

### **Position of CFMC SSC on the management advice for Table 1: Scenario 7**

At the time of the SFA Amendment in 2005, insufficient data existed to produce quantitative assessments for most of the species/groups managed by the CFMC. There was, however, information regarding the life history, heavy fishing pressure on or demise of spawning aggregations, anecdotal information on the decline in abundance, concern about the effectiveness of certain fishing methods, and the ecosystem importance of a number of these species/groups to support their designation as overfished and/or undergoing overfishing. Informed judgment was used to make status determinations and these determinations were approved by the Council at the time.

Currently, the SSC is being asked to provide values for OFL and ABC for stocks that have been designated as undergoing overfishing. Given available data and the resulting lack of adequate assessments, the SSC cannot currently estimate values for OFL and ABC for most stocks/groups. The stocks/groups with the largest datasets in the U.S. Caribbean have been evaluated using the SEDAR process and peer review panels have concluded that reference points such as OFL and ABC cannot be estimated currently. Note that the process was approved by the CFMC and the stocks were evaluated at the request of the CFMC. As the CFMC is aware, this has been an on-going problem.

Recognizing the need to provide management advice, as an alternative to estimating ACLs and OFLs, the SSC developed a list of scenarios that provide stock/group specific guidance dependent on the data availability for each stock/group. The SSC's list of scenarios, which appears in Table 1, is viewed as an iterative document by the SSC, which can be edited and improved over time, as more information becomes available and more discussion takes place. The current version is specifically meant to apply to stocks/groups that have been declared as undergoing overfishing.

The SSC asserts that a precautionary approach to management should be taken when stocks/groups have been declared to be undergoing overfishing and there is inadequate science to determine the level of catch/effort at which overfishing ends. The status quo is not acceptable once a fishery has been declared to be undergoing overfishing. It could be argued that under precautionary management, there should be no fishery for any stock/group undergoing overfishing without adequate assessment information. However, the SSC recognizes that without a fishery as the source of critical information, there would be little chance of ever reopening a closed fishery or determining the status of a stock/group. Therefore, the SSC has addressed this dilemma by recommending the creation of a scientific fishery to collect the data necessary to conduct an assessment, and thereby scientifically manage the fishery.

The SSC recommends creating an experimental design for a protocol to collect the information needed to do an effective assessment. Collaborative efforts between the federal government, the territorial governments, MRAG, and the fishers are currently underway to develop an experimental design that will succeed at meeting this goal.

When implemented, the magnitude of the resulting fishery should be based on the sample size required to conduct an assessment, taking into account the status of the stock/group, the level of uncertainty regarding its status and ability to end overfishing and rebuild stocks/groups, if needed, and the level of risk deemed acceptable by the Council.

In the mean time, until an efficient experimental design is implemented, catch/effort levels for stocks/groups identified as undergoing overfishing should be set below the levels experienced before the SFA amendment. Regulations have already been put in place to reduce catch/effort below those levels (see below). It is not possible to provide a quantitative estimate as to the degree to which overfishing has been reduced or eliminated since implementation of the new regulations, given the available data and the short timeframe, but qualitative information is available, in at least some instances.

The Magnuson-Stevens Reauthorization requires the incorporation of scientific uncertainty while setting catch levels. In this case that means: (1) how uncertain are we as to whether the stocks are overfished and/or undergoing overfishing? and (2) how uncertain are we as to whether an existing or proposed management regulation would allow a stock to rebuild and/or end overfishing? The more uncertain, the greater the reduction required.

For stocks/groups that fall under Scenario 7, the SSC should meet and discuss these questions relating to the stocks/groups subject to overfishing. The SSC can likely provide qualitative guidance based on informed judgment to the Council as to the level of uncertainty that exists regarding the two questions above on a stock/group by stock/group basis.

There is potential for the SSC to be able to provide guidance on catch limits in the short term, while waiting for the new data collection procedure to be implemented and data and assessments to become available. This would involve recommending adjustments around current regulations based on informed judgment on the status of the stock and how well the regulations are likely working, taking into account our uncertainty around both. For example, if there is sufficient evidence that current regulations have likely ended overfishing, there may be no need to add further regulations. In fact, given sufficient evidence, regulations may be able to be relaxed. Similarly, if uncertainty is so large that little is known about the impact of new regulations on a stock thought to be undergoing severe levels of overfishing, additional regulations may be necessary. The SSC would be providing guidance not based on values of OFL and ABC, which aren't possible to estimate at this point in time. Instead, informed judgment would be used to recommend modifications to current regulations. At the current time, this approach has been discussed in general terms only among a small number of SSC members. Developing this into an objective procedure would not be a trivial task. The full SSC would need to discuss the concept, decide if it is worth pursuing, discuss how to implement it, then formally approve its usage. The SSC is not sure whether this could be done within existing timelines, but believes it would be beneficial to pursue, as it may have potential for providing longer term guidance, as well. Most importantly, this puts the SSC in its proper role, as defined in the Magnuson-Stevens Reauthorization, of specifying the

science-based catch limits incorporating scientific uncertainty, rather than turning over this responsibilities to the Council.

Note that the SSC is not recommending shutting down fisheries as the default position until the new data collection protocols can be implemented. The SSC is also not calling for further reductions beyond those already put in place at the time of the SFA, by default. Whether or not further reductions below current catch levels are needed should be determined taking into account the SSC's qualitative answers to the two questions in the preceding paragraph and the level of risk the Council is willing to adopt. The bottom line is that there is no easy answer to setting ACLs in the U.S. Caribbean.

### **Summary of the new management measures since 2005**

New federal management measures were put in place for the EEZ with the approval of the SFA Amendment in 2005 for the species that were overfished and undergoing overfishing. These supplemented management measures already in place for a number of these species. Subsequently, compatible and more restrictive territorial management measures were put in place for many of these species. The current management measures for species that are overfished and undergoing overfishing are listed below:

#### **Species Declared Overfished**

*Nassau grouper* – fishery closed year-round in the EEZ in 1990, closed in PR in 2004 and in the USVI in 2006.

*Goliath grouper* – fishery closed year-round in the EEZ in 1993, closed in PR in 2004, and closed in USVI in 1990.

#### **Species Declared Overfished and Undergoing Overfishing**

##### ***Queen conch***

1. Fishery closed year-round in the EEZ in 2005 in PR and STT/STJ District. It was not closed in St. Croix – Lang Bank.
2. Seasonal closure July 1 to September 1 in EEZ and PR implemented in 1997 and in 1994 in USVI.
3. Expanded seasonal closure from July 1 to December 31 implemented for 1 year in St. Croix in 2007 by USVI because of concerns about increasing size of harvest.
4. Expanded seasonal closure in USVI from June 1 – October 31 implemented in 2008.
5. Size limitations implemented in 1997 in EEZ for queen conch (2005 – no take), implemented in PR in 2004, implemented in USVI in 1994.
6. Conch must be landed whole in the EEZ and USVI. In PR conch must be intact during transit.
7. Bag limits initially imposed in EEZ and PR in 1997 and in the USVI in 1994.
8. Modification of bag limits:
  - a. EEZ closed in 2005
  - b. PR less restrictive – 2004 changed to 450/boat
  - c. USVI more restrictive – 2008 changed to 200 per boat

9. Quota implemented only in USVI in 2008 – 50,000 lbs per annum in each district.  
Note: in 2009 on St. Croix quota reached in April and fishery was closed one month early.
10. Also recreational bag limits.

### **Species Declared Undergoing Overfishing**

#### ***Grouper Unit 4***

1. Seasonal closure from February 1 – April 30 (during period of spawning aggregations) in EEZ and USVI. No closure in Puerto Rico.
2. Area closure USVI from February 1 – April 30 – Grammanik Bank – yellowfin and other species (tiger grouper, Nassau grouper, snapper species) spawn at this site.

#### Notes:

- Seasonal and area closures implemented in USVI to protect yellowfin grouper aggregation from fishing. Anecdotal information was that 4 fishers were targeting yellowfin grouper in the aggregation prior to the closure and harvesting thousands of pounds of fish.
- Some Grouper Unit 4 species, for example the red grouper, are not common in the US Caribbean.
- Yellowfin and tiger grouper are primarily harvested from spawning aggregations.
- Yellowedge grouper is a deepwater grouper that the SSC has recommended by placed in Grouper Unit 5 with misty grouper.

#### ***Snapper Unit 1*** – includes deepwater snapper

1. Seasonal closure from October 1 – December 31 implemented in EEZ in 2005 and the USVI in 2006 in St. Thomas/St. John District only.
2. Seasonal closure in PR for only silk and vermillion snapper from October 1 – December 31 in 2007.

#### ***Parrotfish***

1. Gill and trammel net ban in the EEZ in 2005 and USVI in 2006 (implemented in 2008). Gill and trammel net fishing with scuba, used commonly on St. Croix, was considered too effective a fishing technique for catching parrotfish. It also resulted in extensive bycatch.
2. Puerto Rico implemented gill mesh regulation of 2” in 2004 and beach seine regulations for specific species. Also banned use of SCUBA with nets in 2004.

Note: The SSC recommended separating the Parrotfish Unit into two units. The new unit would contain the three large species of parrotfish (blue, rainbow, and black) and a ACL = 0.

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