. You have a number of comments, and they are under tab D in the briefing book, so people had requested in Puerto Rico to keep snapper unit one completely separate from the other units, from the other islands, and there are some direct quotes regarding the status determination of these species that are also contained within tab D. So are there any other comments regarding snapper unit 1? So moving on. The recreational sector, the comments again, for the USVI the unanimous decision was to have no actions on setting recreational ACLs. The second alternative that you have is basically something like what you have in the SFA. Then you have additional alternatives to use Puerto Rico MRFFS data for setting an ACL in the EEZ and state waters for the different units that we've talked about so far, and they'll be using the proportion of the recreational landings relative to the total landings, total of recreational and commercial landings. There was a suggestion not to establish an ACL in the USVI EEZ, but to use the commercial ACL for each of the units or families as the proxy for an ACL for all sectors of the fishery. Is what we had been talking before, to set a recreational ACL equal to 10% of the commercial ACL, and then there was also a suggestion to establish a separate charter boat sector ACL based on the MRFFS data for Puerto Rico. You do have a new alternative that was suggested by the commercial fishermen of Puerto Rico, and that is on the screen, it would be alternative 7;

to set a recreational ACL in Puerto Rico equal to 50% of the island's EEZ commercial ACL, and allow this number strictly for recreational fishers too. And other alternative to harvest all species managed by the Council in the EEZ as well as state waters, and the sub alternative b, harvest only fish species managed by the Council that is not listed as overfished or undergoing overfishing in the EEZ as well as state waters.

**Marcos Hanke: I would like to make a motion to add the language on the screen, the new alternative 7, to the document of the ACL.**

Graciela García-Moliner: This is strictly copied from the presentation that the fishermen gave as it's written, and there has to be a request for clarification.

**Aida Rosario: Second.**

Shepherd Grimes: I just have a question, if they provided any rationale as to why 50%.

Marcos Hanke: Because the estimate is that they use 50-50 the resource in Puerto Rico between the commercial and the recreational.

Joe Kimmel: Yes, I think that was just as in the SFA amendment that the recreational landings were approximately at 50%.

**Roll call vote: Marcos Hanke, yes; Phil Steele, yes; Aida Rosario, yes; Eugenio Piñeiro, yes. Four yes. The motion carries.**

Graciela García-Moliner: We also have a recommendation that was made previously, basically the same thing, 50-50, Puerto Rico commercial be 50%, and the recreational 50%, but using the largest amount of poundage available for the ACL. Then, the rationale for this was that the commercial and recreational fish the same kind of fish and in the same areas. In addition to that, the number of recreational fishers in Puerto Rico is about a hundred and ninety thousand, two hundred thousand recreational fishermen, or participants in the fishery, and about two thousand commercial fishermen, give or take. There was a continuous request for recreational data that is always missing, and there's a big gap from that sector, so most everyone that came to the scoping meetings said so.

Marcos Hanke: I am a little confused. How many recreational fishermen there are?

Graciela García-Moliner: MRFFS what it records is participants in the fisheries, so it goes in waves and it includes participants from out of states and from the states, but there might also be a duplicity on the number of people that they are counting along the way. So it includes the ... and what the people from the DNER who have been reporting the data estimate around 200,000 recreational fishermen.

Marcos Hanke: Those include then the charters, the people that fish on the charters?

Graciela García-Moliner: I can't remember if that number includes that, because the charters are recorded under MRFFS under a separate category, and you have private or boats recreational fishermen, the charter operators, and the people who fish from shore. I believe that in their statement is the total participants, and because the charter operators in Puerto Rico, although they do have a commercial fishing license, they are considered recreational fishermen and they cannot sell their catch from the charter operation.

Marcos Hanke: I just want to make a remark for the same reason that your discussing this, is that we need to fix the definition of the local government about which side we are, either commercial or recreational.

Miguel Rolón: That doesn't have anything to do with this in here, and what we need to know is whether you want to keep that alternative here or not. The difference between that alternative and the previous one is that they are saying use the recreational fishing landings data from the Puerto Rico sets, if not then you go 50-50.

Marcos Hanke: I want to keep the alternative on the document for scoping.

Shepherd Grimes: Just before you move on from action 6, I want to point out as Dr. Crabtree mentioned earlier, your no action alternative for the recreational sector is potentially a viable alternative, because you would have one ACL for the fishery, since you really only monitor the commercial fishery anyway, you would have the ACL set for commercial fishery, when that ACL is reached you'd shut down everybody, commercial and recreational. And it would all be based just on that ACL as a proxy for the entire fishery.

Graciela García-Moliner: Also the people that came to the scoping meetings were very adamant about having some kind of a recreational ACL separate, and basically double the commercial so that the recreational would have as much available as possible. They also suggested that the charters be included with the commercial sector rather than with the recreational sector, but indeed, although there is a requirement for recreational fishing licenses in Puerto Rico, they have not been implemented and this is something that most people consider should be done, and none of the Council managed species should be harvested by recreational fishers. This is based on the fact that they are being managed, so they should be allocated to the commercial sector. So, that the recreational fishers, since they harvest as much as the commercial fishermen, is only the commercial side that is mostly regulated. So they in fact are asking for regulations if they come down on the side of the recreational. They do give an example of the dolphin, although is not, the dolphin fish is not a managed species by the Council.

Miguel Rolón: A question to Marcos. This is something that is mostly related to the way that the local governments operate, but they're still in the EEZ, and we might be able to say something to that effect. So what would be your recommendation to the Council if the Council submits a letter to the local government that the charters be included as commercial, in the commercial sector, or just keep it in the recreational, or in between?

Marcos Hanke: I'd like to see the charters be treated like a commercial for many reasons. One of the main ones for me is that for us to produce statistics, formal statistics from our fishery, as an indicator for the health of the fishery. It is a small community, is easy to do it, and I think it is very important to do so. And we feel like we are commercial operators in the waters that we fish. It's a different purpose, but is much more likely to be a commercial guide and we do this for living full time. Is not that we have other jobs or anything. Charter operators in Puerto Rico live from that.

Miguel Rolón: Joe is there any room in the scoping document for something like this? Or is it something that should be dealt in some other way?

Joe Kimmel: I would think that the scoping document is available for any alternatives that the Council might want, but I would have a couple of questions to Marcos about exactly what you mean by charter boat captains being commercial. If they were to fill out data forms all the fish that were caught on the boat by them or any or their customers would be recorded as catch? Is that what you are talking about?

Marcos Hanke: The guidelines on that can establish to report the, I mean what I am expecting is to record the released fish. We can, by experience we can really estimate the size of the fish, and we have a timeframe on

how much, the fishing day and all the questions that you have on the other fishery you don't have on charters because usually is a very organized day of fishing, it is established, and we have to record about everything we do, including maybe we can add too the composition of the bait, or life bait used, or many information that you guys are not taking from any other industry that is going to be very helpful to the managing of the fishing. And tied to that you can discuss also, once we are given the data and everything, if the fish is sold by the mates or whatever, in the case of the deep sea fishing charters, all of that to be on paper and clear. And besides, the charter industry are not ... the adverse effect on the commercial fishermen, their market is not this big, because you cannot be as productive being a charter with clients than the commercial fishermen in terms of volume of fish, I am talking pretty much about the dorado, wahoo, tuna, the volume is not very big.

Joe Kimmel: Thanks for that Marcos, I was trying to build the record to make sure if I understood, and that sounds like a logical way to proceed. On the other hand I don't know of any charter boat operations in neither the Gulf or the South Atlantic or Southeast, or maybe anywhere else that are classified as commercial at this point in time. But in terms of having it as an alternative or option in the scoping document, I think it is a fair game for the Council to consider.

Eugenio Piñeiro: And if I may, even it is not important at this moment for the public, in the future it could bring benefits to the data record and reports of the territories, and it might straighten out the reality of such industry. As I found out recently there are only seven of the charter boats registered in Puerto Rico, with all the full permits, and there are like forty or fifty or them. No wonder they don't want to have an organization. Most of them are flying under the radar, illegal operators. So this might, at the end of the day, be good for compliance with the Coast Guard, with the DNER, so that they can legalize giving them the chance to normalize their status.

Graciela García-Moliner: What Joe said is right, I mean, we've been investigating the fact that charter operators have been requesting that they be treated as commercial. The thing is that under the ... the new MRFFS, the for hire sector is considered under recreational fishery. In the local governments they are also considered as recreational fishers, although as I said before, they do have a commercial fishing license. The allocation of the fish to be sold by the recreational charter operators then ... means that you are charging for the fish that you are taking and charging for the fish that you are selling, and this is one of the main oppositions in terms of the commercial, the charter being a commercial operation, because of the double income that is gained from that. In addition to that, in the recent years there has been more activities from the charter operators in the EEZ, from the MRFFS data, and under the comments from the public hearings on the Bajo de Sico, there was testimony regarding the use of Bajo and other areas in the EEZ on the west coast of Puerto Rico by the charter operations that have grown out of the west coast of Puerto Rico. So there is testimony under the other amendments that the Council is considering regarding this issue.

Aida Rosario: Regarding the charter boats license, the problem that we face is that this was established by Law, the status of the license as a commercial one. So we need to amend the law. And on the regulations we have this dual status that makes it very difficult not only for the industry, but also for the Department on how to work with them. So we are aware of this, and we are trying to clarify this situation and make it something that is workable for everybody. It might take some time because it is not only a matter of the regulations. Probably what we will be doing is, since it is a by law a commercial license, then give it the whole status of commercial fisher and try to avoid to go into amending the law. So that is one of the easiest ways to take this problem into account. Just to give you an idea of how many anglers, recreational anglers were accounted in 2007, as local Puerto Rico anglers, it was 185,429, for water anglers, and that is a 89% of the total anglers in recreational activities in Puerto Rico for 2007. That is I don't know how many times the number of commercial fishermen in Puerto Rico that are only 1,129.



Marcos Hanke: Just to finalize my point, even though this is not the main issue, about the double income, Graciela, by tradition, the charter operators, before the law, the method of payment for the mates and the way for them to keep the business working is by say for the mates, is of the sale from the catch, the dorado, the tuna, whatever, especially dorado and wahoo, and another difference between the charter and the commercial fishermen is the composition and the size of the catch. Size is probably very valuable for the market and is not available because the technique used is totally different, and the hotels and other restaurants need that type of different composition of catch, and we do catch less volume and less quantity, is just a complement for the industry. And there is another point that can be worked, but there is a deep need for fish on the fishing villages around the island of the same fish that we are talking about that are not available all the time, that the charters can supply and give benefit to the fishing villages for the commercial fishermen, just by saying that the charters have to sell to those fishing villages of Puerto Rico.

Eugenio Piñeiro: Aida, I believe you were going to give us some numbers that you just received regarding commercial numbers. Can you do it now?

Aida Rosario: Yes I can give that information. We had been trying to get some information from the Division that issue all the commercial licenses and permits in Puerto Rico, and finally they submitted to us the information, not by year, but what they have in their records until February 2009. To that date, they had issued the following numbers of special permits. We deleted from that list the Ceti, that is the other species that we manage through a permit, and as you can see, the numbers are not that very high for lobster and conch. It will represent probably 10% of the total number of fishermen that we had in the fishery. (Presentation included under Attachment K.)

Eugenio Piñeiro: I have a question. That census has something like 60,000 recreational vessels in Puerto Rico, and 2,000 commercial fishermen vessels. How come there are 1,139 and then 2,000 commercial permits. Are they being renewed? Does the Coast Guard have the same numbers as you guys have? How does this work?

Aida Rosario: Well, we also issued the boats registrations, and that includes the numbers that you just mentioned. Probably there are some fishermen that have more than one boat. So that is my account for the difference in the number of fishermen and the number of commercial fishing boats. We also know that there are a number of fishermen that are fishing without license. So we know that number might be as high as fifteen hundred fishermen, and that is my account then for the number of fishing boats registered in Puerto Rico.

Eugenio Piñeiro: Perhaps I should address this to the Coast Guard, but, if the Coast Guard is out there and two fishermen without commercial fishing license nor commercial stickers are fishing out there and using commercial gear, should they be regarded as recreational folks using illegal gear?

Aida Rosario: Yes.

Graciela García-Moliner: There was one more set of comments regarding the recreational ACLs, and that has to do with species that are being harvested by the recreational that are actually being sold, flooding the market for the commercial fishers. That is an issue of enforcement. There was a request by a number of recreational fishers to establish some kind of quota for bag limit for the recreational harvesters, and comments regarding the amount of the total landings that should be allocated to the Puerto Rico recreational fishers to be between 25 and 50% of the total landings. And finally, that the recreational are probably landing about one to two million pounds per year. These are estimates from the commercial side. So accounting for uncertainty, the USVI presented a no action reference during the scoping meetings. So for the USVI there was a set of different percentages that were account for the uncertainties. These are again being discussed by the ICC and the SEFSC and the SSC at the National level, so there is discussion on the percentages. There were no additional comments

from the USVI. The same thing, the ones for Puerto Rico are more specific given the data-base that's been looked at in more detail, and Daniel Matos and the SEFSC have been working on this, and there were basically no comments regarding these actions in doing the scoping meetings.

Joe Kimmel: When the plan team met to talk about this action uncertainty, they asked to add language to clarify the different scalars that might be used for the different species groups or species, and they recommended that, well they said ... the SEFSC what was needed to examine the uncertainty scalars and the recommendations and the recommendations were to set one set of scalars for all island areas, if we chose to go that way. The range of scalar should be 25%, 50% and 75%. And they also indicate that this may change as data collection improves and we get better information. So those are the comments from the plan team group.

Marcos Hanke: My comment is that, because you mentioned that it may change over time with better data collection, how we can, as fishermen, we can make sure that this is really agile, and doesn't take too long, because that is a big issue, because we can in some way accept so restrictive uncertainties that are going to affect us, but if we behave well and we do our assignment, how quick you guys can be, which is the mechanism?

Joe Kimmel: That is a hard question to answer. There's this lag in data that we get from fishermen just because the way the data collection program has been set up and so that is part of the factor, but the more precise information we get from the trip ticket forms and the fishermen that get to the Science Center and have them look at the information that comes in, is in blocks of time that should have significant amount of information so they can draw some conclusions from, and then they'll have to provide their information based on that information back to the Council. So is not going to be a real ... situation, is going to be, I would guess maybe a one to two year scale. I don't know. Todd, do you think that is a reasonable estimate of time to figure out whether something is working or not?

Todd Gedamke: I'd hate to come down on a specific timeframe now, but as we know the process does take time. You have both the lag in the time period that takes to get the landing and lag in the time for the analysis. I think, on sidebars on this we did talk about that maybe incorporating language that will allow this to move faster, but I do think that you are looking probably in the current structure at a year or two.

Marcos Hanke: I am asking for help for the people that know more about the administrative procedures or whatever, which way we can add a language to this process to make this more agile, if it's possible.

Joe Kimmel: All the answer I can give is that right now we have this data collection workshop that currently the local governments have been hosting, and the people from the Science Center, the Region, the local governments, fishermen, etc., have been coming to these meetings, and we've been talking about better data collection programs, and in that data collection program better and more precise and accurate information and more and more characteristics to the fishery; landings, effort, gear relation, shifts with the effort, and we've also talked a little bit about time limits of reporting, but we've only brought this up and ... they don't have enough background to discuss them in the detail that need to be discussed. We just brought it up last May, and we have another meeting in September, and hopefully will progress in getting that data collection program form. But still we can't answer the question at this point in time because we just don't have enough information to base it on.

Marcos Hanke: I am sorry to insist in this but for me it is a very important issue. If we put in language as an example, after the laboratory receives the whole package, the whole new information, and likes put a timeframe, one year to implement the changes, if it is applicable on the language of the document, is that possible to do?

Joe Kimmel: Yes, we can do that, and at some later time, August or whatever, when we are looking at these options then we can make a, we'll be at a better stage at that time to make a conclusion or decision than where we are right now.

Shepherd Grimes: I'll just comment briefly that it seems to me, and I apologize, I wasn't at the team meetings where we discussed this ... but it seems that we really should be considering options for varying the uncertainty scalar by species or by complex, and obviously we have varying degrees of information for those different complexes, and maybe there are reasons why we need to do it across the board for all species and species groups, but either we present that justification to support not including species specific or group specific uncertainty scalars or we include them. So.

Todd Gedamke: The reason that we don't have species specific uncertainty scalars is that the main source of uncertainty in Puerto Rico for example, is a process error that involves non reporting across the board is not species specific non reporting, and the validation of misreporting is also an across the board issue. So we don't have species specific estimates of uncertainty for any locations right now, and the scalars that, in similar situations as I mentioned previously, the scalars that were used in the National SSC that are part of these alternatives, are set up as 50 and 75%. As we hone in on this a little closer, we may be able to modify these scalars. But as related to the lab comment, we have to be realistic too. As we modify the data collection program, it is going to take time for that data to come in and reevaluate the uncertainty that is coming out of the new program. So the turn around on this is that is not going to be a one year from today. You are looking at a one year from when that piece of information is actually reported.

Eugenio Piñero: Marcos are you satisfied with the answers that you got?

Marcos Hanke: As long as we have a mechanism later, I just want to build a record on it and keep the track.

Aida Rosario: Todd, the information that we collect on the expansion factor, that might help you to get some idea of the certainty of some of the species or not?

Todd Gedamke: I wouldn't dare say is useful or no, is definitely providing guidance in our discussions on the new data collection program. The first thing on our list is to get a handle on minimizing that expansion factor, and that will reduce uncertainty significantly. And if we proceed with what we envision, or that initial effort to go and survey the different landing locations, that number can come down relatively quickly. But currently you have averages of uncertainty on the landings, plus a minus about 50%, and that is not even reflected in the uncertainty or alternatives that are presented for Puerto Rico currently.

Joe Kimmel: Further on, later today, when we get to the end of this process, there is action 13, which is called framework, and within that we'll be talking about modifying again these scalars as data improves, so we can reconsider this at that time as well.

Graciela García-Moliner: No further comments on the uncertainty scalar. We go on to action 8, which reads alternative methods for reducing fishing mortality and establishing ACLs proxies. Again, from the USVI, two things were very clear; one, no action, not to implement alternative methods for reducing fishing mortality. As you already voted on yesterday to eliminate the use of area closures.

Shepherd Grimes: Is my recollection, everyone voted yesterday to remove this entire action, right?

Graciela García-Moliner: ... for the action, because you do have an additional action that says work with fishermen to develop methods, and what I thought it meant to remove the action that deals with area closures, not with the proxies of reducing effort. I can bring up the motion.

Shepherd Grimes: I thought it was geared as removing action 8 from the document. But I think you are right. The discussion was clearly centered around the closed areas.

Graciela García-Moliner: We do have a list of suggestions that people brought to the scoping meetings, and those are specifically ...

Miguel Rolón: Graciela, if you have the motion please bring it over.

### **Tape 3(a)**

Graciela García-Moliner: ... voted on yesterday. So it eliminates alternative 2, 3 and 4.

Miguel Rolón: Basically, what we need to decide on this one, we already eliminated any alternative regarding the closed areas, so the action that we need to decide at this time is working with the fishermen to develop measures to reduce fishing efforts towards MSY. Any additional one related toward this one.

Graciela García-Moliner: We eliminated dealing with closed areas. So these are the comments that were received from the people that showed up at the scoping meetings, and those include working in establishing daily quotas for the charters and the recreational fishers; tag and release for charters; establish bag limits of one fish per day for recreational fishers; use the recreational limits and regulations established by the PRDNER, in for example no SCUBA and spear fishing for recreational harvesters, and selectivity by gear, so that you would allow the recreationals to use certain gears, for example spear fishing, that reduces bycatch. Any comments to any of those?

Marcos Hanke: We are putting numbers there and establishing bag limits of one fish, those numbers we are going to have time to discuss later, right? By species, and to establish a little more formal, as alternative?

Graciela García-Moliner: These are just ideas that people, when they look at these document and saw the way that it was set up for the commercial ACLs and the recreational ACLs, and the management measures that were being considered, figure that under these specific alternatives of working with the fishermen, these were some of the ideas that they themselves as fishermen, recreational fishermen in most cases, had regarding the local fisheries.

Eugenio Piñeiro: Marcos, not to scare you, but in Florida there is that recreationals have only two days a year to harvest lobster.

Graciela García-Moliner: So in addition to that there were quite a number of comments under these alternatives specifically, because they understood that reducing fishing mortality meant doing all these other things and that includes a limited entry program, very specific for certain fisheries, for example, the deep water snapper or the conch fish. Definitely deal with enforcement. There are quite a number of regulations in place right now, and enforcement needs to be in a higher position to deal with what we have in place now. The one complain that came across all of these presentations was the lack of monitoring of the regulations that are in place, and determining whether the stocks have been rebuilt or not. There are many other issues beside fisheries that impact fishing itself; those are habitat and coastal development, etc. There is a great need for assessing the

socio-economic impact of any of these alternatives on the resource users, the stakeholders, that definitely the data collection needed to have the input from the fishers, and this came from both, the recreational and the commercial sectors, that there are other things that can be used, for example, the use of trap vents, and also that there have been changes in the fisheries that needed to be accounted for, and that there are additional issues such as poaching, specifically of traps, and in many areas this is a long known event, and that the cost of materials have increased for many of the trap building materials that are needed. Catch and release also for recreational fishers should be implemented. That there are compatible regulations in place from the shoreline to the 200 nautical miles, and they have been in place for curbing overfishing. That there is still a problem with foreign fishing, specifically this was an issue in St. Croix, and that in terms of doing anything else, there was a need to deal with and incentive to the fishers, since most of these issues that we are dealing with have to do with the lost of income to the fishers that are involved. And finally, there was and this is a direct quote also from one of the letters that you have under tab D, and that the commercial fishermen have been fulfilling their requirements of providing data, and the data it turns out that is not what is needed to really manage the fisheries, and that this is something that needs to be dealt with immediately.

Joe Kimmel: Just to make sure that I have it right here. I think the Council is recommending that we include alternative 5, that up there is part of the scoping document, and when I go to the next slide, some comments that I have is that some of these things on this list are not really things that belong in management plans, but they belong with request to enforcement, better enforcement, or better to the Science Center to continue monitoring the regulations in the fisheries, etc., so some of this sort of stuff doesn't really belong in the scoping document, in the alternatives sense, and maybe in the discussion sense we can certainly do that or make sure it is included in the discussion. I'll just leave it at that. One of the things here is the limited entry program, I wish Dr. Crabtree could be here for this session towards the end, because I think he wanted to make comments to add an alternative that would consider catch shares, and we can do that later on, and I can't explain how to get to the catch share at this point Todd, but I think is a management technique that we need to consider.

Miguel Rolón: We have an alternative that says ... the fishermen to get a measure to reduce fishing effort, and that's the alternative. All the other stuff would be in the narrative, things that we need to consider. Next. The foot on the door is the limited entry program, because catch shares is a big umbrella for limited entry program. And the whole idea is that we are not pushing catch shares for everybody. We are just trying to see if they fit the bill for the areas that we are supposed to be managing. So I just received an email, they are going to have a webpage. NOAA is going to have a series of meetings. Mark Holiday just called the attention to the EDs, and we are going to have a conference call on the 29<sup>th</sup>, and we are going to expand on the concept of catch shares. So if that is agreeable with the Council, then we should allow the staff to include that into the narrative section of the scoping meeting. And if it is agreeable, then Joe, you have a clear sense of what we need to do, is a matter of listing that so the public will know that will be part of the toolbox that can be used and will be discussed under alternative number 5.

Aida Rosario: I think that we need to pursue the limited entry, because we received a letter from a group of fishermen in Ponce, in one of the Council meetings to consider the limited entry for the deep water snapper fishery in Puerto Rico. And we at the last meeting that we had here in St. Croix, set a date of I don't know what was called, control date, for the limited entry. So I think that it is appropriate, and as a comment included by the fishers that attended this meeting, and include it into the scoping meetings for the next, I mean the document for the next scoping meetings.

Miguel Rolón: Is already there, and that is what I am saying, if we include it in the list, it will be there. And is good that you mentioned that Aida, because that ... the process of consulting with you as we discussed in the office will continue if they have money set aside, the same with the Virgin Islands. We have been discussing with Julian in the past about the moratorium, the trap reduction program, and that's aside from the actual catch

share thing. We will not stop the process that we started waiting for that to happen. So the question back to Joe, do you have a sense of what is needed?

Joe Kimmel: Yes, I think that with the list that we have there, there is enough points of memory so that I can get with the plan team and we can address each one of those under discussion.

Miguel Rolón: Because we can add just limited entry and/or catch shares, and that would include the topics so in the future we can beef it up a little bit more. But the important thing is that we are not imposing catch shares to anybody at this time. We just want to consult.

Shepherd Grimes: Two things, I guess, just quickly, I don't think catch shares per se equate to limited entry. I think that is one way to do it. There is no common definition of catch share folding around there, and more ... around within NOAA, and as of yet I think it is people being deliberately loose with the terminology, because it can encompass a lot of things. And secondly, it occurs to me that I think you are mixing I think action 8 here mixes things that we should probably split up. Establishing ACL proxies is something potentially very different and apart from actions to reduce fishing mortality. Those are measures that would be implemented to constraint catch, or then the ACL or whatever target you have. So some of the stuff, the daily quotas, catch and release, one fish bag limit, to me those are not proxies for ACLs, and I think analytically it would be better for us to separate those out.

Miguel Rolón: When we had the closed areas in there it made a little bit of sense. And now when we dropped it, this is probably the wording actually, he wanted to consult with the fisher rather than continue with the closed areas, and also for the record, every limited entry is a catch share, but not all the catch share is limited entry. Catch shares is a bunch of stuff. They study more than 11,000 iterations of catch shares, limited entry and what have you, and I am glad that you brought that up to our attention, because is important that we make that distinction. So Shepherd, what would be your recommendation at this time to separate those. We need to have them in the scoping document at this time, or drop it all together.

Shepherd Grimes: I guess is my anticipation that we are going to get it back when we re-scope this, or at least that is some of the discussion I've heard. And it seems to me that you'd be better off splitting this action out in a two separate things. And then I see alternative five, work with fishermen to develop measures to reduce fishing effort towards Fmsy, that to me seems more, I mean, that's not really an ACL to me. So I might use that as my first alternative for reducing fishing mortality, but I'd separate that from the ACL proxy and do a separate alternative, go back to the team, Go back to the public when you go to scoping and say, what are some other ways for doing this. And you all encourage people, and I'll probably push for this again later, I know I probably sound like a broken record at the meeting, but think about when you come in with alternatives, come in with a concept, don't just come in with a result, I mean, is about getting there that is really important to us, and in order to defend it we have to have that justification. So when people come in my idea would be to do it this way, which results in X thousand pounds, is not the numbers should be X thousand pounds and that's it. So I think if you break in this out on how to pursue that, in my opinion, you're going back and getting more meaningful public input.

Graciela García-Moliner: Definitely that's what the public saw, because most of the comments are related to reducing fishing mortality, and most of the comments come from the recreational sector, that is the one not regulated at all.

Miguel Rolón: The issue is how in the scoping document that we are going to send they can, I'll put the question to you guys again is, do you have enough information so you can rewrite it, in the way that we intend,

because some of these comments will go back again. You now, if you ask the same question to the people usually you get the same answer.

Shepherd Grimes: For clarity sake I would prefer to see a motion directing staff to split this out, just because that is easier to track when we are figuring out whether exactly was decided at the meeting.

Aida Rosario: To that effect, I participated in one of these hearings where the recreational fishermen were asking to have a quota for some of the groups of species that were presented there, and we are very interested in pursuing to establish some quotas, or limiting some of the species to the recreational fishermen. I would like to see an alternative that specifically address to establish some quotas for the recreational on some of the species that we are talking in consideration right now.

Miguel Rolón: Shepherd can you give us some language and somebody say I so move so we can split it?

Shepherd Grimes: Yes, I guess it would just be to split out action 8 into two separate actions that address ACL proxies and reducing fishing mortality separately.

**Aida Rosario: I so move.**

**Viridin Brown: Second.**

**Eugenio Piñeiro: All in favor say Y. Thank you, the motion carries.**

Graciela García-Moliner: ... permits. Again, no comments from the USVI establishing that they prefer a no action for the permits. You have an alternative regarding requiring a federal permit for recreational fishing in the EEZ, and what you see on the screen are the comments in yellow, so definitely the request to establish some kind of license, and what they would not like to see, is the duplication of the effort in establishing the license, so if there is one, in Puerto Rico, there is one that is required by law that it should be implemented in the federal waters, and that, if there is going to be any money coming out of the permitting for recreational fishers this should go to the local government, otherwise it's a national permit then the fishermen decided that they wanted no action on this. Every time they talked about licenses they talked about bag limits for the recreationals. There is another alternative for commercial fishing in the EEZ. In federal permits they don't have any specific comments. To use trap tags as they are using in the Virgin Islands. Require a federal permit for charter boats. Federal permits to sell Council managed species, and another one to purchase the Council managed species coming from the EEZ. And you have on the screen one of the comments that you have in writing under tab D, regarding the use of permits. The fishermen specifically decided to support the alternative in its entirety, because they believe that this will give you the total number of people who are actually fishing in the EEZ, and in fact ties this to the measure ... having a framework in place. Those are the comments regarding federal permits.

Joe Kimmel: When the writing team looked at the permits action they had several comments, some of them I am not sure we can answer today, but I'll just mention what the comments were so that you can at least be thinking about them. Currently in our permit system in the Southeast region, permits are issued to the vessel, not issued to individuals, issued toward the vessel, and so I think that is different in the local territories and the Commonwealth, I mean they are issued to persons. So there has to be some resolution on that, and I think what we are going to have to do is get our permit folks from the Southeast Region to start playing this with us, or try to work on this particular action to figure out exactly how permits should be set up for the US Caribbean. Also, the team had some concerns with the alternative 3, which is a federal permit to sell Council managed species, and alternative 4, the federal permit to purchase Council managed species, and part of that was just the way

fishes are landed by fishermen and sold by fishermen rather than like it is in the US, where there is a fish houses usually and a wholesaler, so there were some problems. And I think these comments were made by the people on the team that were from the socio-economic end of the analytical spectrum. Also, under alternative2, sub alternative C, require the use of trap tags for all lobster and fish trap fisheries in the EEZ, the comment was, this needs to stand alone as its own alternative. Well when I looked it looks like it does, or maybe is a sub-alternative. So they would like to see it as a sole alternative, so you'll have a bit of a different organization in the document. Then there were some questions about establishing a baseline for the trap tag program, so you kind of get an idea of whether in the future, one of the purposes for setting a trap tag program up is for the trap reduction request by the local governments, so we need to set up a baseline to make sure that we can start measuring any reduction that might occur. And the last comment that they had was the need to include criteria for getting up on that. So the Council needs to discuss that. I think in the past we've discussed well if you had a local permit, then you would be eligible for a federal permit, but that's up to the Council for discussion.

Shepherd Grimes: What was the justification for removing or separating out the trap tag sub-alternative?

Joe Kimmel: Well, the trap tag is not a permit per se, I guess, is just an accounting for it, and I think that was the reason. But frankly I don't know the exact rationale for making that separation.

Shepherd Grimes: And I'd just say every other trap tag program I am familiar with is associated with a permit; tags come with the permit. So I don't know, it seems to me this is a good spot for...

Miguel Rolón: No. In the case of the trap tags, what the local people were trying to do was to identify the traps so they can tie it to the permits, in this case the commercial license. The other one is that they wanted to make sure that, because we just discussed that with enforcement agents from Puerto Rico, Aida, Miguel and I, and they were talking about using the tags to identify illegal traps, not even tied to the permit, but you are right, in this case it is implicit that if you have a commercial license then you are issued to set tags, but in this case what they were trying to do was to identify the traps that are illegal, fished by fishermen who don't have a license. Even recreational fishers are using some of them in their traps. So that was the rationale, whether good or bad, that was the rationale.

Todd Gedamke: Trap tag systems are used a lot in the US for a lot of things. In the State of Florida, the trap tag system in the spiny lobster fishery are used for as also a commodity, that could be bought and sold, is also a measure of effort, is also the illegal portion of it. So trap tags are used for a lot of things. I agree with Shepherd, I think it should be put in the appropriate spot.

Winston Ledee: These types of tags, you actually put in the trap? Or to some paper you have?

Todd Gedamke: You actually put them on the traps.

Winston Ledee: The tags we get, the fish eat them off, bite them off.

Todd Gedamke: Yes, I think Florida has a bit of that problem. Now, there are probably four hundred and fifty thousand of them in the Florida lobster fishery, and they seem to hold up, but I think they reissue them once a year.

Miguel Rolón: When we, several years ago we wrote to the Executive Director of the Trap Reduction Program from Florida, and he brought some samples of the tags, and he told us about that problem. But at this time what we need to decide is the language that will be included for the scoping meeting.



Graciela García-Moliner: Are the trap tags used in Florida given by the state, or is it a state issued tag?

Todd Gedamke: The State issues it to each individual fisherman based on their history, and whether they are buying and selling, and there's provisions for reduction; if you sell to one and other usually there's a certain amount of tags over the next year. Is all part of a trap reduction program.

Joe Kimmel: It might be a good idea at some point in time to get somebody that's familiar with the Florida Trap Tag Lobster Reduction Program to come to the Council and give us a presentation on how the program works, so that we can better work it here in the Caribbean. And also probably he or she has good information on the tags themselves, maybe even an update to what Miguel heard before.

Miguel Rolón: Also Mr. Tom Daley was telling me, and Julian, the way they do it in the USVI, and maybe we need to have a presentation sometime as to, we don't need to stop this, but they can give us information as to the way they operate, the government, and the same with Puerto Rico, if we implement the tag system that they are talking about, I am sure that Miguel and Aida can address that.

Joe Kimmel: As far as I can tell, these trap tags are not necessarily to identify who owns the trap, necessarily, I mean, you could probably use it for that, but the double purpose is to use for that plus knowing how many traps there are in the water. So they need to be numbered sequentially or something, and I don't know all the ... of that sort of stuff, so it would be nice to have somebody down that could describe that sort of process to us.

Miguel Rolón: The purpose of this language, when we discuss it all, and remember this is for the EEZ, if you wanted to know how much effort fishing traps is out there. And that would lead into something else in the future maybe, but at this time we just wanted to know how many trap tags, and whether they are illegal or not.

Aida Rosario: I am just wondering, this was proposed by the Council, or it was proposed by somebody in the public scoping process?

Graciela García-Moliner: ... taken to the scoping meetings.

Aida Rosario: Just as information from Puerto Rico on the trap use, it has been steadily going down, and we have some information in the last fishery census that we got finished this year that might be published by, I hope, by September this year. So, there's information on the reduction of the trap fish use in Puerto Rico.

Graciela García-Moliner: Action 10, monitoring and enforcement of annual catch limits. Again, some people concentrated, from the USVI, gave a preferred no action alternative. You had three alternatives regarding the data collection program that was come to develop the data needs, etc., and one was basically by the SEFSC or the Council's SSC, but then the next one included an additional level of people involved, and the alternative 4 was the one that was preferred by the fishers in Puerto Rico, because that one includes everyone to help in developing the new form. And that is precisely what the data workshop that the DNER hosted in May did, it sat everyone at the table to look at the new data form; what was needed, why was it needed, and how was it going to be collected. In addition to that, there were a number of responses regarding the monitoring and enforcement, and it had to do with, again, poaching of the traps, the lack of enforcement with the existing regulations, the recreational fishers harvesting and selling their catch, the monitoring was specifically mentioned as being very important, especially when you have managed species, and that these assessments should be done with the help of the fishers, and that the data collection needed to be monitored. So those were the comments that we received under these alternatives.

Miguel Rolón: Joe, is there anything else that we need to add to the management measures that we are talking to scoping meetings, or that will be included just in the narrative?

Joe Kimmel: The plan team didn't suggest necessarily adding anything, but they did suggest removing the enforcement word from the title of the action, and include reference to enforcement in the discussion of the action, since we can't relate in fact enforcement except through letters. And they did suggest changes to wording of some of the alternatives. On alternative 1, they suggest no action, do not modify existing data collection monitoring program, rather than the way it's stated, instead of saying, set the ACL at the level specified in previous ... they suggested that the second half of the action, after no action, we do not modify existing data collection monitoring program. Then for alternative 2, modify existing data collection monitoring program, they suggest just state modify existing data collection monitoring program. And then they suggested adding a couple of sub-alternatives; sub-alternative 2A, would be effective, the monitoring program would be effective for any person landing Council managed species; sub alternative 2B, would be effective for any person operating with a federal permit, so we can see why they wanted to change the language a little bit. And then sub alternative 2C, effective for any person operating with a territorial permit. Those would be the changes in the language recommended by the plan team.

Miguel Rolón: Can you just say that we go ahead and do it? We need no motion for that? Ok, so just go ahead and do it.

Graciela García-Moliner: Action 11, accountability measures. Again, this one no action, do not establish accountability measures, this was the preferred alternative by the USVI attendees. You have an alternative regarding once you exceed the ACLs, of course it will depend on how you set the ACLs and what that is on the previous action, but a sub alternative to implement the accountability measures exceeding ACLs with the data from a single year of landings catch.

Miguel Rolón: In this case, if we establish ACLs and those ACLs show that there is a situation of overfishing, we do need to have accountability measures, so the no action after the whole process is finished cannot be accepted. Then the other issue that we have is that given the situation envisioned for the next five years, can we rely on a single year's landings, two years landings catch data for modifying the ACLs? Those are the alternatives. Since we are not adopting or voting to take a preferred management action at this time since we are moving to another scoping session, it seems that those two should remain as they are, and maybe we need to also look at, is that number three, the three year? And Graciela, do you have any other comment that will need to be considered for additional alternatives or sub alternatives?

Graciela García-Moliner: No, there were no other comments on this.

Joe Kimmel: The plan team did have some comments with regards this one, but I think, I don't know if I should review them here. We can take care of that in the document. I think the meaning is the same, and the flow would be about the same, so, but they did recommend however to remove alternative 5, whatever that one was, for queen conch exceeds in St. Croix close the EEZ to queen conch fishery. They just were recommending removing that one. I am not sure what the justification was there. I think they felt that because queen conch was considered overfished that would happen anyway.

Miguel Rolón: No. We... looked at the other way around, you know, if there would be other ways to attack the problem without closing the queen conch to the EEZ.

Graciela García-Moliner: The thing with the queen conch is that it goes further than anything that we've talked so far, and you have under tab E or F a letter from the Commissioner requesting that the season be closed for

conch in the EEZ. In St. Croix you have a quota already established. Once that quota is reached, the fishery is closed, but the factor is also closing the EEZ, because the regulations in the state waters state that you cannot have possession of queen conch in the state waters, so you cannot land it in St. Croix, even though you harvest it in the EEZ at the time when the quota is closed. So because of the interim rule that was requested from the Commissioner, and the other issues with the conch in St. Croix, the IC Team thought that it would, they better dealt with it in another action.

Miguel Rolón: We have a petition from DPNR of USVI, so this is probably the moment to discuss the letter from the USVI Government, because this is germane to the discussion here Winston, on the queen conch, and that is on tab F of the briefing book.

Graciela García-Moliner: This one concerns the allowable gear and the way that it is specified in the federal regulations. Again, no action for the USVI, but specifically they also requested to also review the table of allowable gears to allow commercial divers to use spear fishing in the EEZ, which at this time is not allowed, and most everyone agreed that power heads should be disallowed as fishing gear for both the recreational and the commercials. And we do have a statement under tab D, from a commercial fisherman in Puerto Rico. That's the table as is in the code of federal regulations right now.

Miguel Rolón: What is the action needed this time, if anything?

Graciela García-Moliner: The Council has already requested that it be revised for allowing gear fishing in the commercial harvest in the EEZ. There are a number of issues with this table, and one of them is the power head, under number 7. So you need to remove power head from the recreational fishery, but there are other issues in terms of changing this table, as I understand it. You do have the allowable trawl gear in this table for the commercial fishery non FMP, so because is not dealing with any managed species by the Council then it probably would have to go through some kind of amendment rather than have it done through the amendment that we are working on.

Miguel Rolón: Ok, so we need to address the spear guns, the power head for recreational and the trawling. In the case of the trawling, we don't want any trawling here, and if we don't want that then we have to tell the group, yeah, we don't want it. In the case of the power heads, if we don't want power heads to be used by recreational fishers, so be it. The local governments I believe they've already addressed this through the regulations they have in Puerto Rico. So if we have to have a motion by the Council, the language would be what? Allow spear fishing for commercial groups? And disallow the use of trawl nets and power heads in the recreational sector and trawl nets in the commercial sector?

Shepherd Grimes: I guess I am just going to say, you've already requested the addition of spear to the commercial, the list of authorized gear for commercial fishery, and if you want to request other changes you can certainly do so. I don't know, I guess I wouldn't view them as the type of thing that needs to go in an amendment. It is a relatively simple process in terms of rule making and all that. You'll have to send a request to the Regional Administrator. We really don't need to go over all the nitty gritty details in this meeting, but you need to write a letter that includes your rationale for why you want to add or remove something from the list. I think you'd have a harder time from removing gear from the list, and after all what we've gotten on the list, somebody at some point requested it to be there or indicated that it was ...

### **Tape 3(b)**

Shepherd Grimes: ...when you are writing your letter making the request, if you are requesting something to be removed and have good reasons and build a strong case.

Miguel Rolón: So in this case the question will be whether we can still take this to scoping meetings, or just drop this question from the scoping meeting and just address this by letter sent to the ...

Shepherd Grimes: You can do either.

Miguel Rolón: My recommendation then would be to get this out of the task team, and then ask the staff, Graciela can write two or three paragraphs, and then I will ask Geño to send a letter with the rationale for the modification to this list. And again for the record, we are talking about the spear gun thing; we already did that, and if we need to include the power head and the trawling that it be removed.

Graciela García-Moliner: A legal question. Power heads are included under explosives? Because the Council already has a prohibition on the use of any kind of explosives. The other issue is that the gill nets are completely prohibited in the EEZ, so that is another gear that we have to remove from the commercial non-FMP species.

Barbara Kojis: They are permitted for flying fish I think.

Miguel Rolón: One of the issues you have to be careful with, the list of gears is not the same as the prohibited gears. In order to prohibit a gear you just have to have a management measure. I mean, you can have that list there and somebody just come sometime and say, I want this. As a matter of fact we have one guy who wanted to include a specific gear, but he didn't write the letter that he was supposed to.

Graciela García-Moliner: If you ban the gear under the Essential Fish Habitat, the Essential Fish Habitat applies to all the FMP species, but is not non selective for those that are non FMPs. Therefore, gill nets are completely banned from the EEZ.

Miguel Rolón: So that is a good rationale for dropping it from the list. So Graciela, we have the trawl net, power heads and gill nets. Anything from that list we need to modify? Do you have something regarding the gear?

Jorge García: Yes, regarding the gear I still have a little doubt about the trawl, is it trawling or trawl net?

Miguel Rolón: Trawl net. The one that has the door.

Graciela García-Moliner: ... on how this got to be the way it is because is part of the consolidated regs, and I think that there was a bit of confusion when all that was happening, so we are back tracking the information at the Council.

Shepherd Grimes: I'd just add that the year this list was done something was added in the Sustainable Fisheries Act, and I think it's in a different part of the Code of Federal Regulations than our normal regs are, and we haven't done a ... job of changing this and keeping it consistent over the years. So is something that we certainly in the Southeast as a whole need to pay closer attention to and we'll do so in the future.

Edward Schuster: On the issue of gill nets, is it for only Council managed species, or is it for all, or just possession of the net? Reason for that being, there is a specific gill net used to harvest baitfish, like flying fish. So if you are in possession of it, are you in violation?

Graciela García-Moliner: Harvest is allowed. I mean, that is a very different gear than the gill net and the trammel net. These are the nets that are bottom-tending gear, and those are the ones that are banned.

Aida Rosario: What's the definition of bandit gear? Is that similar to the ...or the wind gear? Bandit gear.

Todd Gedamke: From the 600 section Code of Regulations, bandit gear means vertical hook and line gear, with rods that are attached to the vessel, when in use lines are retrieved by manual, electric, or hydraulic reels.

Aida Rosario: I just was wondering, how it would account for the ... and for the buoying gear that is used for deep-water snapper fishing?

Graciela García-Moliner: You asked writing a letter regarding the gears that need to be assessed, and to move this along, does anyone have any other comments? This is in the regulations, and essentially it covers most of what is really required by the FMPs that we have in place.

Miguel Rolón: Geño, what we have done is that we have table the discussion on action 11, to dispose of these two, and then we'll go back to action 11, because it is tied to the request by the local VI Government regarding the queen conch.

Graciela García-Moliner: ...taken to the scoping meetings was to establish framework measures for ACLs and AMs in the Reef Fish FMP. This is a framework that you already have in some of the FMPs regarding seasonal closures and area closures, etc., and this would have to be really adjusted as we develop how we are going to determine the ACL. So this right now is a very open alternative. So I mean, I am quoting here again from one of the comments under tab D, regarding the use of framework. ... by the Council. Those are the comments that we received regarding the framework.

Miguel Rolón: What are the recommendations of the team, if any?

Joe Kimmel: Yes, the team recommended to add language that states that data collection and data, as it improves, the uncertainty scalar may be reduced through the framework process, and that is what we were talking about before.

Miguel Rolón: Didn't we drop the scalar in one of the actions that we took before? Just to make sure that we are addressing the right thing here. So your recommendation again please.

Joe Kimmel: They wanted to add language that states, as data collection and data improves, the uncertainty scalar may be reduced through a framework process. So that would be a quicker way to do it, and I don't know how the framework process would be set up, but there are several ways you could do that. But it would be a quicker way to do it than through a regular amendment process.

Miguel Rolón: Do you need a motion from the Council, or do you have the sense of how it ...?

Joe Kimmel: As long as there is no objection I would think that we could take care of that.

Miguel Rolón: Geño and Virdin, when we were discussing action 11, we found that alternative 5 is related to queen conch fishery issues, and under tab F you have a letter from the Government of the USVI, addressing this issue. So we want you to see if you need to change the scoping meeting document on how we are going to address that response to the Government of the VI.

Graciela García-Moliner: The main thing is to look at the letter and then to have the discussion.

Miguel Rolón: How about the rest of the action 11, is there anything else?

Graciela García-Moliner: The Puerto Rico Free Divers Association recommended to use alternative 6, if you are going to reduce ACLs if they have been exceeded by the equal amounts to the overage on subsequent years. That is the way that they saw this working. That is the only comment that we have.

Roy Crabtree: Graciela, on alternative 4, that's referring to the closed areas that were on action 8, isn't it?

Graciela García-Moliner: That's correct, and ... we should strike it out...

Roy Crabtree: So alternative 4 goes away now. I would think the motion we passed earlier means this is automatically out...

Miguel Rolón: The Council instructed the plan team to take care of that, and then modify the language accordingly. Anything else Graciela and Joe regarding action 11, where they look at the queen conch letter?

Joe Kimmel: Yes, the plan team, when they were reviewing this, they recommended removing alternative 5, the queen conch one, but that was just a recommendation from them, so you guys can consider queen conch anyway you want to. But they also recommended creating another alternative to address the reduction to trap tags if it's needed through accountability measure, as an accountability measure. And they also recommended phasing in accountability measures in some cases. So where you didn't want to just jump to the end point, but you could phase something in gradually, so it would be not such a severe impact to the fishermen. Sort of what we did, we've done with size limits in the past. You start off with, you want to get to 15 inches, but you start off with 10 inches, and get there incrementally or something like that, you know. Those were the comments from the plan team.

Roy Crabtree: Joe, I am not sure I even understand what alternative 5 means.

Joe Kimmel: I hope I can explain. I think the plan team felt that because we were going to have a trap tag program as one of, there is another alternative in here that have one of those, that one way to achieve a reduction in fishing effort if there was a need to because of overfishing with traps, you could reduce trap tags ...

Roy Crabtree: I'm talking about alternative 5 up there, for queen conch exceedences in St. Croix close the EEZ to queen conch harvest. I don't know what that means.

Graciela García-Moliner: If you go beyond whatever ACL is determined in the previous action. If you have an exceedence over that ACL that you've already established, then what you would have to do would be to close up the EEZ in St. Croix. That would be the measure that you have. One of the alternatives that you have, I mean, you can decrease the amount that you harvest and ...or any of the other alternative, but that refers specifically to that, and that is the one that we held up discussion because of the letter that you have under tab F.

Graciela García-Moliner: If you look at tab F, regarding queen conch and the request for compatible regulations in the EEZ, the regulations that are in place now in the territory waters basically defacto close the EEZ, because there is no possession of conch in state waters, and conch cannot be landed during the first fifteen days once the quota has been reached. So we have discussion on whether an interim rule would be the way to go, or whether with the information that we have and the ways that that territory deals with this quota, that's,

and then dealing with the ACL that needs to be established, etc., if we don't have to go into an interim rule, and ...

Miguel Rolón: I suggest you take one thing at a time. We have the request from the USVI Government. So what is the pleasure of the Council after reading the letter under tab F?

Viridin Brown: Well, ... do things to become in compliance with our proposed regulations, and therefore be compatible. I don't see any reason why we can't go the other way. I know this is going to cause some squeaks, but I think that we should enact regulations that would be compatible, as specific and for a specific time period.

Shepherd Grimes: I just going to say that, I mean you have a number of options I guess as to how to proceed. The timeline you are looking at, the only feasible way to get a compatible EEZ wide closure around St. Croix would be to do so via an emergency or ... rule. Everything else will take longer than the season would be closed. And that is something that this body is certainly free to request. But based on what Graciela just said, the only way you could have any conch harvest in the EEZ around St. Croix would be if somebody came and harvested it and didn't land it in St. Croix, because the territory prohibits possession of it once it's closed. So I guess I would question whether or not you have people coming from other islands harvesting queen conch in the EEZ and then going back to St. Thomas/St. John or Puerto Rico with those to land it, because you couldn't land it here.

Viridin Brown: Well, there have been instances in which conch has been harvested here and sold and taken outside of the territory, primarily destined to Puerto Rico. It is not impossible, not impractical even for the harvesting to be done, and the landing to be done in St. Croix, harvested in St. Croix and landed in Puerto Rico. So, that is a concern, and the capacity is here for that to happen.

Roy Crabtree: And what we really need to do, and what we do in most fisheries like this, is we put into the regulations a prohibition that when, that you could put something in there that when USVI determines that conch quota has been caught, the Regional Administrator will close the fishery. Then all we have to do is write a notice, send it to the Federal Register when the fishery is closed. I found that we don't have a provision like that in our regulations, and you have to amend the plan to put it in there, and that might be something we need to do in this amendment. So as Shepherd says, the only way to do it is through an emergency interim rule, and I wish we could find a way to do it. My experience with emergency interim rules, minimally three months to get one done. So it's pretty much the end of June now, so July, August, probably the best we could do is to have something effective maybe into September early October, and then the fishery is only going to be closed through a short period of time. So the only reservation, the only problem we have is just timing, and normally when we, if we had it in the regulations there wouldn't have to be any NEPA analysis or anything like that, you just do it, but in this case of an interim rule, there would have to be an environmental assessment written and all those kinds of hoops going through, and so there's some work in it. So if the Council wants to request it we'll go back and see what we can figure out, but the main issue is just the time it takes, and things aren't moving quickly in Washington, and even when we get a rule out of the Regional Office they aren't going to the Register real fast, and that is just the fact of life right now. So that is the main problem I have, but if this is the management strategy you want to pursue, and certainly is easy to justify that if the territory closes we don't want everybody focusing on that small area on the EEZ, I think is probably something that you could easily justify, we just need to put it in this amendment, I guess, some language to that effect, so that this can just be an automatic thing, and then all we would really need is the Virgin Islands fishery to just notify that the quota is caught, and then we can close very quickly.

Viridin Brown: I agree with what you said Roy. My only concern is that I would not want us to appear not to be responsive to the VI Government when we ask them to do something and they don't move we complain, and I

know that we don't want to put unnecessary work on you with the big overload that your staff have, but I would rather see us make the effort, so that when we ask for their cooperation, that we get it on a reciprocal basis. **So I would move that we ask to have an interim emergency rule.**

**Aida Rosario: Second.**

Miguel Rolón: A couple of things. I am the one that is supposed to write back to the Commissioner, and specifically what this answer is, the federal government enacted a closure of the Lang Bank from May 1<sup>st</sup> to October 31<sup>st</sup>, and through the discussion, if we go very fast, and we need, how many days 45 Roy, at least? So if I write that today, I would need 45 days to get the process on implementing the Interim Rule? Three months, 90 days?

Roy Crabtree: Yes. It is normally that, and we are going to look at your staff to help us with some of the analysis and things that are done. So, normally, and we would waive, we would have to do a waiver of public comment, so that there won't be any proposed, because this is a rule, not just a closure notice, so we have to do all these waivers, and etc. But my guess is that it would take us that long to get it all done and set.

Miguel Rolón: My believe is that in order to be positive and proactive in our answer, I suggest that we say yes, we will work on this, unfortunately for the timing would not allow to close May 1<sup>st</sup> to October 31<sup>st</sup> during 2009, especially if we are in June, and for the next year then we would be able to develop the amendment and/or the interim rule, and the staff will start working on that issue. If we do it now, the only thing that we close is one month.

Roy Crabtree: And I think the way I would just put it is, I mean, we already have the seasonal closure this June, July and August, and that, you know, we'll try, but we can't promise you as to when we can get it done.

Eugenio Piñeiro: I don't know if you get the feeling that it is a dilemma. We are facing a dilemma here. One is, as Virdin says, to cooperate with the Government of the Virgin Islands and the other side is the practicality of the events.

Roy Crabtree: That is exactly right, and the fix to it is to get our regulations set up so we can do this quickly, and it is not likely that the ACL amendment will be implemented before we face the same situation next year. So we could think about if there is some other way to turn this more quickly, I guess for next year.

Miguel Rolón: Yes that is precisely my point. Right now, the queen conch is closed for three months, and that will be July-September 30<sup>th</sup>, so we are in the open for October 31<sup>st</sup>, so I can answer the Commissioner that at least we would be saving, I mean, be compatible during three months; July-September 31<sup>st</sup>, and then the staff will work with the NMFS to establish and interim rule for the year 2010, and in the meantime we will continue working on the amendment of the FMPs, that will incorporate what they need to do, and that way we have positive response to the Government of the Virgin Islands. They are proactive on this one, they are requesting this, and at the same time we would be able to speed up the process with the queen conch.

Roy Crabtree: I mean, we could next year if we anticipated this and came in and do, for example in December this is going to come, I guess you could do an interim rule then that just said, when VI closed we'll close, and then it would just be automatic when it happened, and I don't see why we couldn't do something like that. If we had foreseen this several months ago we could have done that. Can I point one other thing out, because I think you have a motion or you are getting ready to have a motion? Our procedure is that the Regional Administrator votes against emergency rules and interim rules. So I'll vote against this, and that doesn't mean we are not going to do it, is just a procedural directive that I have.



Winston Ledee: Is this going to be only for 6 days?

Miguel Rolón: No. The process that I am talking about will implement an interim rule in 2010, with a generic language that will allow the kick in of the closure by the time the VI closes the fisheries, based on the numbers that they will get in due time. I also will answer the Commissioner that this year we have a three-month, July-September, closure of the EEZ, as established by law already. So the only thing that we have in the open would be the month of October, and is not bad, considering the way that we have here. So that way we will be able to response to the USVI request, and it is based on the best available data so far, because we have a regulation in place for July-September, and then the interim rule would allow us to, the time for the interim rule is 90 days, so the staff can work on the interim rule and we'll be able to implement it by 2010. In the meantime, remember the process of amending the FMPs will be continued. If we move very fast, amending an FMP takes anywhere from one to three years. In this case, because of the ACLs, we don't have that luxury, and we'll implement it by 2010 for these species. So the motion, I believe, Virdin could you repeat your motion?

Viridin Brown: I am considering something different, but I think Aida wanted to say something first before I do that.

Aida Rosario: The question was answered. Thank you.

Viridin Brown: What I'm considering, I proposed having an interim emergency rule. But after discussion and due consideration, I am going to withdraw my motion if there are no objections, and make a new one.

Eugenio Piñeiro: Any objections to Viridin removing the motion? No?

**Viridin Brown: I then move that the Chair is hereby authorized to respond to Commissioner Mathes' letter, and use the rationale provided by the Executive Director in responding to our inability to effectively initiate closures that would be compatible with the Territorial Government's closure during this conch season, but that we will enact a provisional operation that will be suitable for future use with such closures. The whole idea is that we write a letter to say that we'll follow through with them in the future, based on what we are doing or intend to do now. I so move.**

**Aida Rosario: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Winston Ledee, yes; Aida Rosario, yes; Eugenio Piñeiro, yes. The motion carries.**

Roy Crabtree: And I am going to talk to my staff, because you know, if we are talking about anticipating that we are going to do an interim rule for next year, I am not sure it wouldn't just as quick to just do a one action plan amendment and just fix it permanent. Well, not in this, but we just do a separate amendment that has a very simple action, a very simple assessment, and that way we could just get it done. So we'll talk about that.

Miguel Rolón: Graciela and Joe, anything else regarding action 11?

Graciela García-Moliner: Nothing else.

Miguel Rolón: Mr. Chairman, believe it or not we are done with this.

Julian Magras: Good afternoon, once again I am Julian Magras, Chairman of the St. Thomas Fishermen's Association. Concerning the ACL scoping document, the St. Thomas Fishermen's Association would like to

request that we can send in our alternatives to the 13 actions to the scoping document. At the first scoping meeting the Association to the stands that we were going to vote no action on everything, and after attending this meeting and seeing the changes that were made, now we have a plan in place that we would like to submit our alternatives, and I will have those alternatives sent to Graciela by next week, no later than Friday. Thank you.

Roy Crabtree: And that's good Julian that is exactly what we need to do, and if you can get them in pretty quickly then we can talk about them at the scoping meetings when we all sit down. So that'd be good.

Eugenio Piñeiro: Believe it or not that's it for ACL. The next item on the menu is the Administrative Committee recommendations.

Diana Martino: Following are the Administrative Committee recommendations. To reappoint to the AP, Spike Herbert, Gerson Martinez, Edward Schuster, and Jens Skov.

Viridin Brown: I would suggest that you read all the names of a particular group, AP, and then we can take it in block. I don't see any controversy in ...

Diana Martino: Besides those four to be reappointed, to appoint Jeffrey Kramer to the AP and Patrick Berry. That's it for the AP.

**Viridin Brown: I move that we approve the names recommended by the Administrative Committee.**

**Aida Rosario: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Winston Ledee, yes; Aida Rosario, yes; Eugenio Piñeiro, yes. The motion carries.**

Diana Martino: This one may not require a motion but is to remove Craig Lilyestrom, Daniel Matos, Till Carl Brawer and Harry Clinton from the AP.

**Aida Rosario: I so move.**

**Marcos Hanke: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Winston Ledee, yes; Aida Rosario, yes; Eugenio Piñeiro, yes. The motion carries.**

Diana Martino: Also the Chair reappointed Edward Schuster as the AP Chair. And for the HAP, to reappoint Sandra Romano and William Tobias.

**Viridin Brown: I so move that the two names be reappointed to the HAP.**

**Marcos Hanke: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Winston Ledee, yes; Aida Rosario, yes; Eugenio Piñeiro, yes. The motion carries.**

Diana Martino: The next one is to reappoint all the SSC members for another two-year term.

**Viridin Brown: So move to the SSC reappointment.**

**Marcos Hanke: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Winston Ledee, yes; Aida Rosario, yes; Eugenio Piñeiro, yes. The motion carries.**

Diana Martino: The last one is to remove the August date language from the SOPPs.

**Viridin Brown: So move that the date be removed.**

**Marcos Hanke: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Viridin Brown, yes; Winston Ledee, yes; Aida Rosario, yes; Eugenio Piñeiro, yes. The motion carries.**

Miguel Rolón: At this time we are supposed to go over the meetings attended by staff, followed by enforcement. I want to report on the CHOW meeting, the Capitol Hill Ocean Week. This is the first year the CFMC was invited to participate with the other seven councils at the Capitol Hill, and it has been a success story. The Capitol Hill Ocean Week is a meeting that is put together by NGOs, and is a meeting where we have senators, high level government officials, discussing issues regarding the future of fishery management in the US, ocean policies, and what have you. The Executive Directors and the Chairs decided to participate this time, and we all participated by sending the staff and cooperating in different manners, and we had three executive directors, one chairman and one vice chair participation with other staff members, and the first event was to prepare a presentation of the eight Regional Councils, and put up a booth, and that presentation included all the council chapters in one booklet that we distributed to you already, describing what we do at the councils. Believe it or not there are many people who do not know that the councils exist, and this people here and higher up asks us a log of questions about fishery management and how we deal with issues, they even asked me whether our system was open to the public. So those are the things that were discussed at this meeting. Dr. Lubchenco addressed the group and she reiterated the policy that she wants to pursue, regarding the issues of fishery management and ocean conservancy needs of the US. And regarding fisheries, she expressed the point that she wants an open system. She would like to establish cash shares, and whatever we need to do to enhance our fishery management capacity, and she also stated that outreach and education is the key component of her policy, as well as ecosystem based management, and that is why for the outreach and education the eight regional councils decided to participate this time around. I believe it was a tremendous effort, and we had to do it in a very short period of time. In addition, during the CHOW week we had what they call the NOAA Fish Fry, and during the NOAA Fish Fry, different regions presented seafood items, and we had a lot of people who came to the Fish Fry, and we had the Secretary of Commerce, we had several key senators and congressmen at the meeting, and to me...

#### **Tape 4(a)**

Miguel Rolón: ... it was very difficult because you had to get two chefs, you had to get all the seafood there, our Chairman contributed, that's his commercial fishery part, with some of the seafood items, and then we had a good chef, and they prepared seafood Caribbean style, and amazingly it was a very good thing. I just want to thank Diana on the record for what she did, and this is something that is remarkable, because we had staff participation also, especially Livia, she sent some of the things that we needed to put together the design, and she also was able to get the booklet, the design all together on record time. We had Sylvia Spalding for the Hawaiian Council, Jennifer Gilden from the Pacific Council, Don McIsaac, he was the one who presented the

way that operate on behalf of the eight councils. He took information from each council and delivered a good message at the CHOW meeting, regarding what we do. Geño was able to talk to everybody about what we do. And the Secretary of Commerce came to our booth and it was the last booth, and he was full with tuna and everything he was given, and Diana said, what, he is not going to taste our food? That's not going to happen, so she took some lobster and guanimes and went to the Secretary and said to him, hey, you have to try this. And believe it or not those are the kind of things that we need to do in the outreach and education, and Dr. Lubchenco is encouraging the Councils and the Regional Office and everybody to participate on this things, because she believes that we are locking too much within ourselves, and she wants to expand and get the feedback from the public. Actually it was a good exercise.

Eugenio Piñero: I just want to thank Diana for all the hard work. It was really beautiful.

Miguel Rolón: We were invited for next year. I am serious about it, and I believe it was a success story, and I don't know who will be in charge next year, but I sure would like to also encourage Virgin Islands to participate.

Aida Rosario: We have some information regarding the interventions that have been done in Puerto Rico. We gave that to Natalia. (Included under Attachment L.)

Tracy Dunn: We passed out our quarterly report. Successes are too numerous to go over in detail here. Lynn assures me that they are working out some cases, and we don't have a lot of complete stuff for the Caribbean at this time. The important thing I wanted to mention is that USVI was unable to participate in our JA Program last year, but we have full expectations that they are getting all their necessary paperwork, and we should have that program up and running. We are going to be working with them a lot closer because our accountability measures are much greater this coming cycle, so we are going to be working with both, them and Puerto Rico to make sure that we keep up the speed on all of the reports that are required and the measures that are necessary to benefit from the program in the future. That's all I have.

Charles Gris: The Coast Guard doesn't have a report for you at this time, although I made a note for your next meeting in August/September, so I'll have someone either from the sector of San Juan or from Miami to compile some statistics for you with the sector San Juan boarding target numbers, as well as the interventions that's there for basically most of the fiscal year 08 and fiscal year 09.

Miguel Rolón: Graciela is distributing a copy of the report of an intervention by the DPNR of the USVI, for the record this is what they did. This in a report from the Daily News, the Department of Planning and Natural Resources enforcement officers arrested six St. Croix fishermen accusing them of illegally using gill nets and harvesting conch out of season.

Roy Crabtree: Sam Rauch and Viridin and I met with the Governor of the Virgin Islands, Governor DeJohn this afternoon, and Ruth Gomez was there as well. I think we had a good meeting. We talked to the Governor about our intents to re scope the ACL amendment, and that we were going to try and make sure that everybody's alternatives and ideas were included in it, and the timeline and all and how we are going, and he had a lot of questions, he's got a lot of concerns about his constituents, and I think we had a good meeting. We also talked about some broader Caribbean issues and the potential of looking at some international agreements and things like that and we talked about a little bit about catch shares, and also about trying to find funding to improve some of the data collection programs out here. So I think it was a real positive meeting.

Viridin Brown: Thanks Roy. I want to add that the Governor said this was one of the most positive meetings that he's had all week.

Joe Kimmel: I wanted to just report that at the last Council meeting there was a recommendation to establish a control rule for the fisheries here in the US Caribbean, and, sorry a control date. There is a difference. The control date that the Council voted on was March 24, 2009, and what that does is it alerts any fisherman that is entering the fisheries after that control date will not be assured future access should a management program be set up to limit entry to those programs. So this process is still under review in headquarters, but I expect a Federal Register notice announcing that, probably will be published if not this week next week, and then will follow that up with a fisheries bulletin from the Regional office and sent down here.

Aida Rosario: That bulletin will be published in Spanish?

Joe Kimmel: I am sure Graciela will help us up there.

Marcos Hanke: I would like to use this opportunity to make a comment to the local government of Puerto Rico, to take this comment to the Secretary, about the opposition from the recreational fishermen, the charters, and some commercial fishermen that spoke to me about the release on the beach seine net. That they are able to use that, and they are very concerned about the effect on the game fishing that we have seen to come back like the bonefish, and after 15 years of not catching them we are starting to do so, and those guys live on the sandy bottom where those nets most of the time are deployed. There is ... make in Puerto Rico, that is a big asset, a big advertise for the islands that is a very big thing in terms of the game fish work, regarding bonefish, tarpon and ... on the same day and the same trip. Also we understand there is low value on the catch and the big quantity of bycatch. There is some damage to the, even though is on sand, or grass or any other place that they deploy the damage to the subtract in some way is considerable, and one thing that is very suspicious to us is that fishing during the regular ... on my charter haven't seen that ... with those nets on holidays and days that the rangers are not around. And I know that this new release for the use of these nets there are some restrictions that they have to follow through, but for me it is very suspicious that they are doing it mostly when there is no rangers or nobody checking it out, and that is why is my concern. And I am in position that if the Secretary wants to discuss it with a group of fishermen of recreational charter I would be able to organize that.

Aida Rosario: We encourage you to write a letter to the Secretary with a request to meet with him, and also include all the information that you just gave us here. I will convey your message, but the best message is conveyed by you. So if you can send that letter and get that letter signed by the group of the fishermen that you just mentioned, that will help your case and he is very open to meet with any of the fishermen. So I urge you to put this forward, and I will give this message to him.

Miguel Rolón: The next meeting will be on the first week of September. And it probably will be Mayaguez or Aguadilla, but it will be in the west coast of Puerto Rico.

Eugenio Piñeiro: I guess we are about to go. Viridin would you please do us the honor of adjourning this meeting?

Viridin Brown: This 131<sup>st</sup> meeting of the CFMC is hereby adjourned.