

1
2 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**
3 **133RD REGULAR COUNCIL MEETING**
4 **El Conquistador Hotel**
5 **Fajardo, Puerto Rico**
6

7 **DECEMBER 15-16, 2009**
8

9 The Caribbean Fishery Management Council convened at the El
10 Conquistador Hotel, Fajardo, Puerto Rico, Tuesday morning,
11 December 15, 2009, and was called to order at 9:00 o'clock a.m.
12 by Chairman Eugenio Piñeiro.
13

14 **EUGENIO PIÑEIRO:** Before we start today's work, I would like for
15 us to give a moment of silence in the memory first of Ariel
16 Melchior, who was a member of the AP, and then David Olsen just
17 informed me that our friend Teddy Bryan also passed away and so
18 I would like to keep a moment of silence, please.
19

20 (Whereupon a moment of silence was observed.)
21

22 **EUGENIO PIÑEIRO:** Thank you very much. In brighter news, I can
23 inform you that Marcos Hanke's wife will be most likely this
24 week, today, having a baby at the hospital, any time now. Take
25 a good look at him, because we might not see him in a little
26 while. I'll also inform you that Jackie Wilson from HMS, he's a
27 regular here, just had a baby boy. Congratulations and we hope
28 we can say that to you soon, Marcos.
29

30 **ADOPTION OF AGENDA**
31

32 **WINSTON LEDEE:** I would like to make the motion for adoption of
33 the agenda.
34

35 **JOE KIMMEL:** I would like to make time on the agenda for
36 presentation of Queen Conch Amendment 3 that is the amendment
37 for developing compatible regulations with those of the Virgin
38 Islands and I would also like to ask you if you could make time
39 sometime during the ACL presentation for me to present a white
40 paper on dividing up the EEZ into island portions.
41

42 **MIGUEL ROLON:** Also, we have the Southeast Fisheries Science
43 Center has a brief presentation on what are the definition of
44 terms, uncertainty scalars, and that will be also before the
45 ACLs and AMs.
46

47 Then in Other Business, tomorrow, we will have a discussion on
48 catch shares and what do we intend to do to determine whether

1 catch shares are adoptable for the U.S. Virgin Islands and
2 Puerto Rico and also we have Bob Trumble talking about an EFH
3 document that we need to prepare for 2010 and I believe that,
4 Joe, you are going to be addressing the Queen Conch Amendment
5 tomorrow sometime, in Other Business? Okay.

6
7 **EUGENIO PIÑEIRO:** Any other amendments to the agenda? None?
8 Okay.

9
10 **WINSTON LEDEE:** I would like to make a motion for adoption of
11 the agenda.

12
13 **EUGENIO PIÑEIRO:** Okay. Is there a second?

14
15 **BEULAH DALMIDA-SMITH:** Second.

16
17 **EUGENIO PIÑEIRO:** Those in favor say aye. Thank you.

18
19 **CONSIDERATION OF 132ND COUNCIL MEETING VERBATIM TRANSCRIPT**

20
21 **WINSTON LEDEE:** I make the motion for the consideration of the
22 133rd Council Meeting Verbatim Transcription.

23
24 **SHEPHERD GRIMES:** I just had some very minor corrections. Page
25 40, line 39, there's a "t9" in a statement I made, which should
26 be "to" and page 76, line 27, there's a reference to "Dr.
27 Pomwith" and it should be "Ponwith" and page 91, line 7, the
28 term "real" should be "really" and my main thing is I did notice
29 there are a number of instances in these minutes where
30 statements are attributed to Unidentified Male or Unidentified
31 Female and we really, really need to strive to eliminate those
32 things. There are only seven member of this council and we
33 should clearly be able to identify the individual council
34 members who are speaking.

35
36 Any member of the public that provides oral or written testimony
37 to the council is required by statute to provide their name and
38 a brief statement of their interest and so just for the future,
39 if we do have statements from the public during council
40 discussions, we need to clearly identify that individual and
41 make sure that it's reflected accurately in our transcript.

42
43 **EUGENIO PIÑEIRO:** Thank you, Shepherd. I encourage the council
44 members to speak out your names also, because sometimes we have
45 trouble in the transcription, with the air conditioner and
46 outside noise. If you're so kind, council members, express your
47 name every time you're going to speak. With those changes --
48

1 **WINSTON LEDEE:** I make the motion for the consideration of the
2 133rd council meeting transcription.

3

4 **EUGENIO PIÑEIRO:** With the changes adopted.

5

6 **WINSTON LEDEE:** With the changes adopted.

7

8 **EUGENIO PIÑEIRO:** Thank you. Do I have a second?

9

10 **MARCOS HANKE:** Second.

11

12 **EUGENIO PIÑEIRO:** All those in favor say aye; any opposed.
13 Thank you. Before we proceed with the Executive Director's
14 Report, two issues in here. First, the hotel has asked us to
15 fill the menu, so we can hand it to Diana as soon as we can.

16

17 On the second part, there's going to be a five-minute public
18 comment period for all the public in here. Winston Ledee is
19 going to have the list. If you wish to speak out at the end of
20 today and the end of tomorrow, contact him. The council members
21 have asked me not to be interrupted during the deliberations,
22 but Winston is here and so anything you want to come up, talk to
23 Winston. With this, let's go to the Executive Director's
24 Report.

25

26

EXECUTIVE DIRECTOR'S REPORT

27

28 **MIGUEL ROLON:** Thank you, Mr. Chairman. There are certain
29 topics that we are going to be discussing today, but mostly,
30 they are included in the ACL and AM and so I will be brief.
31 Also, I asked Meghan Jeans to join us today to give us a
32 presentation on her organization, which is -- Meghan Jeans is
33 the Co-Director of the Fisheries Leadership and Sustainability
34 Forum Center for Ocean Solutions at Stanford University.

35

36 Her group has been putting together seminars and workshops about
37 marine conservation and in the past couple of years, they have
38 been inviting council members to participate and given that most
39 people don't know really what the organization is all about, I
40 asked her to join us today and she graciously accepted. She
41 will give a briefing within my report on what the Forum can
42 provide us in terms of partnership with the tasks that we have
43 at hand under the Magnuson Act.

44

45 Also, Mr. Chairman, the document that you have in your hands is
46 the ACL document. We may want to make it more efficient and
47 shorten the version that we have and so we'll be discussing this
48 today. I would ask Joe at some time to help us with the

1 discussion. Especially, we want to address the definition of
2 the boundaries.

3
4 Remember that the council adopted three geographical areas, St.
5 Thomas/St. John, St. Croix, and Puerto Rico. If we are going to
6 start with the ACLs for these areas, then we want to talk about
7 the boundaries and we will address that today.

8
9 The briefing by Dr. Todd Gedamke is going to include uncertainty
10 issues, reduction of uncertainty and scalers, so you have a
11 better grasp of these terms and what we are going to do. We'll
12 also be discussing the status of Bajo de Sico and as you recall,
13 Bajo de Sico still -- Joe, has it been approved yet, the Bajo de
14 Sico?

15
16 **JOE KIMMEL:** It's been sent to the Science Center for
17 certification and we asked the Science Center to please advise
18 us -- I think the date on it was January 4, 2010, and so by that
19 time, we should know whether it's been certified. If it is
20 certified, it will be sent to the Secretary for secretarial
21 review.

22
23 **MIGUEL ROLON:** Thank you. Also, there are other items that
24 we've discussed before, like the permits issue, and we would
25 like to take that separate from the side of the ACLs. Permits
26 is a little bit complicated and involves the two local
27 governments and so we want to make sure that we have the best
28 process possible and so our suggestion is that the council allow
29 the task team and the local governments to work on this in 2010,
30 rather than lump it altogether with the ACLs.

31
32 Mr. Chairman, we will be discussing the presentations today and
33 also, we need to decide when we go into the discussions, do we
34 take it one-by-one, the ACLs, or do we take the whole thing and
35 then go back to questions? We will leave that to your
36 discretion on how you want to discuss that.

37
38 At this time, I would like to ask Meghan Jeans to give us a
39 presentation. She will take about fifteen minutes on what the
40 Fishery Leadership and Sustainability Forum is and how can we
41 interact with this organization.

42
43 **PRESENTATION ON FISHERIES LEADERSHIP AND SUSTAINABILITY FORUM**

44
45 **MEGHAN JEANS:** Thank you, Miguel, for the invitation to speak
46 today and to present to all of you and thank you all for taking
47 a few minutes to listen to me. My name is Meghan Jeans and I'm
48 the Co-Director of the Fisheries Leadership and Sustainability

1 Forum, which is a bit of a mouthful, but I'll just refer to it
2 as the Fisheries Forum from here on out.

3
4 Some of you might be familiar with the Fisheries Forum and
5 others of you may never have heard of it, which is why I'm here.
6 In any event, the Forum is really -- It's a fairly new
7 initiative and it began about two years ago and it's really
8 designed to equip fishery managers with the information and
9 tools and resources that they need to make informed and
10 sustainable decisions.

11
12 Today, I'm just going to start off and sort of go through this
13 outline, basically talking about who exactly is the Fisheries
14 Forum and what is the Fisheries Forum and what are some of our
15 programs, some of the upcoming forums that we have slated, as
16 well as sort of how to get in touch with us.

17
18 To start off with, who is the Forum? The Forum is a joint
19 initiative that was started by Stanford University, Duke
20 University, and the Environmental Defense Fund. I represent the
21 Stanford side of it. I have a co-director, Amy Kenney, who some
22 of you may have met before, who is based with Duke University.

23
24 I also have another colleague, Katie Latanich, who will be
25 joining us later today, and another person on our team, Whitney
26 Tome, who is based at Environmental Defense Fund in Washington,
27 D.C.

28
29 A key strength of the forum is that we have access to a wide
30 array of faculty and experts that we're really able to leverage
31 to sort of make our programs that much more rich. One thing
32 that we are not at the forum is we're not an advocacy group. We
33 don't lobby for particular management strategies or approaches
34 and we don't judge past actions or try to prescribe solutions
35 for the future.

36
37 What we do provide is access to world-class researchers, an
38 opportunity for fishery managers to network between regions and
39 with scientists and academics. We also provide a venue for
40 fishery managers to discuss relevant and timely conservation and
41 management topics in a balanced and informative way.

42
43 Another thing that we do and provide is an opportunity for skill
44 development, whether that's negotiation, mediation, structured
45 decision making processes, or consensus building. Another thing
46 that I'm sure has come up has been what role do we play relevant
47 to the NMFS required council training?

1 We really compliment the NMFS training. We're not intended to
2 replace or compete with it. We've tried to build on the council
3 training that most of you have already had. We also provide a
4 very different type of format than the council training does and
5 it's more of an interactive, problem-solving sort of format as
6 opposed to the NMFS training, but the NMFS training creates a
7 really perfect foundation for doing what we do.

8
9 Again, the Fisheries Forum is all about getting fishery
10 management council members together to build leadership and
11 problem solving skills. Our mission really is to both build
12 these leadership and problem solving skills as well as increase
13 fishery manager's understanding of fisheries and ocean science,
14 economics, and policy.

15
16 Learning from the successes and challenges in other regions is
17 the key mission, as well as connecting folks with the tools and
18 experts that they need to help get their work done and make
19 informed decisions.

20
21 Another part of the Fisheries Forum is helping to facilitate
22 interregional communication and collaboration and so in addition
23 to sort of the substantive components of our work, the thing
24 that most participants take away and find incredibly valuable is
25 this opportunity for networking with other council members, with
26 scientists, with NMFS staff from around the country, and really
27 sort of sharing what some of the successes and challenges have
28 been in their respective regions and trying to learn from each
29 other.

30
31 Again, enhancing the knowledge of fisheries and ocean science,
32 economics, and policy is a huge objective of the Fisheries Forum
33 and here we have an example of several of our different staff
34 from Stanford and Duke Universities. Some of you might
35 recognize some of them.

36
37 Mike Orbach there in the center is a social scientist at Duke
38 and we have, down here in the left-hand corner, Linwood
39 Pendleton, Rod Fujita, and Buzz Thompson, all with Duke, EDF,
40 and Stanford, respectively, and Debbie Sivas over here in the
41 right-hand corner, who is a renowned attorney and head of the
42 Environmental Law Clinic at Stanford University.

43
44 Again, here we are offering ongoing support tools, experts,
45 professional networking. They're all objectives that the
46 Fisheries Forum is able to offer its council members and
47 participants. We provide information in an accessible format
48 that's immediately applicable for decision makers.

1
2 We facilitate information exchange among council members and we
3 connect council members with leading research and experts on a
4 variety of topics. It's important to remember as well that
5 we're not preaching and we're not teaching. Learning is really
6 a two-way street.

7
8 As much as our council members and other invited participants
9 are able to learn from the various experts that we enlist, the
10 experts, the academics, the scientists, they learn as much from
11 you folks here on the ground doing all the work. Learning,
12 again, is a two-way street and we try to provide the venue to
13 inspire these learning opportunities.

14
15 To get to sort of the meat of it, what exactly is it that we do?
16 What are our programs? Some of you have probably heard about
17 the semi-annual forums that we hold at Duke and Stanford
18 respectively. We've had three thus far and we have another one
19 coming up in May. These are really targeted for council members
20 specifically from around the country and they're the cornerstone
21 of our program.

22
23 In addition to the forums, we also offer an ongoing support
24 function that's really year-round to help council members and
25 other fishery managers deal with a variety of different issues
26 and challenges and challenges that they're working on, from
27 regional workshops to research and analysis to expert referrals,
28 innovations reports, and a forum hotline.

29
30 This is an example of our cast of characters from several of the
31 last forums. The forums themselves are unique and, again, I'll
32 distinguish this a little bit from the NMFS required training.
33 They're generally smaller and they're, again, a mix of council
34 members from all of the different regions. They vary. We try
35 to make sure we have a good mix in terms of having government
36 representatives, state and federal, having folks from the
37 commercial sector, the recreational sector, and as well as sort
38 of regional diversity as well.

39
40 At the forums, participants are able to explore specific topics
41 in greater depth and so we will choose a theme that really is an
42 issue that is crosscutting and that is relevant and timely and
43 that a lot of the different issues are dealing with, so that it
44 is, again, relevant to folks.

45
46 In the past, we've dealt with bycatch and we've dealt with ACL
47 and AM implementation and we've dealt with ecosystem-based
48 management and obviously all issues that everyone has been

1 dealing with, regardless of the distinctions and differences
2 between the regions.

3
4 They also offer these council members, as I said earlier, an
5 opportunity to network with each other and get to know each
6 other and develop friendships, as well as sort of professional
7 relationships, where folks can call on each other later on down
8 the road.

9
10 Part of the way in which we sort of facilitate this learning
11 process is via a case study method and this is a method that's
12 used in a lot of graduate programs. Basically, we develop a
13 case study that's loosely based on a real-life scenario and so,
14 for instance, at this last forum, it was based on the Atlantic
15 scallop fishery and we were looking at bycatch as an issue and a
16 lot of the associated bycatch issues in that fishery.

17
18 It was fictionalized, to an extent, to allow us to sort of
19 better -- People who were from that region to sort of separate
20 themselves from the reality that they deal with every day, but
21 also to allow for a better learning opportunity and experience.

22
23 The participants work through the case study and then break out
24 into small break-out sessions, which we find to be incredibly
25 useful. Folks have an opportunity to get into their small
26 groups and to brainstorm ideas and they realize they're not in
27 the traditional council setting and they're off the record and
28 they can try out ideas that they might not otherwise feel
29 comfortable doing in a council setting and bring new
30 perspectives to the table.

31
32 Again, there's no right answers to any of the case studies and
33 the idea is to sort of be brainstorming solutions and looking at
34 the process.

35
36 Again, here's just a sampling of the last three forums and some
37 of the experts that we had. The starred speakers there were our
38 keynotes. Some of you might be familiar with some of these
39 folks that are listed up here, all experts in their fields, some
40 from academia and some from government. We've had fishermen in
41 the past as well come and speak and then a sampling of some of
42 our topics.

43
44 Those are the forums. The second component of the Fisheries
45 Forum is the ongoing support function and as I mentioned before,
46 ongoing support comes in a range of different styles, I suppose.
47 One of the main things that we do is we offer regional
48 workshops.

1
2 Rather than sort of targeting specifically council members from
3 all the different regions and bringing them together, as with
4 the Fisheries Forum, the regional workshops are really tailored
5 to respond to the needs of the specific regions. Here, we were
6 approached by the New England Council, because they're in the
7 process of looking at their fisheries and trying to determine
8 whether or not to rationalize and where to go from there.

9
10 They wanted to make sure that all of their council members had
11 the same common base knowledge launching into that process and
12 so they asked us to come in and we organized a workshop for them
13 that brought in folks from all over the country and abroad who
14 shared their perspectives with catch share programs, whether it
15 was the development or the implementation, and what the impacts
16 were to communities and what sort of things that they need to
17 look out for and what questions to ask when developing their own
18 programs.

19
20 We had folks from Alaska and New Zealand and British Columbia
21 and the West Coast, California and Washington and Oregon, all
22 sharing their experiences with catch share programs and, again,
23 it wasn't lobbying for catch shares. It was basically
24 responding to a need that the New England Council had, which is
25 let's try to understand where we're at with catch shares.

26
27 This is just sort of a little bit of a snapshot of how the New
28 England catch shares workshop was modeled. We started off with
29 these what we call -- We'll call them break-out sessions, but
30 café sessions, where we had our speakers and then all of the
31 council members, council staff, NMFS staff who attended were
32 able to rotate through each of these small groups, so that we
33 really created a small-group environment, where people could ask
34 a lot of questions and really engage in discussion.

35
36 We had representatives from the Pacific talking about the
37 groundfish trawl rationalization process that they recently have
38 gone through. We had representatives from different fishing
39 communities who have experienced catch share programs and what
40 that has meant to them and to their fishing communities.

41
42 We also had many flavors of catch shares and so folks from
43 around the country and around the world sort of talking a little
44 bit more about what it meant for them in terms of implementation
45 and development of catch share programs and finally, we had
46 folks from both British Columbia and Alaska talking about catch
47 accounting and monitoring and how that needs to be structured to
48 have a viable catch share program.

1
2 In addition to the regional workshops, we also offer research
3 and analysis or sort of consultation function. To the extent
4 that you as a council member or you collectively as a council
5 have interests or needs that perhaps you don't have the
6 resources to really expend to investigate whether it's a
7 question or some other thing, you're welcome to call us, again.
8 The bottom line here is the Fisheries Forum is supposed to be a
9 resource for all of you.

10
11 Just as a for instance, right now, the Fisheries Forum staff is
12 working with the Gulf of Mexico Fishery Management Council to
13 help develop an outreach plan for stakeholders and managers, so
14 that they can reach more of a common understanding of the
15 scientific basis for some of the stock assessment updates and
16 revised ABCs for several commercially and recreationally
17 valuable stocks.

18
19 This is sort of a work in progress, but the idea is the council
20 recognized that they needed to put some more effort into doing
21 stakeholder outreach and they approached us about what's the
22 best way and how can we sort of get this started? We're sort of
23 there as facilitators and helping them out.

24
25 Just to go back, the New England Council, with their workshop,
26 we're really pleased with how that all went and the Mid-
27 Atlantic, there were several representatives there who thought
28 that that would be a really useful tool for them to have for
29 their council as well and so we're going to be organizing a Mid-
30 Atlantic catch share workshop for the first quarter of 2010.

31
32 Again, we also have access, via our various connections with
33 both the universities as well as NMFS and beyond, to a whole
34 range of experts, representing a lot of different disciplines,
35 from fisheries science all the way down to engineering and gear
36 technology or decision making science.

37
38 Again, to the extent that folks just need to be pointed in the
39 right direction or want to be connected with someone who has
40 expertise in a particular substantive area, we can play that
41 role as well.

42
43 Innovations Report, some of you may have checked this out
44 already and some of you may not have. We use periodic
45 Innovations Reports and this really is designed as yet another
46 tool to get different regions linked to each other and to
47 understand what's going on and what's worked in other regions.
48 I think it's easy to dwell on what's not working and this is

1 sort of an opportunity for folks to say this is a solution and
2 this is something that's really worked where we are and perhaps
3 it could be useful for your region as well.

4
5 We released one in Winter of 2009 that really looked at the
6 public scoping process in the South Atlantic, Pacific rockfish
7 conservation areas off the West Coast, the council's role in
8 decision making in New England, as well as allocation policies
9 in the Gulf of Mexico.

10
11 In Winter of 2010, we are slated to release another Innovations
12 Report, adapting to climate change in the North Pacific, stock
13 assessment processes in the South Atlantic, and reducing seabird
14 bycatch in the Western Pacific. That's just sort of what's sort
15 of up and coming.

16
17 Again, the Innovations Reports are the product of a request from
18 council members to know a little bit more about what's going on
19 in other regions and so you don't have to attend a forum to be
20 able to take advantage of these reports. They're actually on
21 our website, but we also look to you all to give us some
22 feedback and to tell us what's working and what you want to know
23 about. It's a two-way street, again.

24
25 We are here as a resource for you and so if there's something
26 that you think really works well in your region or something
27 that you want to know more about from another region, please let
28 us know and we will respond, to the extent that we can.

29
30 Finally, our upcoming forums, spring of 2010, May 10th to the
31 13th. You should all, council members, be receiving an
32 invitation in the mail shortly, if not already. This will be at
33 the Duke University Marine Lab in Beaufort, which, if you
34 haven't been, is beautiful. You can watch dolphins right off
35 the classroom and it's great.

36
37 Then fall of 2010 will be at Stanford, the exact location to be
38 determined. Our last forum was in Monterrey, at Monterrey Bay,
39 but definitely keep an eye out for invitations and check our
40 website, which is right down here, fisheriesforum.org, and,
41 again, feel free -- I don't know many of you and this is -- I've
42 worked at length in the Pacific and so I'm not as familiar with
43 the Caribbean and the South Atlantic and Gulf areas and so I
44 would love to meet all of you.

45
46 Please take a moment to introduce yourself over the next two
47 days and, again, my colleague will be here as well and so if you
48 see an unfamiliar blonde walking around, she should be here this

1 afternoon. In the meantime, you can reach any of us via these
2 email addresses or via our hotline, but if anyone has any
3 questions, that's all for me.

4
5 **EUGENIO PIÑEIRO:** How long did the workshop for the catch shares
6 take you in New England? Did you allot a couple of days or a
7 week or --

8
9 **MEGHAN JEANS:** Two days. It was a two-day workshop and in case
10 I forgot to mention it, the Fisheries Forums themselves are
11 usually two days of substantive exercises and presentations and
12 breakout groups and then we have a day of field trips. This
13 past time, we went out in Monterrey Bay whale watching and saw a
14 blue whale. That was great, as well as many other things.

15
16 Again, it's another opportunity for folks. What we've learned
17 is unstructured time is as important as structured time and
18 having an opportunity for folks to just network and talk to each
19 other sort of sidebar is really, really valuable.

20
21 **EUGENIO PIÑEIRO:** Were you present at the meetings, at the
22 workshops?

23
24 **MEGHAN JEANS:** I started in July and I have been at the
25 September workshop in Stanford and at the October catch shares
26 workshop in New England.

27
28 **EUGENIO PIÑEIRO:** Thank you very much from my case.

29
30 **BEULAH DALMIDA-SMITH:** Meghan, would you be willing to, at the
31 Fisheries Forum, be willing to replicate those workshops in this
32 region, particularly the catch shares?

33
34 **MEGHAN JEANS:** We can definitely talk about that, yes. That,
35 again, is sort of why we are here. We want to be a resource for
36 all of you and so if you identify a need and if that's something
37 that is important to you, that your council wants to do, we can
38 talk about helping you put that together.

39
40 **EUGENIO PIÑEIRO:** Any other member who wishes to make a question
41 or a comment? Being none, Meghan, we thank you very much. We
42 know you came from afar and we thank you for your effort and
43 hope you stay the rest of the week with us here. Thank you very
44 much.

45
46 **MIGUEL ROLON:** What follows now is the two presentations that
47 were mentioned before, Dr. Todd Gedamke, and this presentation
48 will be as an introduction for the ACL/AM discussions that we

1 are going to start today and we invited Dr. Gedamke to give us a
2 briefing on the terms that we are going to be discussing and
3 also we asked Joe Kimmel to follow with a discussion on the
4 boundaries for the three areas that the council decided to work
5 with, those areas being, again, St. Thomas/St. John, St. Croix,
6 and Puerto Rico.

7
8
9

PRESENTATION FROM SEFSC

10 **TODD GEDAMKE:** Good morning. Once again, I'm Todd Gedamke from
11 the Southeast Fisheries Science Center in Miami and the
12 objective of this talk, as Miguel just mentioned, is really to
13 kind of review some of the terminology that's involved.

14
15 Miguel also mentioned that this is going to be a talk on
16 uncertainty and I think that before we can discuss uncertainty
17 it fits into a much larger structure. What I'm going to do is
18 take a good step back and run through the concepts and some of
19 the definitions that are involved in the decisions that you are
20 going to have to be making.

21
22 I sort of subtitled this, "Making Sure We're Talking the Same
23 Language", because I think at times we have discussions and ACL,
24 ACT, ABCs are thrown around and I think it's really critical
25 that we all understand which aspects we are discussing and how
26 they tie into the whole process.

27
28 Just a little aside, a number of these slides were taken from
29 Mark Milliken, Deb Lambert, and Jennifer Ise and Bill Arnold
30 threw a couple of them together. There's my credit and slight
31 disclaimer.

32
33 Now, this is the plot that we have all seen since the ACL
34 guidelines were put together and I think the origin of this talk
35 also started realizing that me, who works in population dynamics
36 and speaks about this almost every day, had this taped on their
37 wall for about six months, just to remind myself of what all
38 these terms were. I'm going to start with this and use this as
39 a baseline through the rest of this talk.

40
41 Once again, why all the acronyms? We have OFL and MSY and we've
42 been throwing uncertainty and overfished and overfishing and,
43 once again, these are terms that carry very specific meanings
44 and hopefully by the end of this talk we'll have a little
45 clarification. Before I forget, I do also want to say that I
46 offer myself up to anyone during the breaks or at any other time
47 to have further discussions on clarifying any of these issues.

48

1 First of all, the basic substance behind National Standard 1,
2 it's a conservation and management measures to prevent
3 overfishing while achieving, on a continuous basis, the optimum
4 yield for each fishery in the United States fishing industry.

5
6 There's a couple of words key, "optimum yield", and the optimum
7 yield is based on maximum sustainable yield. I'm not going to
8 read through all of this, but these are a lot of the slides that
9 we commonly look at. Once again, the objective is to reach
10 optimum yield and so if we look at the three different points
11 here, the first one says that the goal is to provide the
12 greatest overall benefit to the nation, particularly with
13 respect to food and recreational opportunities.

14
15 The second, B, is prescribed on the basis of maximum sustainable
16 yield, as reduced by relevant economic, social, and ecological
17 factors, and then, in the case of an overfished fishery, it
18 provides for a rebuilding level consistent with producing
19 maximum sustainable yield.

20
21 I thought it was very important for me to take a step back and,
22 once again, revisit what is maximum sustainable yield? I'm just
23 going to walk through this slowly, because this really forms the
24 fundamental basis for all of the structure of these regulations.

25
26 Maximum sustainable yield, it can be understood as the longest
27 long-term average catch or yield that can be taken from a stock
28 or stock complex under prevailing ecological and environmental
29 conditions and fishery technological characteristics. For
30 example, gear selectivity and the distribution of catch among
31 fleets. That sounds great reading it. I'm going to take this
32 one step farther back and go through this step-by-step to
33 explain what this means.

34
35 Once again, a disclaimer. I have simplified some of the
36 relationships. In practice, they may be slightly different and
37 I just want to say that some of the definitions I've also
38 simplified to make sure and it's part of this for this
39 illustration.

40
41
42 This is a maximum sustainable yield or a yield curve. It simply
43 states that given any specific level of fishing effort or stock
44 biomass there is a corresponding sustainable yield or catch.
45 What does "sustainable" mean? I just sort of defined it in
46 those other words, but given constant conditions, the same
47 amount of effort, and not environmental changes, the annual
48 catch and the numbers of fish and the biomass in the population

1 will remain constant.
2
3 If you go out and fish ten days this year, those same ten days
4 year after year after year, you'll be able to maintain the same
5 exact catch. I'm going to tear this apart also.
6
7 If we look at a plot in terms of time -- Time moves along from
8 zero and moving forward here and if you increase your fishing
9 effort designated by the red line, your population size is going
10 to go down over time. I had someone ask to clarify the term
11 "effort" and effort simply means the number of boats and the
12 number of hours or the number of days that it's fishing. If I
13 refer to increasing effort, that's just more boats that are out
14 there fishing.
15
16 If we look at this in the way that sustainable yield curve is
17 cast, we have fishing effort now going along this axis here
18 and the same thing. As fishing effort increases, your
19 population size goes down. Corresponding to that, the catch per
20 unit effort will also decline. If there's more people out there
21 fishing, it's going to take you personally a longer time to
22 catch the same amount in the course of a day.
23
24 Along with this process, the mean length of the individuals in
25 the population are also going to decline and you've heard me
26 talk numerous times about changing mean lengths and how that
27 ties into this process.
28
29 Overall, the left side of the screen will represent one person
30 and very little effort. The right side of the screen will
31 represent lots of effort and the rest of this talk is based on
32 the left, low effort, and all the way on the right is a lot of
33 effort.
34
35 Here's your sustainable yield curve again and all the way on the
36 left is no effort and no fishing and zero catch and I hope --
37 What I'm going to do is walk through the development of this and
38 hopefully explain what it means as a whole.
39
40 At the left corner, you have no fishing. At that point in time,
41 no one is out there taking the animals out of the population.
42 However, the environment only has a certain amount of food and
43 resources to support a certain number of animals and so there's
44 going to be the maximum number of animals and the maximum
45 biomass in that environment. With no fishing, there's no catch
46 and there's no yield and this unfished biomass is known as the
47 carrying capacity.
48

1 Let's add one person fishing to this scenario. The fish
2 population -- One person goes out and he can only take a certain
3 amount. That fish population will replace, through reproduction
4 and growth, the amount that's been taken out of the population,
5 but when you only have one person out there, that population,
6 that fish population, can only bring itself back up to the
7 amount of resources that were in the environment before and so
8 there's a limit as to how much extra can come out of it during
9 one step in the year.

10
11 At the start of this, sustainable yield increases with effort.
12 The removals of individuals provide extra resources and food for
13 new individuals to come into the population, or recruits. The
14 rate of that increase is going to be species specific. Now, I
15 want to add a single example to this, to explain it even better.

16
17 Think about one of these stocks that we're discussing simply as
18 a reef with ten holes in it. You have ten holes for lobsters to
19 fish in there. When one person comes out, he's able to pull two
20 lobsters out and go home and have a good meal. In the course of
21 the year, there's eight other individuals there that can
22 reproduce and fill those two holes in the population.

23
24 When you start increasing the amount of effort, you're removing
25 more individuals from those holes and by the next year, they can
26 fill that up again and so the yield, or what you can take out
27 every year, begins to increase the more you're taking out of
28 that population initially, at the start.

29
30 As you move farther along, you reach this point that is known as
31 maximum sustainable yield and so at this point, the removals are
32 still providing resources, but the yield is going to reach a
33 maximum where the population can't keep up with the amount
34 you're taking out of it and so the births and the growth are
35 equaling the amount you're removing from it. The actual point
36 of this is species specific and it's going to be a function of
37 productivity.

38
39 The objective of this MSY and grounding this in MSY is really
40 for the overall benefit, the long-term benefit, of the
41 environment and the people fishing on that environment. If you
42 go out in the same exact example I've been giving in that first
43 year and take eight or nine lobsters out of those ten holes,
44 there's only one or two individuals that are able to reproduce.

45
46 The following year when you go back out, you're not going to be
47 able to take that same amount out of the population. You're
48 going to be able to take out less. This reaches that

1 equilibrium point where you can take the most out the population
2 is able to reproduce. This point does correspond to a specific
3 --

4
5 (Tape change)

6
7 **TODD GEDAMKE:** -- low natural mortality rates and so therefore,
8 FMSY is very low for those. For species like herring that grow
9 very fast, that FMSY will be higher and the biomass is generally
10 at MSY at one-half of the unfished biomass.

11
12 As you continue to add more and effort, you're removing more and
13 more population and there's less there to reproduce and there's
14 less there to grow and so you end up with a decline in the
15 annual yield, the sustainable yield, that you can take year
16 after year.

17
18 That's the shape of that curve. That's how that develops. You
19 basically take a few out and the animals can reproduce. Once
20 you start taking too many out of the population, the remaining
21 population can't replace that year after year.

22
23 I just mention two, whales and elephants. These curves can
24 shift slightly. For something like the sharks, you may not be
25 able to have as much effort to reach that MSY point, because
26 they grow slowly. They only have a small number of individuals
27 per year.

28
29 Move up towards the center, maybe the snappers and groupers,
30 something in the central point, they have a fair number of
31 recruits each year. They grow at a median rate and then if you
32 go in even farther, this can shift slightly. I just wanted to
33 clarify here that that nice perfect shape is dependent on the
34 species we're looking at.

35
36 Once again, what I want to do is tie that back to this that
37 we've been looking at since we started having these discussions.
38 Let's take a look at it in terms of both of these concepts at
39 the same time.

40
41 This we've looked at before. You have an increase in the red,
42 indicating overfished. What I've done here is just overlaid
43 this break point, where growth and reproduction in the
44 population can't meet what the population can reproduce and so
45 beyond that point, the designation is overfished or overfishing.

46
47 That overfishing limit represents the OFL that I have circled
48 there. Once that OFL is estimated or once we have that as a

1 starting point, the next point is to account for scientific
2 uncertainty and that gets us to an ABC. That buffer or
3 accounting for scientific uncertainty brings us to the
4 acceptable biological catch.

5
6 Once we have the biological catch, and this has been set up to
7 determine the roles at what point. The council role is on the
8 right and the SSC role is on the left and so once the ABC is
9 determined by the SSC, it's passed over to the council and they
10 have to determine whether that ACL should be less or equal to
11 the ABC and as we know, the SSC, in this case, has passed on a
12 limited number of ABC recommendations and so some of the hard
13 decisions are going to be faced for some of these based on the
14 council here.

15
16 Now that ACL, how does that fit in here? Once again, the
17 council has the option of taking the ABC as the ACL or reducing
18 it based on other considerations below that point. Now we have
19 the ACL and the council has to consider management uncertainty
20 and then comes up with an ACT, or an annual catch target.

21
22 Now, I saw frowns as I said annual catch target, because that's
23 not something that we discuss a lot, but that basically takes us
24 down to this point here and this annual catch target represents
25 the optimal point for optimum yield and we don't discuss it a
26 lot, because everyone has been very focused on this annual catch
27 limit and the limit is exactly that. It's a limit. It's a
28 maximum point that cannot be exceeded, just like a speed limit.
29 Below that, you're not getting credit for driving forty for two
30 weeks at a time, but once you exceed that, you have the
31 potential for accountability measures in this structure.

32
33 I hope that cleared up or at least clarified some of the
34 terminology that's involved and how does this relate to what
35 we're talking about and discussing here today.

36
37 The species and species groups that we're discussing today that
38 have been designated as undergoing overfishing or overfished and
39 so by definition, they are on the right side of this screen and
40 they are past the point of MSY.

41
42 How far, we have conducted analyses and as we've presented, we
43 do not have it pinpointed how far they are into this overfished
44 status, but because they are overfished and undergoing
45 overfishing, there's some reduction from the catch and effort
46 that is required. That catch, wherever they are in there, it
47 needs to come down slightly.

48

1 Now, I want to make a clarification. I put "when designated" in
2 there and prior to the SFA, there was a time series of data that
3 was available for the SSC and others to review when that status
4 determination was made. That is the point that that reduction
5 needs to occur from.

6
7 We've been looking recently at 2006, 2007, and 2008 data and
8 this is information that followed the SFA regulations and I also
9 put another note in here that we're not discussing from an OFL,
10 the overfishing limit, including uncertainty to get down to the
11 ABC at this point. We're just talking about since they have
12 been designated as overfished or undergoing overfishing, there
13 is a reduction that needs to take them down to that OFL point.

14
15 One other point before I show some real information data from
16 the Caribbean. This line, for those that I was not clear
17 enough, this line represents the sustainable catch and so if
18 you're catching at this point right here in one year, the
19 following year the expectation is you're going to be able to
20 catch the same amount, given the same amount of effort. Now,
21 I'll explain why that's important right now.

22
23 This is parrotfish in Puerto Rico. Pounds of landings we have
24 on the bottom is the reported landings and the top dot, the
25 dashed line, are the adjusted landings and so for non-reporting
26 and so on, the territories have provided us with the expansion
27 factor and so that's the time series of information.

28
29 As you can see, from the beginning of the time series we have
30 highly variable records, all the way up to this point in here.
31 This right here is when the SFA designations were made and you
32 can see that following SFA there has been a reduction in catch.

33
34 To tie this into the concepts I was just discussing, look at
35 this time period right in here. We have over ten years of
36 landings that seem to be relatively constant. In this, we have
37 also heard presentations from others from the USVI that have
38 said that we have this constant set of landings periods over
39 time.

40
41 Now, we don't have information to support that effort has been
42 increasing in Puerto Rico for commercial landings. Daniel Matos
43 and others have presented some that indicates that effort might
44 have been declining. For this time period here, we can look at
45 this or make the assumption that this time period here might
46 have been a sustainable catch and so from that, we have a
47 starting point.

48

1 The SFA designations were made on this level and so when catches
2 were 120,000 pounds or 130,000, whatever that corresponds to,
3 that's when these species were determined to be overfished and
4 so some reduction from this point is necessary. This is what I
5 just said, that catch is relatively stable and no effort and so
6 if we use this as average catch, and that's what we've been
7 discussing here as a starting point, we're using this pre-SFA
8 regulations.

9
10 The reductions that have occurred since SFA in these past two
11 years show that some reductions have occurred, but we still are
12 not able to definitively show that the current fishing rate or
13 the current fishing rate mortality is now below FMSY and so
14 below that point of maximum sustainable yield.

15
16 The key point that I want to make from this whole talk, beyond
17 hopefully clarifying terminology for people, is that when we're
18 discussing an uncertainty scaler there are years -- The years
19 that we use to determine that average catch also correspond to
20 that uncertainty scaler. They're paired. In this scenario,
21 we've looked at this ten-year period to come up with an average
22 catch pre-SFA regulations.

23
24 Since that point in time, catch has dropped slightly. Now, at
25 the data evaluation workshop, we evaluated our potential
26 options, at the SEDAR Data Evaluation Workshop. We looked at
27 scalars that had been considered by SSCs around the country. We
28 are not the only ones having this conversation.

29
30 For those that were at the National SSC meeting, this is a
31 conversation that is being had by virtually every council in the
32 country, but at that SEDAR Data Evaluation Workshop, our
33 recommendations were to use an average catch time period and
34 either a vulnerability scaler or a straight scaler and in that
35 document, we had a scalar of 0.5, because 0.5 was what was being
36 recommended in some cases where the populations of stocks have
37 been determined to be overfished.

38
39 Given this scenario here, we not only have an average catch
40 period that seems relatively constant, but we have regulations
41 that came in place and so by looking at this average catch time
42 period, rather than the 2006 and 2007, we can give credit in our
43 thinking, in our logic, in our process, as to what the
44 uncertainty scaler should be used. Instead of having to go with
45 a scaler that takes down to half of the average catch, 0.75 is a
46 value that is being put forward in front of a number of councils
47 right now.

48

1 In this case, you're taking the higher landings that occurred
2 prior to SFA and you were then saying that these have been taken
3 down by regulations already and then we will use the higher
4 scaler of 0.75 to knock that down to get you your ACL.

5
6 he key point is when you're considering options, keep in mind
7 that the years that are used and the uncertainty scaler that is
8 chosen, they are paired up and once again, Shep and I have said
9 this over and over since the start of this, but this is not
10 about what the final number is in this process. It is about the
11 process and the method and the logic to get through those steps.
12 Thank you and I hope that did clarify some of the language for
13 people.

14
15 **MIGUEL ROLON:** Todd, will you repeat again what scaler means and
16 also when we look at the scaler from one point of view, from the
17 scientific point of view, to say 0.75, but from the receiving
18 end, my catch is reduced by 25 percent and can you clarify that,
19 because that will be important for the rest of the discussion.

20
21 **TODD GEDAMKE:** I'm not sure if putting this back up will help at
22 all, but the first question was clarifying what a scaler means
23 and so the scaler basically -- In some of the analyses we've
24 presented before, we've tried to come up with a quantitative
25 scaler and what that means is if you have a catch that is a
26 hundred fish this year and we know, because these have been
27 designated as overfished or undergoing overfishing, that we have
28 to reduce that catch by something.

29
30 That scaler is that something. That scaler is the value that
31 the average catch will be multiplied by to get your ABC or your
32 ACL. In the case of my hundred fish example, if you were to use
33 a scaler of 0.75, your average catch is a hundred and we
34 multiply that scaler by 0.75 and the ABC or the ACL will then be
35 seventy-five fish.

36
37 That's a very good point, because people, in discussing 0.75, it
38 has been turned into 0.25 and so out of a hundred fish, we're
39 only going to be left with twenty-five and no. That scaler
40 basically takes the -- You're just taking the average catch and
41 multiplying it by that scaler to get your catch.

42
43 **EUGENIO PIÑEIRO:** Todd, I have a question. When I see there is
44 a need to -- As an example, in Puerto Rico, the parrotfish, not
45 the last three years of landings, but you took historically the
46 best years. Would this apply to the Virgin Islands, St. Thomas
47 and St. Croix and Puerto Rico, for each individual stock that
48 we're going to be dealing with?

1
2 **TODD GEDAMKE:** That's a good question. Once again, for us, we
3 sit around a table and we say what's the logic behind this and
4 what are our options and can we look at a set of years or how do
5 we come up with a scaler? We then take Puerto Rico, St. Thomas,
6 and St. Croix and put them up on a wall and take a look at the
7 time periods in there.

8
9 Now, as you know, the data collection was split to species and
10 also has been more intensive in Puerto Rico for a longer period
11 of time and so I used this as a nice example because you can see
12 the beginning here -- Fishing was probably not that variable at
13 the beginning of this time series.

14
15 This involves us getting involved and collecting information and
16 collecting data and so we have this time period in here for over
17 ten years. Now, your question is does this apply to the U.S.
18 Virgin Islands and in the U.S. Virgin Islands, it was in the
19 late 1990s when the reporting changed and we had increased
20 reporting rates during that time period.

21
22 If you look at those plots, and I believe Bill has those if we
23 want to put those up on the screen and take a look at them later
24 on, I think that that is probably a very wise move forward.
25 Your time period of consistency in there, the time period that
26 we trust, starts at about 2000 and what you can see during those
27 time periods is you have an increase at the first few years of
28 data collection, as people got comfortable with it and as more
29 reporting was put in, but you do have a fairly constant time
30 period for the U.S. Virgin Islands in most cases.

31
32 Once again, there are going to be exceptions to this rule, but
33 the logic that goes into you can apply this to both places, but
34 the selection of years will be slightly different.

35
36 **ROY CRABTREE:** What you're going to see when we start going
37 through the revisions to the ACL document -- Remember, we passed
38 a motion at the last meeting to not go any further back than
39 1999 and to develop a series of alternatives that use years
40 starting with 1999.

41
42 I think if you look at Todd's graph, if you started at 1999 or
43 1994 there, you would still come out with roughly the same
44 outcome. The trouble with the -- It looks like the SFA
45 Amendment did reduce catches or at least they fell, but we've
46 only got two years and that's probably too short a timeframe to
47 really be sure of what is going on, because we've got a lot of
48 economic issues happening. Fuel prices went up and so there are

1 a lot of other things that play into it.

2
3 We're going to have two versions of the ACL Amendment, one
4 that's similar to what you saw last time and then another one
5 that kind of tries to restructure the way the alternatives are
6 laid out, to make it more straightforward and I hope a little
7 simpler, but that's basically what we have now, are timeframes
8 starting with 1999 and then moving forward.

9
10 You'll see in there there's the most recent five years, which I
11 think is something the Virgin Islands were interested in, and
12 then there's alternatives that go all the way from 1999 to 2007
13 and we're just going to have to look at those and make some
14 decisions at some points, but I think that what we really need
15 to get done at this meeting is make sure that we have what we
16 think is a reasonable range of alternatives.

17
18 I don't think you have to pick any preferreds at this meeting,
19 although if your mind is pretty well settled on what you want to
20 do, we could do that, but the goal here is to make sure that we
21 have all the alternatives we want to look at, so we go back from
22 this meeting and then do as much analysis and write this
23 document and get it as far along as we can so that we can come
24 back in -- I guess we'll meet in June probably, Miguel, again.
25 March? That's right. It's only December now.

26
27 We'll come back in March and hopefully have a much more fleshed
28 out document, with some real analysis in it, and then I would
29 hope that we could go out not too long after March and publish a
30 draft environmental impact statement and get moving.

31
32 We'll look at the two different versions. I didn't want to
33 bring back something that was too different than what you saw at
34 the last meeting until you had a chance to look at it, but
35 you'll remember at the last meeting we did talk a lot about
36 trying to simplify things and restructure it a little bit and so
37 we've tried to do that.

38
39 **MIGUEL ROLON:** That's one thing that we need to discuss today
40 and I believe that we have an opportunity here -- This is a
41 question also for Shepherd and Todd, but it seems that with the
42 analyses that you have made that there's the possibility of
43 choosing the best time series for the areas for the species
44 groups that we can support with the science that we have.

45
46 That will go along with the decision by the council to discuss
47 this based on the three areas. Mr. Chairman, when we get the
48 briefing from Joe Kimmel, you will see also other angles of the

1 discussion, what we need to do if we pursue this, that we
2 already decided to have the three areas.

3
4 Todd, probably during the discussion, we can address each one of
5 those areas and each one of those time series, but we want to
6 make sure, as Roy mentioned, that we include the alternatives
7 that are best supported.

8
9 Although we are not going to take any preferred action at this
10 time, I would like to encourage the council members to really
11 study this, because this is something that the Center has done
12 that incorporates the discussion brought by the Governor of the
13 Virgin Islands through Beulah Dalmida the last time and the
14 fishers. They would like to see their data used, especially the
15 last three years.

16
17 This will give us an opportunity to not only use the data, but
18 apply the best time series for the models that we have. I
19 believe, Mr. Chairman, that's a step in the right direction.
20 It's a little bit complicated in a way, but if you understand
21 the basic concept of the scaler, then we will go back to the
22 discussion and you will be able to even streamline the document
23 and so you will do away with things that you don't really need
24 in that document, because they are repetitive or they are
25 encompassed in other alternatives that we have.

26
27 I want to leave you with the key words are the time series of
28 the years that have been analyzed, the geographical areas, and
29 then the species groups that you're going to be addressing,
30 because it will vary from area, from species groups, and from
31 the time series.

32
33 **EUGENIO PIÑEIRO:** I'm going to take a five-minute break and then
34 we'll continue this.

35
36 (Whereupon, a brief recess was taken.)

37
38 **EUGENIO PIÑEIRO:** We're going to have a presentation by Joe
39 Kimmel.

40
41 (There is a gap in the audio recording.)

42
43 **PRESENTATION FROM DR. JOE KIMMEL**

44
45 **JOE KIMMEL:** -- all the way to the EEZ of Puerto Rico and then I
46 took the distance between this territorial boundary and this
47 territorial boundary and made a couple of midpoints and I formed
48 a line and where it intersected this line that I've drawn

1 before, I simply erased that portion and created another
2 boundary here.

3
4 Then when I got to I think it was 67 degrees, 20 minutes, I just
5 went due south. The reason I chose 67,20 is it just happened to
6 be south of St. Croix and away from this hundred-fathom curve
7 and I just went south just because it was the convenient thing
8 to do.

9
10 Anyway, by drawing those three lines, I defined the EEZ that's
11 around St. Croix here and, of course, this boundary connects to
12 this EEZ boundary that you can see here that's below the graph
13 and so it's somewhere down here and that's where it would go.

14
15 Then I also defined the southern boundary of St. Thomas. I also
16 took from this point of the intersection and went to the point
17 where the territorial sea of Puerto Rico met the territorial sea
18 of St. Thomas/St. John and just connected that and that defined
19 the southern EEZ of St. Thomas.

20
21 Then where these two territorial boundaries met here at this
22 point, I drew a line that was parallel basically to the line
23 above it, which defines the EEZ here. This is Option 1 and I
24 call it the midpoint or equidistance EEZ and this is what you
25 come up with.

26
27 Another option I did was much more simple and I call this other
28 option the straight line option, if you will, and I basically
29 went to this portion of the EEZ that separates the two islands -
30 - I drew this line right straight across to the boundary of the
31 Puerto Rico territorial seas and then due south from that point
32 and then from the point of intersection of those two territorial
33 boundaries, I went due north. That was a very simple approach
34 to divide the three EEZs and, of course, the remainder that's
35 left is the Puerto Rico EEZ.

36
37 I just wanted to make these two options available to the
38 council, so that you can look at there's a way to do this.
39 There's lots of other ways you could do this and it's just a
40 point to start the discussion, but I think it's the easiest for
41 ACL management in the EEZ.

42
43 **MIGUEL ROLON:** To submit these three alternatives, to include
44 them into the document at this time or do you want to add it
45 some other time?

46
47 **JOE KIMMEL:** I think later on, during the presentation of the
48 ACL Amendment, there's one alternative or one action where you

1 decide whether you're going to manage based on the entire U.S.
2 Caribbean or you're going to manage based on each island. I
3 think up to this point we've heard the council's desire is to
4 manage the fisheries based on each of the islands. At that
5 point is where I think you need to insert these sorts of options
6 or alternatives into the ACL Amendment.

7
8 **MIGUEL ROLON:** For the council members, there are issues here
9 that have to be discussed, especially within the two local
10 governments, because you have areas with utilization that
11 collide east and west there. For enforcement purposes, usually
12 a straight line is the simplest, most practical way of setting
13 the lines. They have told us that over and over again, because
14 it's easier for a fisherman, for example, to follow a latitude.

15
16 All these issues are there for your consideration at some other
17 time. Today, what we are doing is to make sure that the
18 document that we are going to beef up will include the different
19 alternatives and so the question here would be if you are
20 satisfied with these three alternatives, then these three
21 alternatives will be included to comply with NEPA, included in
22 the document, but also, the door is open, when you get back home
23 and you want to include any other alternative that we can
24 consider, but we have a timeframe for adding any other
25 alternatives to that effect that the local governments may want
26 to add.

27
28 **JOE KIMMEL:** The timeframe here, you're saying do we have time
29 to do this after this meeting? Yes, if we can get guidance from
30 the council about another option for developing these
31 boundaries, we can certainly develop it. I have a person that
32 knows something about GIS and could do this. He did it in about
33 a day and so it shouldn't take long, but we could present it to
34 the council at the March meeting, when you're selecting
35 preferred alternatives for the public hearing draft.

36
37 **MIGUEL ROLON:** My point, especially for the local governments,
38 is if we want to submit something different from what we have
39 here, the timeframe is January. After January, we will be
40 locking this paper somehow.

41
42 **ROY CRABTREE:** Most of the lines are out in blue water, deep
43 water, and so they really don't have much impact on anything.
44 Of course, St. Croix is pretty distant and so that's pretty
45 easy.

46
47 The real issue is in the part of the bottom between the Virgin
48 Islands and Puerto Rico and we tried to follow the territorial

1 boundary that's already established, to the extent that we
2 could. You can see if we're going to have separate ACLs for
3 each of the platforms -- If we had an accountability measure
4 that kicked in, for example, for St. Thomas, then you would have
5 to be able to say exactly where that applies or vice versa.

6
7 If something kicked in in Puerto Rico and there was going to be
8 a closure in the Puerto Rico EEZ, you've got to know where's the
9 line, so the fishermen know which side is open and which isn't,
10 but I don't think there's a whole lot of different ways to draw
11 it that much. You could move the lines way offshore around, but
12 they really aren't going to change anything. It's mostly where
13 the line is in the shallow water, where you're likely to be
14 fishing.

15
16 **MIGUEL ROLON:** The issues are, for example, look at what
17 happened in the red hind. In the case of St. Thomas, the red
18 hind is managed differently from the EEZ off Puerto Rico and the
19 local area of authority off of Puerto Rico and we need to make
20 that clear in the fishery.

21
22 For example, in the case of the red hind, there are regulations
23 within the authorization of the U.S. Virgin Islands that are
24 different and we want to make sure of that. Here, although you
25 can play with the map back and forth, the real issue is what
26 will happen in between the areas off of Puerto Rico and the west
27 coast of the U.S. Virgin Islands, the St. Thomas/St. John area.
28 That's why we wanted especially both Miguel Garcia and Mrs.
29 Dalmida-Smith to look at this and see if you can contribute with
30 the process.

31
32 **MARCOS HANKE:** I have a suggestion for the local governments to
33 do a better job on this. If you guys can provide like a
34 navigation chart with the bottom and how deep it is with more
35 details and those lines overlapped over the chart, it's going to
36 make it much easier for them to make the discussion.

37
38 Another question I have is to Beulah. Is your intention to do
39 this? Do you guys agree with this or what is the opinion of
40 your government about the divisions?

41
42 **BEULAH DALMIDA-SMITH:** That's a good question, Marcos. This is
43 relatively new. As we heard, there's not much way we can
44 manipulate this, but the key for us would be to find a solution
45 that best fits both our governments, Puerto Rico and the U.S.
46 Virgin Islands. I will be in communication with Miguel Garcia
47 and my staff in the local government to discuss this.

1 **GRACIELA GARCIA-MOLINER:** A couple of clarification points, if
2 we may. Number one, I heard Joe mentioning the fact that if we
3 have an ACL for the EEZ and the fishery closes that people might
4 be wanting to land the fish somewhere else.

5
6 We have to consider the regulations that are in place already.
7 Puerto Rico requires a fishing license if you're from the USVI
8 and coming to fish or land fish in Puerto Rico and the same goes
9 for Puerto Rico with licenses, fishing in the EEZ and landing in
10 St. Thomas. That's one issue.

11
12 The second issue is that there are traditional boundaries
13 regarding where they come across and consider Puerto Rican
14 waters, even if they're in the EEZ. You have fishermen from the
15 east coast here and you have fishermen from St. Thomas who
16 traditionally use those boundaries.

17
18 Number three, we have requested already information from NOS and
19 from the nautical charting, to see if they already have some
20 kind of definition of the EEZ. From NOS, we received a no.
21 They do a calculation like we've done here. The reason for that
22 is because with the revision of the EFH, there are a number of
23 seamounts that cross between St. Croix and Puerto Rico that will
24 become important for developing fisheries in the area.

25
26 **BARBARA KOJIS:** I have a couple of questions. Would this apply
27 to HMS species? Would these boundaries apply to HMS species or
28 would fishermen from Puerto Rico and the Virgin Islands be able
29 to fish in any area of the EEZ and does this only apply to
30 species that are managed under FMPs?

31
32 **ROY CRABTREE:** It would only apply to the ACLs we're setting in
33 this amendment.

34
35 **EUGENIO PIÑEIRO:** Shep, at this point in the discussion, would
36 you suggest that we make a motion?

37
38 **SHEPHERD GRIMES:** I would encourage you -- If you're going to
39 add it to the document, I would encourage you to do so as soon
40 as possible and so this would be an acceptable time for such a
41 motion or for a motion to add it to the document.

42
43 **MARCOS HANKE:** A question to the council. Roy, maybe you can
44 help me on this. How will this apply or affect the recreational
45 fishermen once they pass those lines?

46
47 **ROY CRABTREE:** If, for example, we have an ACL for snapper and
48 if we exceed it in one of the three areas we're setting up and

1 then the accountability measure is because we went over we're
2 going to have an additional closed season, then that additional
3 closed season would apply to recreational and commercial
4 fishermen the way it's set up.

5
6 If, for example, St. Croix exceeded the ACL and we said, okay,
7 because of that we're going to have an additional two-month
8 closure of snapper in St. Croix, then within that area that's
9 defined as St. Croix, you wouldn't be allowed to possess snapper
10 in the EEZ and it would apply to recreational and commercial
11 fishermen the same.

12
13 **MARCOS HANKE:** If I'm fishing catch and release and not keeping
14 them, I'm still allowed to fish there?

15
16 **ROY CRABTREE:** I think most of our rules right now are just to
17 prohibit possession or sale, but that's up to the council. I
18 guess you could prohibit fishing for, but that's tough to
19 enforce, but I think right now it's just possession.

20
21 **EUGENIO PIÑEIRO:** What's the mood of the council? Do I get a
22 motion to try to include this in the document at this time from
23 any council member?

24
25 **ROY CRABTREE:** We're going to check the regulations to see if
26 they just say possession or if they say possession and fishing
27 for.

28
29 **MARCOS HANKE:** Thank you. We really need to know.

30
31 **ROY CRABTREE:** We'll check on that.

32
33 **EUGENIO PIÑEIRO:** The question, once again, is after Shepherd's
34 advice, we need a motion if we want to include this in the
35 document and then the state governments have until January to
36 put in additional options. Can I get a motion from the council
37 members to proceed with this at this time?

38
39 **MARCOS HANKE:** I so move a motion to include the options
40 presented by Joe Kimmel in the presentation.

41
42 **ROY CRABTREE:** Second.

43
44 **EUGENIO PIÑEIRO:** Second by Roy Crabtree. The motion was made
45 by Marcos Hanke and seconded by Roy Crabtree.

46
47 **MIGUEL ROLON:** It's to include the three alternatives as
48 presented by Dr. Joe Kimmel delineating the boundaries of the

1 three geographical areas, Puerto Rico, St. Thomas/St. John, and
2 St. Croix. Marcos, is that language appropriate?

3

4 **MARCOS HANKE:** Yes, it is.

5

6 **EUGENIO PIÑEIRO:** Do we have any further discussion on this
7 motion?

8

9 **MARCOS HANKE:** As a council member, I would like to see the
10 extra alternatives, the other alternatives presented after the
11 meeting between the two state governments -- For me as a council
12 member, that alternative is the most important one to be
13 evaluated and I would like to see that alternative produced soon
14 for us to evaluate and to take consideration about it.

15

16 **MIGUEL GARCIA:** I second the motion.

17

18 **EUGENIO PIÑEIRO:** Marcos is asking both governments to --

19

20 **MIGUEL GARCIA:** We agree to having further discussion within the
21 two governments about that west Puerto Rico boundary.

22

23 **BEULAH DALMIDA-SMITH:** I agree. My government would like the
24 same, to see any submittal of changes or alternatives.

25

26 **MIGUEL ROLON:** There are not many ways that you can play with
27 those lines, but the two local governments have to really sit
28 down and meet, because Puerto Rico laws are different from the
29 U.S. Virgin Islands and we want to make sure that the
30 alternatives that we have for consideration that we'll further
31 take to the public in the future mean anything in the area.
32 That's the key for this action.

33

34 **EUGENIO PIÑEIRO:** Did we address your concerns, Marcos?

35

36 **MARCOS HANKE:** Yes, thank you.

37

38 **EUGENIO PIÑEIRO:** Are we ready to vote? Can we start with Mr.
39 Farchette there?

40

41 **CARLOS FARCHETTE:** Yes.

42

43 **ROY CRABTREE:** Yes.

44

45 **WINSTON LEDEE:** Yes.

46

47 **BEULAH DALMIDA-SMITH:** Yes.

48

1 **MIGUEL GARCIA:** Yes.
2
3 **MARCOS HANKE:** Yes.
4
5 **EUGENIO PIÑEIRO:** Yes. **The motion carries and it's unanimous.**
6
7 **ROY CRABTREE:** I would like to ask Shepherd if he could address
8 Marcos's question. Shepherd has got the language that was in
9 the way we did the SFA Amendment closures and he can read you
10 that. Now, that does not mean that you necessarily have to do
11 your accountability measures the same way, but this is what we
12 did the last time we did closures.
13
14 **SHEPHERD GRIMES:** Just to follow up on what Dr. Crabtree said,
15 existing seasonal closures, during the closed season, no person
16 may fish for or possess any species and so your question about
17 catch and release, at least for council-managed species during
18 the closed seasons that you have in place now, you cannot go out
19 there and catch and release fish. If you enacted accountability
20 measures with identical provisions, then you would be in that
21 same situation.
22
23 **ROY CRABTREE:** At this point in the document, the language in
24 the accountability measures I don't think is that specific and
25 so that's something that has to be decided in this document.
26
27 **MARCOS HANKE:** I really want to discuss this on the table when
28 the time comes, because for the recreational fishermen, we are
29 creating a new license and a new framework for all three areas
30 and I'm visualizing a lot of trouble if you don't decide this
31 very correctly, because you have people that never go out and
32 sometime on the weekend they do go out and maybe they're not
33 well educated or whatever. We have to take this into
34 consideration to make this enforceable and fair for the
35 recreational fishing --
36
37 (Tape change)
38
39 **MIGUEL ROLON:** What Graciela is going to present to you is what
40 you instructed the task team, Graciela, Bill, Joe Kimmel and the
41 Center people, and this is the result of your last discussion.
42 We asked the task team to streamline the document so it would be
43 more practical to work with. What we would like to do --
44 Another housekeeping is you have to break sharp at twelve and
45 come back at 1:30 to make the lunch.
46
47 What we are suggesting is that we will follow Graciela's
48 presentation and at each point where we have an opportunity to

1 incorporate new analysis or rearranging of the alternatives, so
2 it will be more practical to work with, we will ask Bill and
3 Graciela to work on that.

4
5 You will see on the screen the document as is and then you will
6 see the development of a streamlined document for the next
7 meeting in March. We will address issues regarding uncertainty
8 and we will address issues regarding the species in the
9 management unit that we have there.

10
11 We would like to keep, at this time, the species that you have
12 in the document identified as suffering overfishing or are
13 overfished and whenever we can, at this meeting, we will
14 incorporate what Dr. Gedamke was mentioning before. Some
15 alternatives could be added to look at the best fit time series
16 for the species and for the areas that we are interested in
17 working on.

18
19 I suggest that we break again at twelve and so we will take one
20 or two, Graciela, as much as we can, between now and twelve, but
21 allow time for the amendment. Probably we can discuss only one,
22 but that will be enough.

23

24 **DISCUSSION OF ACL OPTIONS PAPER**

25
26 **GRACIELA GARCIA-MOLINER:** I'll cover some of the introductory
27 remarks that I was going to make. Just to remind you, the
28 options paper, the draft options paper that you have in your
29 briefing book and you'll be looking at the alternatives on the
30 screen, relate to the following species: queen conch,
31 parrotfish, Grouper Unit 1, which is the Nassau grouper, Grouper
32 Unit 2, which is the goliath grouper, and Grouper Unit 4, which
33 includes the tiger and the yellowfin, and Snapper Unit 1.

34
35 These are the groups that were determined to be overfished or
36 undergoing overfishing during the SFA process and so those are
37 the alternatives that are included in this document. At the
38 request of the council, the options paper ended up being a
39 little bit more complex than we had hoped for, because we took
40 into consideration the request for each separate island for each
41 separate group.

42
43 Then what you have in the document are the years 1999 to 2007
44 and 2003 to 2007, at the request of the specific years that the
45 council wanted to look at. There have been other
46 recommendations made after the document was prepared and what
47 we'll do is that we'll incorporate any information or any new
48 alternatives that are going to be presented by SERO as we go

1 through the document.

2
3 The first action that you've been looking at and has that been
4 the same for all the scoping documents is to amend the stock
5 complexes as they are right now. The main reason for this was
6 to change the number of the parrotfish, break them into two
7 units, to bring to the table the exact name, scientific name, of
8 the species that belong to Snapper Unit 1, et cetera.

9
10 You have the alternatives of separating the parrotfish, of
11 separating the groupers, because we did have a problem of having
12 management for one species that was not part of this group, and
13 to incorporate the correct species into Snapper Unit 2 and
14 incorporate the correct species into Snapper Unit 1.

15
16 We also had the problem of certain species that were not being
17 reported by species or were not being harvested under any of the
18 FMUs and so now you have an alternative to remove these into
19 another category and you do have this table. It's Table 1 and
20 Table 2 in your document, but basically, it's the same as what
21 we had presented before.

22
23 What it does is that it separates the parrotfish into two units,
24 leaving the larger parrotfish species separate. It takes the
25 Creole fish out of the equation. It includes the black grouper,
26 which was not part of the original FMP, into the groupers and
27 separates the yellowedge and the misty.

28
29 It brings in the *Pristopomoides aquilonaris* into Snapper Unit 1,
30 one that is overfished and undergoing overfishing, and it
31 includes the cardinal snapper, the correct species under that
32 separate unit. That's what you have for Action 1. I don't know
33 if you want to make motions regarding these as we move along,
34 because I think that would be easier to deal with, rather than
35 to go through the whole document and make motions at the end.
36 If we deal with every action right when we have it on the
37 screen, it might be the best approach.

38
39 **MIGUEL ROLON:** The other thing is we need to know, Graciela, if
40 we had a new paragraph or a new rearranging of the document at
41 each time, so we can incorporate both. The question would be if
42 for this one this is what we have, then the council will take
43 action.

44
45 **GRACIELA GARCIA-MOLINER:** This is what you have for Action 1 in
46 terms of amending the stock complexes as they are.

47
48 **ROY CRABTREE:** One thing we talked about at the last council

1 meeting was setting up broader species groupings that reflect
2 the way the data is actually reported in the Virgin Islands. If
3 you do it that way, you're going to have a snapper ACL, a
4 parrotfish ACL, a grouper ACL, and conch and things.

5
6 If we're going to use those broader groups, then this doesn't
7 really matter, because the groups are broader anyway. My
8 suggestion might be that we put this off until a future
9 amendment and deal with it there and not deal with it in this
10 particular amendment, because we're setting up broad groups.
11 That's one way to come at this.

12
13 **GRACIELA GARCIA-MOLINER:** You've seen in the document that there
14 will be a snapper ACL for the Virgin Islands. For Puerto Rico,
15 you can actually have a species specific ACL for what is
16 considered Snapper Unit 1.

17
18 There is always a category of snappers in Puerto Rico and there
19 is a redistribution of that category into the ACLs the way
20 they've been developed. The parrotfish, it's a bit of a
21 different story, because there is very little species specific
22 information and it's mostly the parrotfish unit for Puerto Rico,
23 but in terms of separating the islands, for St. Thomas/St. John
24 and St. Croix, you're going to have parrotfish, groupers,
25 snappers.

26
27 **ROY CRABTREE:** We could decide we're going to apply those same
28 groupings to Puerto Rico as well and have the same species
29 groupings used throughout the region and so we would have a
30 snapper ACL for St. Thomas/St. John, a snapper ACL for St.
31 Croix, and a snapper ACL for Puerto Rico, because we do have a
32 problem in Puerto Rico of the unidentified catch and for some
33 species, as you said the parrotfish, it's a big portion of it.

34
35 Even for some of the other species, I think it's 10 or 15
36 percent or so and so if you subdivide these ACLs down and then
37 you find out you went over by 10 percent, then you're going to
38 get into these arguments about how do you know, because you've
39 got all this unidentified.

40
41 One way to come at this would just be to apply the same species
42 groupings in Puerto Rico that are broader species groupings as
43 well and that would make this whole thing simpler, obviously,
44 because you would have fewer species groupings and then you
45 wouldn't have to deal with this stuff. You could come back and
46 deal with this at a later date.

47
48 **BARBARA KOJIS:** I'm a little bit concerned about that

1 suggestion, because the SSC recommended that blue, midnight, and
2 rainbow parrotfish not only be separated into a separate group,
3 but also that the OFL, ABC, et cetera for this be zero, because
4 these are species that are probably these days rare, endangered
5 species, even though they haven't been listed as such, but
6 they're much less common than they once were and they probably
7 are still -- They certainly in Puerto Rico are still being
8 harvested once in a while by recreational fishers looking for
9 large fish during tournaments and so on.

10
11 I won't make any statement about the yellowedge and misty, but I
12 think with respect to the parrotfish there was a special
13 recommendation with respect to these species, because of their
14 vulnerability and status at this stage.

15
16 **ROY CRABTREE:** Barbara, what were those three species?

17
18 **BARBARA KOJIS:** That was the midnight, blue, and rainbow
19 parrotfish.

20
21 **ROY CRABTREE:** You say that the SSC gave us an OFL of zero for
22 those?

23
24 **BARBARA KOJIS:** Yes.

25
26 **ROY CRABTREE:** Can you show us where in the record that is? Do
27 you have a report or something where it says that?

28
29 **BARBARA KOJIS:** I think that was -- That's been in several
30 presentations and it's been in several documents.

31
32 **ROY CRABTREE:** Graciela, can we find that at some point and look
33 at it? If that's the case, then what you could do is have a
34 parrotfish ACL, but then you could remove midnight, blue, and
35 rainbow, pull them out of it and set those three species at zero
36 and they're closed. I think that would be simple enough to do.

37
38 If we do have an OFL for those three species of zero, I think --
39 Shepherd, correct me if I'm wrong, but we would be essentially
40 legally bound to not exceed that with the ACL and we would have
41 to close those species in the EEZ, it appears to me. That's why
42 I want to find something, the motion or something, from the SSC,
43 just so we can be clear, but I think we can deal with that
44 relatively easily.

45
46 **BEULAH DALMIDA-SMITH:** This reflects on both Barbara's and Roy's
47 comments. I agree, Roy, about allowing the species units to
48 remain the same until further notice, because of the sheer fact

1 that we don't have -- Until our data form changes and we're able
2 to take more precise data pertaining to species, I think it's
3 something that we should come back to at a later time and act
4 on.

5
6 I have to agree with Barbara that the blue, the midnight, and
7 the rainbow have been known to be commercially extinct,
8 virtually, within the U.S. Virgin Islands and so those, I agree,
9 if we do set the ACLs for the parrotfish that we separate those
10 three distinctively from the others, so that we can protect that
11 species.

12
13 **ROY CRABTREE:** Barbara, were there any other specific groups
14 like that that would create problems or are those three species
15 basically it that you would see with these larger groupings, in
16 terms of the SSCs recommendations?

17
18 **BARBARA KOJIS:** Those were the only species that we recommended
19 an OFL of zero.

20
21 **ROY CRABTREE:** What we could do is go forward with these broader
22 groupings and we could have a broad parrotfish group, except
23 we're going to pull out these three species and deal with them
24 separately. If that is what the council wants to do, we would
25 need to give staff instructions along those lines.

26
27 **BEULAH DALMIDA-SMITH:** Graciela, I have a question pertaining to
28 the data-only category. We mentioned the Creole fish being put
29 in that category at some point and what happens to those species
30 ultimately? Do they just remain in the category or they're
31 assessed later on, based on data collected upon them or --

32
33 **GRACIELA GARCIA-MOLINER:** The local governments are moving
34 forward with developing new forms for data collection, in which
35 they have included more species-specific information for certain
36 groups and basically deleted from the form those species that
37 were not showing up in the harvest.

38
39 For the SEDAR Data Workshop, Nick Farmer put together the
40 compilation of all the information that we have available
41 regarding the species groupings and for a number of these
42 species -- In the case of Creole fish, because it's one that is
43 very pertinent to the groups that we're discussing, it wasn't
44 showing up in the landings or being identified as such and so we
45 don't have any information to go on for that one specific
46 species.

47
48 We do have already a category of the aquarium trade species from

1 the SFA and so they will -- If they're being monitored, if
2 anyone is reporting landings, then if anything happens then it
3 will come back to the table, but it's really dependent on the
4 data collection effort for those species.

5
6 In addition to that, the council has seen information on Snapper
7 Unit 1 for Puerto Rico, specifically, at the last few council
8 discussions, where the information is available for the changes
9 in the fishery regarding the increasing in size of the fish.
10 There have been regulations in place, including the seasonal
11 closure, for that specific group.

12
13 There have been a number of regulations and efforts in order to
14 bring up to date the data that we have available for those
15 groups. Snapper Unit 1, it's a little bit different and so is
16 Snapper Unit 2, which is the deeper water snappers, for which
17 there is specific data being collected both from the commercial
18 landings and from the TIP database for Puerto Rico. In the case
19 of the Virgin Islands, the category still remains snappers.

20
21 **ROY CRABTREE:** It seems to me then if we're going to go down
22 this broader species groupings route there are two other species
23 that come to mind to me that need to be dealt with separately.
24 One of those is Nassau grouper, which is closed, and so that
25 would be dealt with separately with an ACL of zero and then the
26 other one would be goliath grouper, which is closed and would
27 need to be dealt with.

28
29 Graciela, can you think of any other species? Those are the
30 only ones that come to my mind that we've actually closed
31 fisheries down, at least in the reef fish group. Are there any
32 others you can think of or is that pretty much it?

33
34 **GRACIELA GARCIA-MOLINER:** No, those are -- At the request of the
35 council, they're included here with an ACL equal to zero, just
36 because you do have compatible regulations. The only other
37 species that will be an ACL equal to zero, for example in the
38 EEZ off of Puerto Rico, is the queen conch, which has already
39 been closed.

40
41 **ROY CRABTREE:** I would be prepared to go ahead and make a motion
42 then and my motion would be that we apply broad categories of
43 species groupings in the USVI and in Puerto Rico that reflect
44 how the data is collected in the Virgin Islands with these
45 exceptions. Goliath grouper would be dealt with separately,
46 Nassau grouper, and midnight parrotfish, blue parrotfish, and
47 rainbow parrotfish. That's my motion. If I have a second, I'll
48 explain a little more.

1 **BEULAH DALMIDA SMITH:** Second.
2
3 **ROY CRABTREE:** This would mean we would have a snapper ACL and
4 we would have a grouper ACL, not including goliath and Nassau,
5 and we would have a parrotfish ACL, but not including midnight,
6 blue, and rainbow. Those would be dealt with separately and
7 those would then be applied throughout the -- We would use the
8 same groupings in each of the three platforms that we're looking
9 at.
10
11 The advantage of this is obviously it's the only way we can do
12 it in the Virgin Islands, but even in Puerto Rico, because we
13 have varying levels of unidentified catch coming in, it makes it
14 difficult to split these things out much further and so I think
15 -- Given where we are now, I also think there's some benefit in
16 being consistent in how we're doing these things everywhere. I
17 think that would be more easily explained to folks and then our
18 emphasis is on better data collection.
19
20 I think we all recognize the need for species-specific reporting
21 and we're trying to get to that and once we do, we'll come back
22 in and we can review all of these and look at doing something
23 that's not so generic, but at least for right now, this seems to
24 be the most workable way for us to go in the short term.
25
26 **EUGENIO PIÑEIRO:** Roy, when would that be the time to come back
27 and discuss that? I have a concern regarding, for Puerto Rico,
28 the different snappers and grouper units.
29
30 **ROY CRABTREE:** That depends on how quickly we can get our data
31 issues straightened out and I believe we're going to see a
32 presentation from Bob Trumble this meeting, but how quickly, I
33 think we would have to talk to Bonnie and Todd and Bob at that
34 point.
35
36 Geño, if you wanted to, you could -- If there are other species
37 you feel like in Puerto Rico you wanted to split out, we could
38 certainly split out some other species. It's not hard and fast,
39 but I'm just trying to get us moving down the road and let's get
40 this done, but if there are good reasons for splitting out
41 another handful of species, we could sure talk about doing that
42 at some point.
43
44 **GRACIELA GARCIA-MOLINER:** In terms of the snapper category,
45 because of the unit that has been determined to be overfished
46 and undergoing overfishing, specifically Snapper Unit 1, then
47 how would that -- Once we have the snapper category, it would
48 apply to all snappers, yellowtail snapper and the queen snapper

1 and all the other units, once we have it settled in this ACL
2 specifically for Puerto Rico. Did I make myself clear?

3
4 **MIGUEL ROLON:** We are only talking about the species that are
5 overfished and overfishing at this time. With this motion, what
6 are we doing is we are moving forward with a category that can
7 be used throughout the EEZ, both the USVI and in Puerto Rico.

8
9 When the time comes, in the future when we get this information
10 -- To give you an idea, it would take probably three or four
11 years to get that information so we can sit down and review it,
12 because at this time we are now working on the data collection
13 workshops. We will have a meeting in March with the scientists
14 to go over all this.

15
16 In the case of Puerto Rico or any other area, if you have more
17 information about the species, then you come up with the ACL for
18 that group, the group that we have here. In those areas when
19 you have that information, let's say in the Virgin Islands, then
20 you still can add them up a different way.

21
22 The only chances that you take is that some of the species may
23 be overfished and by the time you realize they're overfished,
24 it's too late, but with the realities of life that we have here
25 and the information that we have, this is probably the best way
26 to make the document more practical. Remember the idea today is
27 that we are not surprising anybody. We just want to make it
28 more efficient, the document that we have.

29
30 That way, what we are doing is given that the SSC determined
31 that OFL should be zero for those species and the Nassau and the
32 goliath are threatened, almost, this will do the trick of making
33 the document easier to work with and also incorporate all the
34 essence of what you're discussing.

35
36 **ROY CRABTREE:** I think, Graciela, you were partly getting at how
37 would this be handled in like the Status of Stocks Report to
38 Congress and things like that. The Status of Stocks to Congress
39 will still have these finer subgroupings, but I think the way --
40 It would just list as a subnote that a single ACL applies to
41 both of these groups and then it would report that landings have
42 been above or below the ACL and then we'll have to work out how
43 we're going to change the report to reflect that.

44
45 Even if we do the groups in Puerto Rico the same way we did in
46 the SFA, in the Virgin Islands we're still going to have these
47 broader groups and so we still have the same problem in the
48 Virgin Islands and we would have to deal with it either way and

1 we would just have to figure out how we're going to do that in
2 the report to Congress.

3
4 **EUGENIO PIÑEIRO:** Before Shep goes, my concern was, for example,
5 in Grouper Unit 4 and 5 in Puerto Rico. Unit 5 is not
6 overfished and 4 is. What we're going to do is we're going to
7 delay for further discussion and we're going to split the
8 Grouper Unit 4 and 5. Grouper 4 is overfished, but two species
9 there -- Unit 5 is not.

10
11 **ROY CRABTREE:** They're still going to stay reported the way they
12 are in the report to Congress. We would just have a single ACL
13 that would include both of those groups.

14
15 **EUGENIO PIÑEIRO:** It's overfished and the other it doesn't
16 matter, because the other one is not overfished?

17
18 **ROY CRABTREE:** We would have a single ACL that would apply to
19 both groups.

20
21 **SHEPHERD GRIMES:** I think that gets to the point I was going to
22 raise in response to Miguel's comment. At this point, it sounds
23 like, at least in the Virgin Islands, you have such broad
24 reporting categories that would be all snappers. That's going
25 to include overfished and not overfished species.

26
27 If we're going to identify ACLs based on those categories, then
28 you have necessarily expanded the scope of this amendment beyond
29 just overfished and overfishing species and you'll go ahead --
30 If that's the way you're going to do it, it would seem to me to
31 make sense to do one amendment and implement ACLs for
32 everything.

33
34 If you're going to have these very, very large categories that
35 are based on all groupers or all snappers, then you won't be
36 breaking them up into one amendment for overfished species and
37 one for not overfished. Does that make sense?

38
39 **MIGUEL ROLON:** That's what I was going to say, is it depends on
40 the species. For some of the species, as you know, we have zero
41 information whatsoever and we don't know what's going on. For
42 others, we have a little bit and for very few, we have enough
43 information to fit a model.

44
45 Going back, what you're suggesting, Shepherd, is that if we say,
46 for example, snappers, all the snappers will be included, those
47 that are overfished and overfishing or those that we don't know
48 the status yet, or not even considering those two categories?

1 **ROY CRABTREE:** It would include all of them, but remember,
2 that's what we decided, because we've already pretty much
3 decided in the Virgin Islands we're going to use these broad
4 groups and so that means it's going to include all of the
5 snapper species and all of the grouper species and some that are
6 unknown and not overfished are going to be included.

7
8 That was the decision we made at the last council meeting for
9 the Virgin Islands and so we're really just extending that over
10 to Puerto Rico too, but the amendment is going to include at
11 least the snapper grouper and parrotfish species, regardless of
12 what their status was, because that's how they're reported in
13 the Virgin Islands. I think that's right.

14
15 **MIGUEL ROLON:** I'm trying to figure out -- We are supposed to
16 stop overfishing and we are supposed to rebuild overfished
17 species and what we have here with the ACL -- You have that ACL
18 and you still have the reporting duties of telling Congress
19 which ones are overfished and which ones are overfishing and the
20 data collection that we have is not enough, at least in the
21 Virgin Islands at this time, to tell us the species level and so
22 we can report it at the group level at least.

23
24 If we go to Puerto Rico, if they do have the information, then
25 they will add it up in a way -- They will split it and they will
26 split it by species and then add it up at the end. The question
27 is, is that okay with the MSA and we are cleared that we are not
28 missing any species that might be -- Hurting the opportunity for
29 the species to be rebuilt or managed in a way that you would not
30 overfish it anymore and that's okay, but -- This is similar to
31 when you are dragging for groundfish.

32
33 You take into the net everything there and some of the species
34 are in really good shape and you've got millions of them,
35 hundreds of metric tons, but others you have a few pounds and
36 you sacrifice one for the other. I don't know if that's the
37 case here of what we're doing, but just to make sure.

38
39 **ROY CRABTREE:** One way around it -- It sounds like everyone is
40 in agreement that with parrotfish we can't break the groupings
41 up in Puerto Rico, because we've got too many
42 misidentifications. We almost have to just go with those two
43 different parrot groupings.

44
45 I guess we could have two different alternatives in the
46 document, one that applies a broad snapper grouping and a broad
47 grouper grouping to the Virgin Islands and to Puerto Rico, but
48 we could also have another alternative in there that used the

1 SFA groups for Puerto Rico and the broad grouping for the Virgin
2 Islands if you all are uncomfortable with having just the broad
3 groups in Puerto Rico. We could do it that way if you wanted
4 to. It's going to mean some extra alternatives in the document,
5 but that's okay.

6
7 **MIGUEL ROLON:** Does that have any effect on your language there,
8 Roy?

9
10 **ROY CRABTREE:** I'll modify my motion and instead of "apply", say
11 "include an alternative to apply". That way, we'll have both
12 kind of looked at and we can analyze the repercussions of that
13 and then other thing we can do when we go back is we can talk to
14 headquarters folks about the status of stocks report and how all
15 this is going to work in with that, because it's going to be a
16 little messy any way you do it, but maybe that's the best way to
17 go for right now.

18
19 **EUGENIO PIÑEIRO:** Roy has amended the motion. You seconded it.
20 Do you second the amendments?

21
22 **BEULAH DALMIDA-SMITH:** Yes, I second the amendments.

23
24 **EUGENIO PIÑEIRO:** Thank you, Beulah. At this point, is there
25 any further discussion among council members?

26
27 **MIGUEL GARCIA:** Maybe I need something besides the group of the
28 parrotfish. I still am not clear of what is the advantage of
29 Puerto Rico data to group in a wider manner these grouper
30 species and the other ones?

31
32 **ROY CRABTREE:** My intent for parrotfish would be everywhere we
33 would have a broad parrotfish grouping, but we would have
34 midnight, blue, and rainbow pulled out separately and that would
35 apply everywhere.

36
37 The difference really is whether in Puerto Rico we're going to
38 subdivide the snapper up and the grouper up and we would have an
39 alternative in here that does subdivide it and then we would
40 have an alternative in here that does not subdivide it, with the
41 exception of Nassau and goliath. That's what I intend by the
42 motion.

43
44 **MIGUEL GARCIA:** My question is what is the advantage of not
45 dividing?

46
47 **ROY CRABTREE:** One, it would be consistent across the whole area
48 and, second, you wouldn't have to deal with the problem of the

1 unidentified portion of the groups.
2
3 **MARCOS HANKE:** Roy, when you refer the groupings for the grouper
4 and the snapper and whatever you're going to use related to this
5 data, with the corrections for the groupings in there or the
6 older ones established?
7
8 **ROY CRABTREE:** You're talking about the moving species? I guess
9 we would still need to keep those in there, in case that's what
10 we're going to do.
11
12 **MARCOS HANKE:** To my point, once we decide what we're going to
13 do with that, I think we should discuss and use the one that is
14 redone, because we've built some rationale around that already
15 on the council.
16
17 The other thing that I would like to see is that if Puerto Rico
18 has good data, good information, about any group of species,
19 that we use it and not to be grouped or going back on the
20 process if we have the better data or data that is good enough.
21
22 **ROY CRABTREE:** That's fine. This would just be an alternative,
23 but if you're not comfortable with the broader groupings in
24 Puerto Rico, then we can stick with the groupings that we set up
25 in the SFA Amendment, with some modifications. It's up to you.
26
27 **EUGENIO PIÑEIRO:** I guess we've had a fair amount of discussion.
28 Is there anything else, any loose ends, in here before we vote?
29 No? Then let's go ahead and vote.
30
31 **CARLOS FARCHETTE:** Yes.
32
33 **ROY CRABTREE:** Yes.
34
35 **WINSTON LEDEE:** Yes.
36
37 **BEULAH DALMIDA-SMITH:** Yes.
38
39 **MIGUEL GARCIA:** Yes.
40
41 **MARCOS HANKE:** Yes.
42
43 **EUGENIO PIÑEIRO:** Yes. **The motion carries and it's unanimous.**
44 Thank you for your discussion, Beulah. It was very helpful. At
45 this point, we're going to break for lunch and we'll be back at
46 1:30. Thank you.
47
48 Whereupon, the meeting recessed for lunch on December 15, 2009.

1 - - -
2
3 **December 15, 2009**
4

5 **TUESDAY AFTERNOON SESSION**
6
7 - - -
8

9 The Caribbean Fishery Management Council reconvened at the El
10 Conquistador Hotel, Fajardo, Puerto Rico, Tuesday afternoon,
11 December 15, 2009, and was called to order at 1:30 o'clock p.m.
12 by Chairman Eugenio Piñeiro.
13

14 **GRACIELA GARCIA-MOLINER:** The Action Number 2 that you have in
15 your options paper document is to establish the annual catch
16 limits for the commercial harvest of queen conch. You do have a
17 number of alternatives, including a no action, to set the ACL
18 for queen conch off of St. Croix equal to zero in the EEZ. St.
19 Croix is the only EEZ area that it's open to the harvest of
20 queen conch, because it's only closed west of 64, 34 degrees
21 west.
22

23 You have sub-alternatives that include the range of years that
24 the council directed staff to look at and so that's 1999 to 2007
25 and 2003 to 2007. Those are Sub-Alternative B and C of Action
26 2a and finally, Sub-Alternative D, which is the quota that is
27 already in place in the U.S. Virgin Islands.
28

29 I'm going to go through St. Croix, St. Thomas, and Puerto Rico
30 and then you can discuss the alternatives that are in the
31 document.
32

33 The same thing was done for St. Thomas, but St. Thomas, as you
34 know, doesn't have much of a queen conch fishery so far and so
35 the years of 1999 to 2007 and 2003 to 2007 and so that's less
36 than 2,000 pounds, the average catch over that period of time.
37

38 Again, the local government has a 50,000 pound quota in place
39 for St. Thomas/St. John also, in addition to a number of
40 management measures, such as a limit on the number of conch that
41 can be landed per day and the extension of the seasonal closure
42 once the quota has been reached.
43

44 Finally, for Puerto Rico, you do have alternatives, but the EEZ
45 off the west coast has been closed since 2005 and so the
46 landings that you're looking at include 1999 to 2007 and it
47 includes the average reported landings without any correction
48 factors, include alternatives with the adjusted or corrected

1 commercial landings for conch, includes the 2003 to 2007, again,
2 for the reported and adjusted and landings, and you do have a
3 table on the screen that summarizes the alternatives for St.
4 Thomas/St. John, St. Croix, and Puerto Rico separately.

5
6 Basically, what's in words in the alternatives in the document
7 are shown on that table on the screen and the way that they read
8 is as following. You have the no action, which is not to
9 establish an ACL. That, you have across the document as the
10 first alternative within any action.

11
12 To look at the 1999 to 2009 average and so you have, for St.
13 Croix, the average of 116,900 pounds landed over that period of
14 time and the same for St. Thomas, with less than 2,000 pounds,
15 and for Puerto Rico, 369,000 pounds plus.

16
17 The average for 2003, again, for each of the separate areas, you
18 do have the combined total at the top, except for the
19 alternative from the SSC. The SSC recommended to use the quota
20 that they have for St. Croix in place, to use that amount as the
21 ACL.

22
23 You have a post-SFA, because the SFA marked a period of time
24 when there were quite a number of regulations coming into place.
25 2006 marked the changes in the U.S. Virgin Islands and between
26 1998 and 2007, you have changes in the regulations in Puerto
27 Rico. The last column here will show the pre-SFA average, from
28 1999 to 2005, again, for each of the areas.

29
30 Some of the averages before, for St. Croix for example, before
31 the 2006/2007 are lower than they were in 2006/2007. That was
32 explained by the peak in the landings that was discussed at the
33 council meetings and the SSC, et cetera, of 2006 and the
34 testimony of the commercial fishermen of St. Croix stating that
35 the demand from Puerto Rico was high during that year and part
36 of that basically moved along the regulations in terms of the
37 quota and the changes to the amount of conch that can be landed.

38
39 This is a summary of the alternatives that you have in place.
40 This one here, the last one that includes the pre-SFA years,
41 it's a different one. It's not in the options document and so
42 that's one that because of the changes after 2005, in most cases
43 the decreasing the landings because, among other things, of the
44 regulations that are in place, but, again, one must consider
45 both the non-reporting and the non-compliance as well as the
46 compliance and the regulations that are in place. That's why
47 this new alternative is added here.

48

1 Those are the alternatives that were considered so far for the
2 queen conch. Do you want to discuss queen conch before we move
3 on or should I move on to the parrotfish?
4

5 **EUGENIO PIÑEIRO:** Graciela, is there something new for queen
6 conch or not?
7

8 **GRACIELA GARCIA-MOLINER:** Some of the new information that has
9 come to the table includes a report, but it's not -- I don't
10 have a final copy of it yet from the SEAMAP, the fishery
11 independent --
12

13 **MIGUEL ROLON:** Graciela, the question is whether there is
14 anything that the council must do as compared to the last
15 meeting. Is there anything that has been changed regarding this
16 action?
17

18 **GRACIELA GARCIA-MOLINER:** You have the new alternative of the
19 pre-SFA average. That's a new alternative that wasn't included
20 in the options paper, because the requirement had been for the
21 last years.
22

23 **MIGUEL ROLON:** The action here would be to include that
24 alternative in the ACL document.
25

26 **WINSTON LEDEE:** I make a motion to include the new alternative
27 in the document.
28

29 **MIGUEL ROLON:** Alternative for queen conch in the ACL document.
30

31 **EUGENIO PIÑEIRO:** The motion is by Winston Ledee. Can I get a
32 second for that motion?
33

34 **MARCOS HANKE:** Second.
35

36 **EUGENIO PIÑEIRO:** Second by Marcos. Discussion?
37

38 **SHEPHERD GRIMES:** Can you be more specific as to what the new
39 alternative is, so in the minutes we can understand what the
40 motion is requesting?
41

42 **GRACIELA GARCIA-MOLINER:** The council had directed the staff to
43 look at specifically the years after 1999 and to look at the
44 last five years of the landings data. What was not included in
45 the alternatives at that time was to look at the pre-SFA data
46 and so that's the period of time before many of the regulations
47 came into place.
48

1 **MIGUEL ROLON:** What we need is the language and not be that
2 complex. What is the new alternative title or whatever you have
3 in the table?
4

5 **GRACIELA GARCIA-MOLINER:** The way we have it set up now it's for
6 each island separately, but to look at the pounds of meat from
7 combined commonwealth or territorial -- To look at the combined
8 landings from 1999 to 2005.
9

10 **ROY CRABTREE:** This is to look at 1999 to 2005. Is that right?
11

12 **MIGUEL ROLON:** To include an alternative to look for the
13 combined --
14
15 (Tape change)
16

17 **GRACIELA GARCIA-MOLINER:** Over the years 1999/2000, because it
18 depends on the island, and 2005, the pre-SFA period.
19

20 **EUGENIO PIÑEIRO:** Winston, you're the owner of the motion. Do
21 you agree with those changes?
22

23 **WINSTON LEDEE:** Yes, I agree with that statement.
24

25 **MARCOS HANKE:** Me too.
26

27 **EUGENIO PIÑEIRO:** Thank you, Marcos. Discussion?
28

29 **MARCOS HANKE:** I have a question for Roy. The implication on
30 this was, hearing the presentation of Graciela, that there was a
31 lot of queen conch caught in St. Croix during the couple of
32 peaks on the graphic in terms of landing of queen conch in St.
33 Croix that were taken to Puerto Rico.
34

35 Are we going to address that on our measurements or create a
36 system for that to take place or is that going to be prohibited?
37 My concern is that if that was taken and there's some fishermen
38 that depend on that method of distributing the catch, how are we
39 going to address that, because you have some fishermen in the
40 islands that probably fish for that market and how are we going
41 to address that?
42

43 **ROY CRABTREE:** I don't know. The issue that people legally
44 landed queen conch and sold them to a dealer and he shipped them
45 to Puerto Rico? Why is that a problem?
46

47 **MARCOS HANKE:** I just want to make sure that there is no problem
48 and that during everything we are doing here will it still be

1 possible to do?

2
3 **ROY CRABTREE:** As far as I can tell, we're just setting catch
4 limits for queen conch. We're not getting into where they're
5 going to be sold to. On this alternative, this would be for
6 where, for Puerto Rico, St. Thomas, and for St. Croix or just
7 for St. Croix or where? Didn't we have some recommendations
8 from the SSC on queen conch?

9
10 **GRACIELA GARCIA-MOLINER:** We do have a recommendation from the
11 SSC to establish the 50,000 pound limit as it in St. Croix,
12 because it's their regulation. That was the specific
13 recommendation for St. Croix, but we have it in the document
14 such that it's uniform for everyone. We looked at the same
15 years, so that the average is on the document. You would need
16 to, once you come to that, decide if you want to look at the
17 same averages for St. Croix also. By de facto, it's only one --

18
19 **ROY CRABTREE:** What did they recommend for Puerto Rico, the SSC?

20
21 **GRACIELA GARCIA-MOLINER:** The SSC recommended zero for the EEZ,
22 because it's already closed in the EEZ.

23
24 **ROY CRABTREE:** My question though then is we can't go over --
25 It's going to be zero for the EEZ and it can't exceed 50,000 for
26 St. Croix and I don't know what they recommended for St. Thomas
27 and so what's the point of looking at these years if they're
28 going to give us landings numbers that go higher than that? We
29 can't exceed what the SSC has recommended.

30
31 **GRACIELA GARCIA-MOLINER:** The only way that you have to monitor
32 any ACLs would be through the commercial landings that are
33 reported by the states and so one of the things that is in the
34 document are alternatives to determine what the combined
35 landings are. In fact, to basically give some guidance, if you
36 will, to the states, specifically Puerto Rico, in terms of their
37 landings.

38
39 **ROY CRABTREE:** It's still not clear to me what we're doing and
40 so you're talking about having a combined ACL that's the
41 territory and the EEZ and then splitting that out into a
42 territory and an EEZ part?

43
44 **GRACIELA GARCIA-MOLINER:** The way that it's set up in the
45 document right now, it's to use the combined states and EEZ
46 landings, because there is really no way to separate them for
47 any of the grouped species that we have.

48

1 The spatial resolution is just not there for Puerto Rico and
2 therefore, some of the alternatives that were considered was to
3 look at these years in order to determine if there needed to be
4 any changes.
5
6 If we put back the table, there is a big difference between the
7 pre-SFA and the post-SFA landings, specifically for Puerto Rico.
8 Those are the pre-SFA landings. In 2005, the fishery is closed
9 off the EEZ and that's a little bit less than --
10
11 **MIGUEL ROLON:** Graciela, can you tell us, in two or three lines,
12 what is the objective of our alternative? Why do we need it?
13
14 **GRACIELA GARCIA-MOLINER:** We are just completing the document
15 the way that it was set up. In fact, this might be one of the
16 streamlining issues that needs to come into play right now.
17
18 **MIGUEL ROLON:** That's the point. Do we need it or not? If we
19 don't need it, drop it.
20
21 **GRACIELA GARCIA-MOLINER:** It's not my decision.
22
23 **MIGUEL ROLON:** That's the point. Why are you guys recommending
24 that alternative or including that alternative there? Who asked
25 you to put it there?
26
27 **GRACIELA GARCIA-MOLINER:** At the SSC, the SEDAR data workshop
28 and many of the other meetings, both at the council and at the
29 stakeholder meetings, one of the issues had to do with the pre-
30 SFA years in the landings. One thing that we looked at was to
31 look at those pre-SFA years.
32
33 **MIGUEL ROLON:** What is the issue?
34
35 **GRACIELA GARCIA-MOLINER:** That the management measures that have
36 been put into place probably account for quite a bit of the
37 change in the fishery that has taken place. There can be,
38 again, as I said before, non-reporting and non-compliance, but
39 at least from the reporting point of view and the landings as
40 they are reported by the local governments, this is what they
41 are reporting.
42
43 **MIGUEL ROLON:** Remember, I told you I was going to ask the
44 stupid questions. Do we need it or not? What would happen if
45 we don't have it?
46
47 **GRACIELA GARCIA-MOLINER:** One of the issues that the council had
48 discussed was the fact that the 50,000 pounds for the U.S.

1 Virgin Islands had been established with very little background
2 documentation on the specificity of the 50,000 pounds and some
3 of the alternatives that had been recommended to the council
4 included 90,000 pounds and 100,000 pounds or so for the Virgin
5 Islands specifically, based on the data that was available.

6
7 The issue still remains if the council will follow the
8 recommendation of the SSC in establishing the 50,000 pounds,
9 because of the regulations that are in place, and the zero in
10 the EEZ until we have information in Puerto Rico to change it.

11
12 **MIGUEL ROLON:** In other words, if you look at the data on the
13 last alternative, you double the amount of queen conch available
14 for St. Croix?

15
16 **GRACIELA GARCIA-MOLINER:** St. Croix is a different issue,
17 because 2006 and 2007 shows --

18
19 **MIGUEL ROLON:** You have one line that says St. Croix and 116,
20 138, 50, 149, and 107. We were just talking about St. Croix.
21 If you look at that data there, it means that is 107 versus 50
22 versus the others and the question is whether that database or
23 that chunk of time series is stronger from the point of view of
24 science versus the others.

25
26 In other words, do we have that alternative there -- If the
27 scientists are recommending to look at that alternative versus
28 what we already have versus what the SSC is recommending, so be
29 it, but if there is no reason to include it there, we don't need
30 it.

31
32 **GRACIELA GARCIA-MOLINER:** There might be no reason to include
33 it, because there is a draft amendment that is being developed
34 specifically to comply with the same set of regulations that the
35 Virgin Islands has.

36
37 **ROY CRABTREE:** It just seems to me with conch we're getting more
38 complicated than we need to be. It seems to me we ought to
39 argue that for Puerto Rico and for St. Thomas/St. John that the
40 status quo is zero ACL. The EEZ is closed and so the ACL for
41 the EEZ in those areas is zero.

42
43 The question is -- I guess it is unspecified for St. Croix,
44 because we left an area open, but I don't know that we specified
45 exactly how much landings should be, and so we have an
46 alternative to go to 50,000 pounds, which I guess would be
47 landings in the territory and in the EEZ total, but I don't see
48 much benefit in going through all these years for Puerto Rico

1 and St. Thomas.

2
3 We've closed the EEZ down recently and it just seems to me we
4 are going to leave it closed in those areas and so the federal
5 ACL would be zero. If you want to send some kind of message to
6 the territories, I would suggest you write them a letter, but I
7 don't know that putting in all these alternatives and trying to
8 do it through establishing ACLs makes a lot of sense to me.

9
10 It looks to me like the only real decision we've got to make is
11 do we want to go to a 50,000 pound ACL for St. Croix and
12 elsewhere, it's going to remain -- The EEZ is going to remain
13 closed and the ACL for the EEZ would be zero. I don't see much
14 benefit in setting an ACL for the territory. We can't manage
15 that and it's outside of our jurisdiction.

16
17 **EUGENIO PIÑEIRO:** Roy, I believe that you have a question here
18 that the 50,000 pound number is not trustworthy and that we
19 don't know where it came from. Is that right?

20
21 **BEULAH DALMIDA-SMITH:** That's a comment I've been hearing, where
22 did the 50,000 pounds originate? I understand historically
23 someone made a suggestion to set it at 50,000 pounds, but is it
24 accurate enough? We don't have the data and I think we've been
25 hearing lots of comments, especially from the St. Croix
26 contingency, that if it's combined then you're really limiting
27 them, because you have the territorial waters plus the EEZ.

28
29 Since it's not zero in St. Croix, you can actually take conch
30 out of the EEZ and it should be a higher limit, because you're
31 combining both the territorial and the EEZ, but I don't know.
32 If we're going to take this out to public hearings, we've got to
33 make sure and ensure that we have some good figures here and
34 which we can explain.

35
36 **ROY CRABTREE:** Didn't the SSC recommend 50,000 pounds for St.
37 Croix?

38
39 **BARBARA KOJIS:** A couple of things. Yes, the SSC recommended
40 50,000 pounds with a framework that would allow adjustment of
41 that 50,000 pounds based on what the territory does, as well as
42 whatever scientific data and so on becomes available in the
43 future. There's a strong framework that needs to be in place so
44 that this can be adjusted without going through an FMP process.
45 It was recommended -- The 50,000 pounds was recommended because
46 that was what was put in place by the territorial government for
47 St. Croix and the St. Croix EEZ had not been closed, because the
48 conch populations, from surveys that were done by the Division

1 of Fish and Wildlife, were probably five times higher on St.
2 Croix than they were on St. Thomas and St. John, based on these
3 relatively small surveys.

4
5 I would also just like to make the statement, because I haven't
6 read the document myself from the original queen conch FMP, but
7 apparently when the original queen conch FMP was done, there was
8 information in there on what the maximum sustainable yield was
9 and this 50,000 pounds, on my understanding, is based on that.

10
11 This was a document that was done a number of years ago and
12 there were probably -- It may also have been work that was done
13 by David Olsen that was published or at least a report that was
14 probably at Fish and Wildlife, but it was probably published,
15 that Gulf and Caribbean -- That did work looking at the MSY for
16 queen conch and came up with that.

17
18 There is information available. It's not something that's -- It
19 may be that the review of the information indicates that this
20 isn't as accurate as it should be, but that's what the basis is
21 right now for that. It certainly seems to be lower right now
22 than just an average catch, if you just take average catch. It
23 takes into account the uncertainty with respect to queen conch
24 and how much harvest can be done on St. Croix and as better data
25 becomes available, that should be able to be adjusted.

26
27 **MARCOS HANKE:** I have two questions. One is, again, for you,
28 Roy. What Barbara was explaining about the framework to change
29 the recommendation -- If the SSC makes a recommendation, create
30 a framework to change the ACL in the case of the queen, that
31 strategy can be done for the other species and that's possible
32 to do? That's one question.

33
34 The second question is what you explained before is establishing
35 the ACL the way it is right now, it equal to zero for Puerto
36 Rico and the implication on the industry, because our fishery
37 takes place in the state waters, is the way it is right now?
38 They're going to keep catching the same amount of conch they are
39 doing on the state waters and that will not affect the
40 fishermen? I'm understanding this correct?

41
42 **ROY CRABTREE:** We don't have any jurisdiction over state waters
43 and so that's up to Puerto Rico what they do in state waters.
44 You can put frameworks in here that allow you to change the
45 ACLs. I think that's in one of the documents, that we're
46 looking at putting a framework in to change the ACL.

47
48 **MARCOS HANKE:** The reason why I'm asking this on the future

1 discussions that we're going to have is we should look at this
2 and get a little more educated on how it's done, because I don't
3 have it clear personally. Maybe it's a very good tool for the
4 council members to vote on something that we have a very data-
5 poor situation in which we can over the years readjust and adapt
6 quickly without waiting too long.

7
8 That's one of my worries through this process, because if we
9 establish an ACL, unless we have a framework or any mechanism to
10 change this quickly, it's very hard to do it without
11 compromising the industry or compromising the resource. I think
12 this should take place and is a very good idea if it's possible.
13 I want to get more educated on it.

14
15 **ROY CRABTREE:** The way a framework works is you could probably
16 do it in two meetings, but you still have to do the required
17 analysis and analyze alternatives and then you submit it to the
18 Fisheries Service and then the Fisheries Service has to publish
19 a proposed rule and then go through a public comment period and
20 then publish a final rule.

21
22 It's quicker than a plan amendment, but you're still talking
23 about something that's going to take nine months to a year to go
24 through the whole process.

25
26 **GRACIELA GARCIA-MOLINER:** That's exactly the process that we're
27 going through with the amendments that Joe is going to -- I
28 think you already gave everyone a copy. The queen conch FMP
29 included a framework to change quotas and gear restrictions and
30 seasonal and area closures for queen conch as needed.

31
32 We still have to go through the process of analyzing the data
33 and the public hearings and so the document that Joe gave out
34 earlier today, it's that document that is being prepared for the
35 queen conch specifically to meet the request of the USVI
36 government to make the regulations compatible, so that when they
37 close the season, the EEZ -- The federal government will close
38 the season also, among other measures.

39
40 **JOE KIMMEL:** That's basically what I was going to say. I handed
41 out, during the lunch break, copies to all the council members
42 of Queen Conch Amendment 3 and there's two actions in there.
43 One of them is an action to develop compatible regulations and
44 another one is an action to develop a framework for queen conch,
45 for the queen conch FMP.

46
47 I expect that we won't be able to impact this year's season in
48 the Virgin Islands, but we will continue with this amendment and

1 we should be able to impact all the rest of the seasons through
2 framework for queen conch.

3
4 **EUGENIO PIÑEIRO:** At this point, what would be the wish of the
5 group regarding this motion? We have a motion and it's been
6 seconded and do you have any suggestions, Roy?

7
8 **ROY CRABTREE:** What was the motion?

9
10 **MARCOS HANKE:** To that point, I would like to make a suggestion
11 to maybe redefine the motion or to redo the motion. We are
12 dealing here with three regions and to do it separately for each
13 part, even though it's kind of redundant or repetitive, but just
14 to make it clear, because it's a little confusing now.

15
16 **MIGUEL ROLON:** If I may, the only problem you have with St.
17 Croix -- The ACL is, of course, zero for the other areas and so
18 concentrate on St. Croix and in St. Croix, you have that table.
19 It's 50,000 recommended by the SSC and unless there is something
20 else from out of the woods, you're stuck with the SSC 50,000,
21 period.

22
23 **ROY CRABTREE:** I'll tell you what I think you ought to do. I
24 think that the ACLs for Puerto Rico and St. Thomas/St. John
25 should just be specified as zero and that's status quo. We just
26 clarify it and that's based on all the rationale in the SFA
27 Amendment and I haven't heard any rationale for anything
28 different.

29
30 Then I think in St. Croix the status quo I'm not sure is
31 defined, but we'll look at that and then I would have an
32 alternative to set St. Croix at zero in the EEZ and then I would
33 have an alternative to set the overall territory and EEZ ACL at
34 50,000 pounds, which is what the territory has done. I
35 understand their problems with the rationale for that number,
36 but I guess that's what is on the territorial books right now.

37
38 I don't see much point in looking at any of these timelines
39 right now, because it appears to me we're really deciding
40 between whether to go ahead and go to 50,000 pounds in St. Croix
41 or whether just to close the EEZ down off of St. Croix.

42
43 I don't think there's much sentiment on this council or I don't
44 know that anyone wants to close the EEZ off of St. Croix and we
45 made an exception to leave part of Lang Bank open. It seems to
46 me what you're probably going to end up doing is applying the
47 50,000 pound ACL for St. Croix and we close down when it's
48 reached.

1
2 That, it seems to me, gets you down to you only have a couple of
3 alternatives to look at for St. Croix and we're pretty much
4 staying with status quo for Puerto Rico and St. Thomas/St. John.
5 I just don't see that we gain much out of these time series for
6 conch.

7
8 **MIGUEL ROLON:** The only thing I see about the time series is
9 that in the other areas, we are dropping the last three years,
10 because the time series is better for the model. Here, if
11 that's true for the queen conch, then we're penalizing the
12 fishermen of St. Croix by 50,000 pounds a year, 57,000 pounds a
13 year.

14
15 It will look like just words on a paper, but to me, it's a year
16 that we're losing to the fishers of St. Croix if we're not doing
17 the right thing and with the data situation that we have -- The
18 scientists are looking at this new time series and it's worth
19 having only for St. Croix. Personally, I believe that status
20 quo for the other two should prevail, because the queen conch is
21 really in big trouble.

22
23 **EUGENIO PIÑEIRO:** What we have on the table is to include that
24 new alternative to look at the landings for the queen conch for
25 St. Croix only -- Is that the comfortable language? It's your
26 motion.

27
28 **WINSTON LEDEE:** Yes.

29
30 **EUGENIO PIÑEIRO:** I'm asking Winston if he would be willing to
31 add "only for St. Croix".

32
33 **MIGUEL ROLON:** He said yes and so can you add after "2005" "for
34 St. Croix only" and then, Winston, is that the essence of your
35 motion?

36
37 **WINSTON LEDEE:** Yes.

38
39 **EUGENIO PIÑEIRO:** Marcos, you seconded the motion?

40
41 **MARCOS HANKE:** Yes, I second and I would like to make another
42 motion once we finish to set up with Puerto Rico.

43
44 **EUGENIO PIÑEIRO:** We've discussed a lot of this. Do you want to
45 vote on this motion, please?

46
47 **CARLOS FARCHETTE:** Yes.

48

1 **ROY CRABTREE:** No.
2
3 **WINSTON LEDEE:** Yes.
4
5 **BEULAH DALMIDA-SMITH:** Yes.
6
7 **MIGUEL GARCIA:** Yes.
8
9 **MARCOS HANKE:** Yes.
10
11 **EUGENIO PIÑEIRO:** Yes. **The motion carries six to one.** Marcos,
12 you have the floor. What do you have?
13
14 **MARCOS HANKE:** I would like to make a motion and move to stay or
15 remain the ACL equal to zero for Puerto Rico, St. John, and St.
16 Thomas for the queen conch, status quo. I don't know if that's
17 pertinent, but that's my motion, to finish with this.
18
19 **WINSTON LEDEE:** I second that motion.
20
21 **SHEPHERD GRIMES:** I would like clarification as to exactly what
22 the motion was, to leave alternatives at zero for the areas you
23 referenced or to make that a preferred alternative. I'm not
24 sure --
25
26 **MIGUEL ROLON:** If in the document -- This is for Bill and
27 Graciela. If we already have in the document, there's no need
28 for another motion to just clarify it, but if you want to make
29 it idiot proof and we want to have the ACL equal zero for
30 everybody, then the motion is germane, but there is any part of
31 the document that already has ACL equals zero for Puerto Rico
32 and St. Thomas/St. John? It would be a status quo and that
33 would be covered already.
34
35 **SHEPHERD GRIMES:** If that is the status quo, then you must have
36 it in the document.
37
38 **GRACIELA GARCIA-MOLINER:** Every action that looks at an ACL has
39 ACL in the EEZ equal to zero for all the groups that we're
40 looking at, including the queen conch.
41
42 **MARCOS HANKE:** I would like to table my motion then. I'll
43 withdraw the motion.
44
45 **GRACIELA GARCIA-MOLINER:** Now we'll move into the parrotfish.
46 Again, they are set up the same way. You have a number of
47 alternatives, including a no action, zero for the EEZ for the
48 parrotfish. In this case, we have them separate for St. Croix,

1 St. Thomas and St. John, and Puerto Rico.

2
3 The alternatives that you have under the ACL for parrotfish
4 includes the years that you asked the staff to look at, 1999 to
5 2007, 2003 to 2007, and it includes the recommendation of the
6 SSC for 300,000 pounds for St. Croix at their August meeting
7 this past year.

8
9 The same thing was done for St. Thomas/St. John, the average for
10 2000 to 2007, for 2003 to 2007, and 50,000 pounds, which was the
11 rate of the combined territory and EEZ. That was the
12 recommendation of the SSC.

13
14 For Puerto Rico, this is where it gets a little bit more
15 complicated, because you do have quite a number of alternatives
16 to look at and those include, number one, the determination of
17 the ACLs by species, which was the directive that the staff
18 received last time, to look at the way that it was reported. It
19 includes species specific for the parrotfish if they were going
20 to be divided up into Parrotfish Unit 1, which are most of the
21 seven of the ten species, and for Parrotfish Number 2, which
22 includes the larger and the ones that had been recommended by
23 the SSC that ACL should be equal to zero.

24
25 For the range of alternatives that you have here, it reads
26 anywhere between 200 pounds for the ACL for 1999 to 2007 all the
27 way to 111,614 pounds for the 1999 to 2007. Again, for Puerto
28 Rico, you have both the reported and the corrected.

29
30 The difference for this was that the U.S. Virgin Islands are
31 going on with the reported landings and Puerto Rico does have a
32 correction factor that's added to the landings after they're
33 reported to Miami.

34
35 The database from Miami comes as the reported landings and then
36 they are corrected by the local government in terms of what
37 they're misreporting or underreporting, et cetera, they consider
38 it should be corrected for.

39
40 The other alternative for 2003 to 2007 includes a range of 300
41 pounds to 101,000 pounds and then you also have a recommendation
42 from the SSC to establish an ACL of 80,000 pounds for the
43 parrotfish in Puerto Rico.

44
45 **ROY CRABTREE:** You realize the SSC gave us a fishing level
46 recommendation of 80,000 pounds and so any alternative that
47 exceeds that is not a viable option. You can't go over that.
48 It is there, but we have all these alternatives that are higher

1 that, for example 101,000 pounds.

2
3 It's not clear to me why we have alternatives -- It's like the
4 alternative you guys added in a minute ago for conch off of St.
5 Croix. The SSC gave us a level of 50,000 and so that timeframe
6 you added is higher than 50,000 and so it's really not a viable
7 alternative and so you need to look at this and alternatives
8 that you have in there that are higher than what the SSC has
9 recommended really aren't viable alternatives and we ought to
10 start taking some of these out.

11
12 **MIGUEL ROLON:** Can we drop all those with one motion? Somebody
13 say so moved and drop them off.

14
15 **BEULAH DALMIDA-SMITH:** If that's the case, then you're talking
16 about eliminating sub-alternatives -- Anything that is over
17 80,000 pounds, in essence, will just be left -- Puerto Rico will
18 be left with two alternatives, Sub-Alternative iii and Sub-
19 Alternative D. That's what it is.

20
21 I know the SSC is the main committee to recommend to the council
22 and then the council acts on their recommendation or it does not
23 and so for us, what I'm saying here is that if they recommend
24 80,000 pounds and there are higher recommendations -- Even
25 though they're there, you don't have to vote on them, but the
26 SSC would have to now prove where they got that information from
27 and make it very clear.

28
29 **MIGUEL ROLON:** If I may, no, they don't have to prove anything.
30 They got the information the same place you got the information.
31 The thing is unless you have something new, like the previous
32 alternative -- The SSC is not very firm on any of the findings
33 where you don't have that much data and they have told us so.

34
35 For example, they have not been able to set an ABC for these
36 species, because they don't have the data for that, but what Roy
37 is saying is that this one, you have already a recommendation,
38 similar to the other one with the queen conch, and you can
39 streamline the process by dropping all the others and just stick
40 to the SSC and then you don't have to analyze every little bit
41 of deviation from that. That's something for the council to
42 decide whether it will do or not, but the law says that the SSC
43 has the last word.

44
45 **GRACIELA GARCIA-MOLINER:** The history of the scoping document
46 basically presents the alternatives that were considered at
47 every one of the meetings. The alternatives include what the
48 ACLG recommended in three meetings, what the SSC recommended,

1 what the council looked at, including these new alternatives
2 that we were directed to look at them in terms of the last five
3 years of the landings and so we did that for the USVI and Puerto
4 Rico.

5
6 There is a recommendation of the SSC, based on the data that was
7 presented along the way, which includes looking at different
8 years for different species in the different areas.

9
10 For the Virgin Islands, St. Croix got 300,000 pounds because of
11 the information that was available at the time, the pre-gillnet
12 fishery, which that has come to an end as of 2009 and so there
13 is no netting and scuba diving at the same time, et cetera, and
14 so that should really make a difference and in the determination
15 of the years after the SFA, for example, the average landings
16 for Puerto Rico dropped to 54,000 pounds post-SFA and post
17 regulations that they have in place for the different gears and
18 for the different -- It's mostly gears in terms of the
19 parrotfish.

20
21 The SSC made a recommendation based on that. Most of the years
22 that we looked at ranged around 80,000 pounds per year. There
23 are certain years, especially at the end, that actually increase
24 your landings and so basically it's an artificial average, what
25 you're looking at.

26
27 **ROY CRABTREE:** Graciela, Sub-Alternatives i and ii are the same
28 timeframes as the next two alternatives, but some have
29 redistribution and some don't. Can you explain to us, one, what
30 redistribution means and, number two, then I would like to know,
31 is the Science Center recommending that we use the
32 redistribution numbers or do we have -- It doesn't seem to me
33 that's something the council ought to really be voting on. It's
34 more of a science issue of what are the best landings. Could
35 you explain that to us or could Todd explain that to us?

36
37 **BILL ARNOLD:** Roy, let me explain the first part. 99 percent of
38 the landings of parrotfish in Puerto Rico are assigned to the
39 generic parrotfish category and so if you do species-specific
40 parrotfish landings estimate averages on a species-specific
41 basis, you get 300 pounds, 900 pounds, because everything is
42 sitting over there in that generic category.

43
44 What we did is according to the proportion of species-specific
45 landings, we redistributed that 99 percent of generic landings
46 across the species, but really, none of this matters, because
47 all we can really deal with in Puerto Rico is overall
48 parrotfish.

1 **ROY CRABTREE:** That's how it seems to me and I forget the exact
2 wording of the motion, but we had the discussion earlier about
3 just using parrotfish and backing out midnight, blue, and
4 rainbow, but can we even back out midnight, blue, and rainbow
5 the way the data is reported? Is that even possible?
6

7 **BILL ARNOLD:** No, we cannot back them out, Roy.
8

9 **ROY CRABTREE:** What we're going to end up with then is an ACL
10 for parrotfish, period. It's not going to have rainbow or any
11 of those backed out. We're just going to close the fishery for
12 rainbow, midnight, and blue and so --
13

14 **BILL ARNOLD:** That's the only effective thing we can do. We'll
15 end up with, in my opinion, a 50,000 pound ACL for what is
16 essentially Parrotfish Unit 1.
17

18 **ROY CRABTREE:** Really, what we're looking at right now with this
19 ought to be we could have, I guess, the 43,176 or we could have
20 the 80,000. Those are the only real viable alternatives here.
21

22 **BILL ARNOLD:** I would agree with that.
23

24 **ROY CRABTREE:** That's how it seems to me.
25

26 **EUGENIO PIÑEIRO:** That's actually what Beulah said, that those
27 were the two alternatives. At this time, what I would need then
28 is a motion to then clean the record and instead of making it
29 more complicated, simplify it by just letting the two options
30 that really have a chance, the SSC recommendation and the
31 43,000. Do I have a motion from one of the members at this
32 time?
33

34 (There is a gap in the audio recording.)
35

36 **MIGUEL ROLON:** Marcos, the language will be to remove from the
37 ACL document Sub-Alternatives i through iv.
38

39 **BILL ARNOLD:** I should make another point here and that is that
40 the 43,000 pounds is reported landings and that does not include
41 the adjustment for misreporting and underreporting. Bonnie can
42 comment on this, but I think they would probably insist that
43 those expansion factors be used.
44

45 **EUGENIO PIÑEIRO:** Bonnie, do you wish to address the group?
46

47 **BONNIE PONWITH:** Yes, we would want to include the expansion
48 factors on those.

1
2 **EUGENIO PIÑEIRO:** The motion was i, ii, and iv, I believe it
3 was.
4
5 **MIGUEL ROLON:** Marcos, tell us whether you want to have all that
6 language or modify any of that.
7
8 **MARCOS HANKE:** Thank you for the help and I agree that it's
9 okay.
10
11 **WINSTON LEDEE:** I second that motion.
12
13 **EUGENIO PIÑEIRO:** Those in favor, we'll vote.
14
15 **MARCOS HANKE:** Yes.
16
17 **MIGUEL GARCIA:** Yes.
18
19 **BEULAH DALMIDA-SMITH:** Yes.
20
21 **WINSTON LEDEE:** Yes.
22
23 **ROY CRABTREE:** Yes.
24
25 **CARLOS FARCHETTE:** Yes.
26
27 **EUGENIO PIÑEIRO:** Yes. It's unanimous and the motion carries.
28
29 **ROY CRABTREE:** I would like to make a motion too, another
30 motion, and that is that we remove any alternatives from the
31 document that exceed the fishing level recommendation provided
32 by the SSC. Those would be moved to Considered but Rejected.
33
34 **EUGENIO PIÑEIRO:** We would have to consider the queen conch that
35 we already passed if we put it in that motion or not.
36
37 **ROY CRABTREE:** If the landings from that time period exceed what
38 the SSC recommended, then yes, it would not be included in the
39 document.
40
41 **EUGENIO PIÑEIRO:** With the SSC meeting one more time and giving
42 some more poundage -- We don't know if the SSC might meet again
43 and put some more numbers on the queen conch.
44
45 **ROY CRABTREE:** If they do, then we'll have to change it all and
46 if the SSC is going to come in at the last minute and give us
47 all new numbers, it's going to be hard for us to ever get this
48 done on time.

1
2 The fact is the law doesn't allow you to exceed the fishing
3 level recommendations of the SSC and so when they give you one,
4 I just don't see the point of having other alternatives in here
5 that are higher than that.

6
7 **EUGENIO PIÑEIRO:** The council expressed its preference regarding
8 to remain the position of the queen conch for St. Croix already
9 and so I guess it's useless to go back unless the council wants
10 to, but I don't think so.

11
12 **MIGUEL ROLON:** Well, let's say an eloquent way out of this is
13 that the SSC will meet in Miami for a meeting and I just asked
14 the chair whether they will be able to review just the queen
15 conch data at that time and also, the question for Graciela and
16 Bill is March -- The first week of March, is that still within
17 the time period for us to provide the council with a document at
18 the end of the month of March? We can ask the SSC to reaffirm
19 or change, based on the new information they have, or just drop
20 it altogether and keep the 50,000.

21
22 **GRACIELA GARCIA-MOLINER:** You said the SSC is meeting the first
23 week in March and so if there is any new data, it will be
24 presented to them. There is a specific recommendation from the
25 SSC, after evaluating the new data, although it will be very
26 limited, from what we know so far. Then the recommendation will
27 be made to the council and it will be a matter of either going
28 back on some of the alternatives that have already been
29 considered --

30
31 **MIGUEL ROLON:** I don't care how you do it one way or the other,
32 I'm just trying to make sense out of this. I don't intend to go
33 back to the SSC and redo the whole thing, but just trying to
34 make a compromise here with the previous motion regarding the
35 queen conch and this one.

36
37 If you apply the law as written, that alternative will do away
38 with a lot of alternatives that don't need to be there, because
39 the SSC has spoken --

40
41 (Tape change)

42
43 **BEULAH DALMIDA-SMITH:** I want to really sure I'm clear on this.
44 As a council member, I want to truly understand before we make
45 any vote in the future, but going back to Sub-Alternative C and
46 we're removing i, ii, and iv, those are all within the same
47 year.

48

1 Then the SSC made a recommendation which I'm sure took into
2 consideration all the combined years and am I right, from 2003
3 to 2007 and 1999 to 2007, and whatever other range you may have.
4 Their ultimate proposed amount came from a combination of
5 various years and I don't know -- I'm trying to understand that.

6
7 If you just hold it right there, Sub-Alternative C, and go to
8 the parrotfish for St. Croix, which is on page 17, you'll see
9 now if we use that as the law indicates, if the SSC makes a
10 recommendation we have to follow it and anything that exceeds
11 that must be thrown out, we will have to take to the public for
12 Action 3a would be just Sub-Alternative A, zero in the EEZ, and
13 then the SSC's recommendation, which doesn't give the public
14 much to go on. They'll say where did the SSC get this and how
15 can they make a decision for us? I just want some clarity.

16
17 **MIGUEL ROLON:** The thing is that the public doesn't have any
18 chance whatsoever. Once the SSC has spoken, that's it. That's
19 what the law says. The problem we have with the queen conch --
20 My personal opinion with the queen conch is that you have data
21 that would provide the fishermen of St. Croix with 57,000 more
22 pounds a year. If we are happy with that, fine. If we are
23 erring on the side of the queen conch as a resource, fine, and
24 we keep the 50,000.

25
26 In the previous motion that you have, you want the SSC to
27 revisit that 107,000 versus the 50,000, but you can also decide
28 to revisit the question, approve this motion, and you can keep
29 50,000 and for all the others, you keep what the SSC is saying.
30 That's what Roy's motion will do and that's where we are now,
31 but it's up to you guys to do it.

32
33 Remember these are the alternatives and the issue will come up
34 in the public hearings, when we get the options paper with all
35 the discussion here. What we're trying to do is to make sure
36 that -- For example, if technically we cannot go over the SSC,
37 we'll do away with all this information and this information --
38 For example, why do we need to discuss 303 pounds of the darned
39 thing?

40
41 The more we cut here, the more fat we cut here, the better for
42 the public in terms of looking at the practicality of it and the
43 better for the task team for what they are doing. Still, that
44 information will be in the books as the previous documents and
45 so it's not lost. If somebody wants to bring it up again at the
46 public hearing, so be it. They can bring it up, including the
47 local governments.

1 **BEULAH DALMIDA-SMITH:** Okay, fine. We've looked at some
2 alternatives for Puerto Rico or can we -- Maybe not, because
3 we're probably still in that motion. Is that where we are?
4

5 **EUGENIO PIÑEIRO:** Technically, Roy made a motion and we don't
6 have a second yet. Roy, going back to your motion, is there a
7 second for Roy's motion? Then it dies.
8

9 **GRACIELA GARCIA-MOLINER:** I'll be your institutional memory here
10 for a second. All these recommendations that the SSC has made
11 along the way are based, again, on the data that they have seen
12 at their meetings and on the recommendations of the ACLG. It's
13 a group of people from the industry, scientists from the Center,
14 from the region, from the council, the SSC. Many people have
15 been involved in the determination of the best years to look at.
16

17 The SSC recommendations specifically for the parrotfish and the
18 queen conch, et cetera, have been based on that information.
19 There is limited new data coming online. The queen conch
20 densities have been looked at in St. Croix and St. Thomas and
21 Puerto Rico and the density of queen conch appears to be
22 increasing.
23

24 The deepwater EEZ populations are being looked at for the first
25 time on the southwestern coast of Puerto Rico this year and the
26 council has proposed to look at the deepwater queen conch
27 populations and do a fishery assessment type in 2010 and so it's
28 at that time that we will have more information available for
29 the council, but what the motion that you have on the screen
30 says is that you directed the staff to look at the years, and
31 this was at the last council meeting, for the species as they
32 are reported.
33

34 What you see on the options paper, it's the way they are
35 reported in the landings and so the 200 fish or so, that's what
36 was reported for that group and now the motion states that
37 everything that doesn't go along with the SSC recommendation we
38 do away with and streamline the document.
39

40 **MIGUEL ROLON:** Graciela, the motion is dead.
41

42 **MARCOS HANKE:** I will try to help this and in order to try to
43 help this, it's exactly the same motion that Roy said, except
44 for the queen conch until the next SSC recommendation, the next
45 meeting of the SSC or the Miami meeting.
46

47 **MIGUEL ROLON:** You can just say until the SSC reviews it,
48 period. Remember, the SSC can reaffirm on the 50,000 or can

1 modify it. The question for you, Marcos, is that the language
2 that you want?
3
4 **WINSTON LEDEE:** Second.
5
6 **EUGENIO PIÑEIRO:** Do we need any further discussion of this one?
7 Let's vote.
8
9 **MARCOS HANKE:** Yes.
10
11 **MIGUEL GARCIA:** Yes.
12
13 **BEULAH DALMIDA-SMITH:** Yes.
14
15 **WINSTON LEDEE:** Yes.
16
17 **ROY CRABTREE:** Yes.
18
19 **CARLOS FARCHETTE:** Yes.
20
21 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**
22 Thank you. Go ahead, Graciela.
23
24 **GRACIELA GARCIA-MOLINER:** The only issue that you have left with
25 the parrotfish is that there are alternatives included for the
26 U.S. Caribbean, but if we allow ourselves to follow these
27 recommendations, most of them are under the sum of the parts and
28 so therefore, they will remain as the U.S. Caribbean ACL for the
29 parrotfish.
30
31 **ROY CRABTREE:** The only way I see like Sub-Alternative iv,
32 101,084 pounds -- The only way I see that being legal is if you
33 said we're going to use that baseline, but then you reduce it,
34 because of uncertainty, to get it below 80,000 pounds. I guess
35 you could do that, but you just can't set it above what the SSC
36 has recommended and that's the law.
37
38 **BARBARA KOJIS:** I just want to kind of reaffirm again what I've
39 said in past meetings. Because the data that we have is
40 unreliable and only unreliable catch data, the SSC did not feel
41 that it could recommend ABCs, which are the requirements of the
42 SSC.
43
44 Instead, the SSC provided scientific advice to the council. The
45 SSC felt if the council came up with other rationale that they
46 could change the recommendations of the SSC and they had good
47 information that were different from what the SSC had, then they
48 could change these fishing level recommendations of the SSC.

1
2 When the data does become better, when we do have at least
3 reliable catch data, the SSC can at that time make
4 recommendations regarding ABC, but until that happens, the SSC,
5 and these were the recommendations of the stock assessment
6 people on the SSC, did not feel that they could make ABC
7 recommendations that are required by the Magnuson Act.

8
9 These are recommendations and we provided our rationale. I
10 provided the rationale of the SSC at previous meetings. They
11 should be taken very seriously by the council and so on, but
12 there is some flexibility as far as the SSC is concerned there.

13
14 **ROY CRABTREE:** Barbara, they were fishing level recommendations
15 from the SSC, correct?

16
17 **BARBARA KOJIS:** They were, in essence, ACL recommendations, yes,
18 but not ABC. That was what we were --

19
20 **ROY CRABTREE:** I understand not ABCs, but they were fishing
21 level recommendations and the language in the statute is clear
22 that ACL may not exceed the fishing level recommendation that
23 comes from the SSC and whether the SSC agrees with the statute
24 or not doesn't really change things. That's what the statute
25 says and so when you give us a fishing level recommendation, the
26 statute does not allow the council to exceed it and that's the
27 way it is.

28
29 **BEULAH DALMIDA-SMITH:** This question is for Barbara and the SSC.
30 Action 3a, St. Croix parrotfish, commercial harvest off of St.
31 Croix, I see that the SSC made a recommendation of 300,000 and I
32 would like to know what you based that on in addition to what
33 would have been the landings data for the parrotfish before the
34 gillnet fishing ban and so forth, the gill and trammel net
35 harvest. Is that something that you can share with us right now
36 or at a later date?

37
38 **BARBARA KOJIS:** I can't remember the specific years, but I
39 believe it was an average catch for a number of years. It
40 omitted, I believe, although it could have been included, the
41 400,000 plus pounds that they caught one year when the trammel
42 nets were being used very heavily.

43
44 The reason we stated that an average catch of 300,000 pounds was
45 a recommended fishing level was because we had felt that in the
46 case of St. Croix that it was likely that the predatory fish
47 populations had been fished down and as a consequence, because
48 of the nature of the shelf there, the shallower water shelf, and

1 the lack of predators on parrotfish, that the parrotfish
2 populations could possibly sustain this fishing level.

3
4 In essence, the parrotfish population had just burgeoned,
5 because of lack of predation and because of the fact that it's a
6 fairly shallow shelf with more algae available than, for
7 example, on the St. Thomas shelf, which rapidly falls off to
8 below eighty feet, whereas the whole of this St. Croix shelf is
9 pretty much above eighty feet. That was the rationale.

10
11 On the other hand, when they made the recommendations for St.
12 Thomas/St. John and for Puerto Rico, the SSC recommended more
13 conservative values, because of the need to protect a very
14 important ecosystem species in those particular cases.

15
16 **MIGUEL ROLON:** Graciela, given the motion that was approved,
17 what is next step in your document?

18
19 **GRACIELA GARCIA-MOLINER:** There are a couple of things, because
20 Roy Crabtree just mentioned the fact that if you look at 100,000
21 pounds and you have 0.75, for example, that brings you down to
22 less than 80,000 pounds for parrotfish.

23
24 Basically, the discussion here needs to be whether any of the
25 alternatives need to be re-included in the document if you're
26 going to look at some scaler. The scoping documents had a
27 scaler included in there.

28
29 **MIGUEL ROLON:** Forget about the scoping document for a second.
30 What we would like to do, Graciela, is the council approved a
31 motion to drop anything that is not the SSC recommendation from
32 the alternatives. Which alternatives will have that
33 recommendation that we can look at at this time?

34
35 **GRACIELA GARCIA-MOLINER:** Under the parrotfish, you have a
36 recommendation for 400,000 pounds for the U.S. Caribbean of the
37 parrotfish. That would include the limits on each of the
38 parrotfish as they were decided by the council today.

39
40 For the Nassau grouper and goliath, that's all zero and then we
41 go into the Grouper Unit 4. In the groupers, there is no
42 specific recommendation from the SSC for the groupers and there
43 is no specific recommendation for Snapper Unit 1 from the SSC
44 and so you still have to do the groupers, Grouper Unit 4, and
45 the snappers, Snapper Unit 4.

46
47 **EUGENIO PIÑEIRO:** While you and Bill get that straight together
48 and put it on the board, we're going to have a five-minute break

1 and so you guys can work through it by the time we come back.

2
3 (Whereupon a brief recess was taken.)

4
5 **MIGUEL ROLON:** What we asked Graciela was to continue the
6 presentation with those groups that do not have an SSC
7 recommendation already and before she goes, I want the chairman
8 to excuse me, but I forgot to mention for the record that Ed
9 Schuster, our chair of the AP, could not attend. He's excused.
10 His father is very ill and what we are going to do is we are
11 going to send him, as soon as we can, a transcript of the
12 meeting so he'll be abreast of what happened today and so he was
13 excused.

14
15 **GRACIELA GARCIA-MOLINER:** Grouper Unit 4, it's one of the other
16 species that is being considered under the options paper. For
17 Grouper Unit 4, for St. Croix and St. Thomas, the whole grouper
18 category is being considered because there is no species-
19 specific information.

20
21 Grouper Unit 4 includes the tiger grouper, the yellowfin
22 grouper, the yellowedge, and the red grouper. The way that it's
23 been set up, again, for St. Croix is that you have the option of
24 no action, not setting an ACL, to set an ACL for the grouper,
25 other than the Nassau and goliath, because the fishing for these
26 species has been prohibited for quite a number of years in the
27 USVI and in the EEZ, and also, we looked at the 1999 to 2007 and
28 the 2003 to 2007 average landings and that's what you have on
29 the screen right now. For St. Croix, you have a sub-alternative
30 of 34,177 pounds and another of 37,832 pounds.

31
32 The same thing was done for St. Thomas and in this case, for the
33 whole grouper category, you have an alternative to look at the
34 data from 2000 to 2007. As Todd and Bill and I have explained,
35 the data for the Virgin Islands begins as a family-specific data
36 in 1998. 1999 is the first year and so 2000 is what's
37 considered really having come to terms with submitting the
38 information by families.

39
40 For 2000 to 2007, you have 59,953 pounds as the combined and
41 territorial ACL and another one for 64,202 for the years of 2003
42 to 2007.

43
44 For Puerto Rico and because the council had been considering the
45 division of the Grouper Unit 4 into two, to separate the misty
46 and the yellowedge groupers as a separate unit, because of the
47 depth and other factors, what you will see in the options
48 document is what is now the current Grouper Unit 4 and what is

1 the proposed Grouper Unit 4 that doesn't include the misty and
2 the yellowedge.

3
4 Here, again, you have a range of zero for the EEZ and then
5 anywhere between 8,000 or so pounds to 20,000 pounds and, again,
6 this goes through the reported and not distributed. It's only
7 the species that are reported at species-specific landings. You
8 have the adjusted for those not redistributed and the
9 redistribution of the species the way that we had looked at the
10 parrotfish. The range goes from zero to 20,625 pounds and this
11 is the average for the years 1999 to 2007.

12
13 You also have another alternative that looks at the years 2003
14 to 2007. Again, it's the same idea. For those reported, the
15 ones corrected, the redistribution of the species and the non-
16 redistribution of the species and that range goes from 7,785
17 pounds to 21,278 pounds.

18
19 The proposed Grouper Unit 4 then, because of the species that
20 have some species-specific information, then this was, again,
21 recalculated for both periods, 1999 to 2007 and 2003 to 2007,
22 and the range goes, again, from zero to a maximum of 7,218
23 pounds. Again, it's for the reported and the adjusted.

24
25 The next Sub-Alternative C then includes the years 2003 to 2007
26 and the range goes from 1,983 to 6,752 pounds and what you have
27 on the screen is a table with a summary of the alternatives for
28 the years that were looked at and in this table, we've included
29 only the maximum poundage or the maximum average for those
30 years. Again, you have to indicate what the selection is and if
31 you want us to delete any of the alternatives that are looking
32 at the species-specific data or you only want to look at the
33 redistribution of the species.

34
35 One of the other things that we have here, it's that in 2005 the
36 SFA implemented a number of management measures and one of them
37 included the seasonal closure for Grouper Unit 4. That was
38 implemented in the EEZ, but it was also implemented in 2006 in
39 the Virgin Islands, but for Grouper Unit 4, there's no
40 compatible regulation in Puerto Rico.

41
42 What you have on the right-hand side of the screen is the post-
43 SFA landings, so that you have a basis of comparison for the
44 different averages for the different islands and the first line
45 is the combined ACL for the three of them. What you have here,
46 it's what was included in the SFA for Grouper Unit 4. I can go
47 on and continue with Snapper Unit 1 or do you want to discuss
48 Grouper Unit 4?

1 **MIGUEL ROLON:** In other words, there is nothing new regarding
2 the Grouper Unit 4?
3

4 **GRACIELA GARCIA-MOLINER:** You want to have to let us know if you
5 want to streamline the document, if you want to do away with the
6 non-redistributed or the reported versus the corrected.
7

8 **ROY CRABTREE:** I guess I would like to hear from the Science
9 Center as to what landings we should be using and then those are
10 the landings we should use and we shouldn't be using the
11 landings they say we should not use. It seems to me we ought to
12 resolve that at this meeting.
13

14 **BONNIE PONWITH:** The Science Center would prefer to use the
15 corrected landings in all cases where they exist.
16

17 **ROY CRABTREE:** Does that mean redistributed or -- I guess I'm
18 not sure. I keep seeing redistributed landings show up and how
19 is that different from corrected or is it the same?
20

21 **BONNIE PONWITH:** The corrected landings are the ones that are
22 corrected for the underreporting or it's underreporting and
23 misidentified.
24

25 **ROY CRABTREE:** Are we consistent throughout the document about
26 that, Graciela? The issue is the redistributed versus not
27 redistributed?
28

29 **GRACIELA GARCIA-MOLINER:** Yes.
30

31 **ROY CRABTREE:** Which should we use there I guess is my question,
32 Bonnie or Todd.
33

34 **GRACIELA GARCIA-MOLINER:** Let's explain for a second what the
35 redistribution is based on.
36

37 **BILL ARNOLD:** Again, with grouper and also with snapper, but to
38 a much lesser degree than to parrotfish, there are a component
39 of the landings that are reported in the generic category. With
40 snappers, it's snappers and with groupers, it's sea bass. Those
41 need to be accounted for somehow in the species-specific
42 landings data and so we take the proportion of each species, the
43 proportional contribution of the total landings of each species
44 -- Say tiger grouper are 12 percent of the total for identified
45 species.
46

47 We would take 12 percent of those unidentified landings and
48 assign them to tiger grouper and the same for all the species,

1 so that we take every pound of landings out of the generic
2 category and reassign it across the other species.
3
4 This is not a perfect process. It's a guesswork process, but
5 the alternative is to leave anywhere from 10 to 30 percent of
6 the landings out of the consideration and that's going to drop
7 the overall ACL I think probably in an unsatisfactory manner and
8 so that's why we did the redistribution and I hope that's clear,
9 but if you have any questions, please don't hesitate to ask.
10
11 **ROY CRABTREE:** This is only an issue in Puerto Rico, where we
12 have these smaller species groups and wouldn't be an issue if we
13 were using the larger species groups, like grouper and snapper,
14 correct?
15
16 **BILL ARNOLD:** That's correct, Roy. For the Virgin Islands,
17 they're all reported as the generic category. If used a single
18 generic category in Puerto Rico, this would not be a problem
19 either. We would simply have one overall landings poundage.
20
21 **ROY CRABTREE:** It seems to me we would use -- When we're using
22 these SFA kinds of smaller species groups, we need to use the
23 redistributed landings. Otherwise, you're going to have ACLs
24 that will be biased on the low side.
25
26 **BONNIE PONWITH:** What I would like to do is also constrain the
27 redistribution, so that we use only current year data to correct
28 current year data. In other words, we're not using last year's
29 distribution to redistribute a different year.
30
31 **ROY CRABTREE:** Bill, is that how we're doing it, what Bonnie
32 just said, or is that not how we're doing it?
33
34 **BILL ARNOLD:** That's not how we have done it. We have done the
35 total 1983 to 2007 landings averages to redistribute the data,
36 but -- When you do it year-by-year it can get pretty complicated
37 and it's going to depend upon the species group you're talking
38 about, but some species can be pretty underrepresented in any
39 single year's landings and that may be due to the fact that they
40 didn't catch many fish and it may be due to the fact that during
41 that year they were underreporting, misreporting, or not
42 reporting on that particular species. When you start doing year
43 by species, it can get pretty tricky.
44
45 **SHEPHERD GRIMES:** It's my understanding or it was my
46 understanding, from past discussions, that for the Virgin
47 Islands this group had already made a decision that you weren't
48 going to go species specific, because you didn't have that level

1 of data being reported. Why are the alternatives then based on
2 --

3
4 **GRACIELA GARCIA-MOLINER:** For St. Thomas and St. Croix, always
5 read grouper and for Puerto Rico, read Grouper Unit 4, because
6 there was no way that we could go back and redistribute the St.
7 Thomas/St. Croix grouper category. The alternatives are St.
8 Croix grouper, other than Nassau and goliath, and St. Thomas,
9 grouper other than Nassau and goliath.

10
11 **ROY CRABTREE:** This goes back to our earlier discussion though.
12 This is the problem with trying to break these species groupings
13 down like this and rather than just going consistently across
14 the region with these larger groups -- We're going to get into
15 all these kinds of issues and then you're potentially going to
16 end up with some sort of closure in Puerto Rico of one of these
17 smaller groups and they're over by some percentage, but it could
18 be the overruns, just based on how we redistributed the landings
19 some, and that's going to create all kinds of problems.

20
21 Then we've got the Center advising one thing, but that's not how
22 it's been done, but then there are problems with doing it that
23 way. We need to really get this ironed out, Bonnie. I guess I
24 would ask if Todd and Bill could put their heads together on
25 this a little bit and maybe we come back to that issue tomorrow,
26 when they're had time to think.

27
28 The data in Puerto Rico is reported by species, but as you can
29 see, there's a lot of stuff that's not reported by species and
30 you're going to get in a lot of trouble when you start trying to
31 hand that out. Then if you don't use it and don't redistribute
32 it, you're going to end up with really low catch levels and then
33 if people do start reporting, we're going to have problems.
34 Just think about that.

35
36 **TODD GEDAMKE:** Just as you were making that same comment
37 regarding the redistribution and if people start to -- Roy made
38 the comment that with the redistribution if we have people that
39 begin reporting by those species in the following years that
40 we're going to have an underestimate of what is being -- Let me
41 rephrase.

42
43 The total estimate for the ACL is going to be -- Through the
44 redistribution, we're going to take account of those species
45 that are not being reported by individual species. If people
46 change that reporting in the future, we are going to end up with
47 that level being too low and not representative of what's being
48 truly caught. Is that a good summary of what you said? Okay.

1
2 I just want to clarify that that same process, with the data
3 improvement project, is going to potentially occur across the
4 board. As we set these ACLs in place, we're basing them in the
5 Virgin Islands based on species groups and in Puerto Rico, we're
6 basing them on the species that are currently being reported.

7
8 I think we need to be clear in our logic as we move forward as
9 to whether we are looking at what is currently being collected,
10 which would then indicate that redistribution may be not the way
11 we want to go, and recalculate in future years, saying in future
12 years the sum category snappers has been reduced and now stuff
13 is being reported by species group. In the future, then that
14 ACL can potentially be adjusted. I just want to make sure that
15 we're clear in our logic of the grouping versus the species and
16 how we'll be monitoring it in terms of what's being reported by
17 species versus what's being reported by group.

18
19 **ROY CRABTREE:** Todd, I understand that improved reporting is
20 going to create issues we're going to have to deal with, but if
21 we use broader ACLs, broader species groupings ACLs -- There are
22 downsides to using broader ACLs, but it seems to me with the
23 uncertainties we have it's hard to get around that, but we would
24 avoid a lot of this redistribution issue if we went with the
25 broader ACLs, because we would essentially be lumping all this
26 stuff into one.

27
28 I'm just thinking down the road that may create fewer problems
29 with us. Then if the reporting improves so that we don't have
30 so much stuff not being reported by species, then we can come
31 back in and break these ACLs back down to smaller groups or
32 maybe even get to single species ACLs at some point, although I
33 think we have too many species down here to ever get to a single
34 species ACL situation.

35
36 Think about it. We've got hundreds of species in this plan and
37 I don't think any of us want to try and keep up with a hundred
38 ACLs and a hundred different accountability and I suspect a
39 large percentage of the fishermen out there can't really
40 identify -- I'm sure it's true with recreational fishermen who
41 are out there. They're not going to be able to necessarily
42 identify one species from the next for a lot of these things.

43
44 It's going to get really overcomplicated and I don't know what
45 the answer -- There isn't a good solution to us. We're trying
46 to find what's the short-term solution that has the fewest
47 pitfalls that are going to come back and bite us right now it
48 seems like to me.

1 **MARCOS HANKE:** I agree in many points to what you say, Roy. The
2 only thing that I want to add to what you're saying is that
3 species that are the main species used by either the
4 recreational or the commercial industry, maybe we should
5 consider those as a single species management, because they are
6 the ones most targeted.

7
8 Maybe we could have other groups that are not that targeted or
9 are a generic group once you use your fishing gear, X, or any
10 other fishing gear, but once we identify as a council one
11 species that's is used by the recreational fishermen, that is
12 used by them and the great majority of the catches is on that
13 species, we should have an ACL for that species as soon as
14 possible, as soon as we have the good data for it.

15
16 **EUGENIO PIÑEIRO:** Roy and Shep and the group, at this point, do
17 you need a motion in here or are we just going to move over and
18 wait for Bill and Todd's discussion tomorrow?

19
20 **MIGUEL ROLON:** I believe that we would allow Bill and Graciela
21 and Todd tomorrow to come up with some suggestions, as Roy
22 mentioned, and I don't think that you need a motion, but the
23 question again to Graciela and Bill is do you have enough
24 directives from the council at this time, so we can move on to
25 the next item? Do you need anything from us?

26
27 **GRACIELA GARCIA-MOLINER:** You wanted the grouper category
28 included as one of the alternatives to ACLs for groupers in
29 Puerto Rico, right, for Grouper Unit 4?

30
31 **MIGUEL ROLON:** We already did it.

32
33 **EUGENIO PIÑEIRO:** Graciela and Bill, if that's the case, then
34 move on, right?

35
36 **BILL ARNOLD:** No, I'm not exactly sure what you want.

37
38 **MIGUEL ROLON:** We need to continue with the list of alternatives
39 and if we don't need anything else, any action at this time, no
40 motions from the council, then we can continue.

41
42 **GRACIELA GARCIA-MOLINER:** You said that the council had already
43 made a motion to include for Puerto Rico the grouper category
44 and the snapper category, right?

45
46 **MIGUEL ROLON:** For everybody. That's what they said.

47
48 **GRACIELA GARCIA-MOLINER:** Just clarifying. That's all we need,

1 is to work on the alternatives.

2
3 **MIGUEL ROLON:** Check tonight just in case, the motions that
4 Livia has.

5
6 **GRACIELA GARCIA-MOLINER:** Send me an email of the motions. With
7 the snappers, again, for the Virgin Islands, it's a snapper
8 category for St. Croix and separate from St. Thomas and St.
9 John. Here, you have, again, for all snappers zero in the EEZ
10 and 123,000 or so pounds for the average of 1999 to 2007 and
11 134,000 pounds for the average of 2003 to 2007. For St. Thomas,
12 then you have 159,594 for 1999 to 2007 and 156,792 for 2003 to
13 2007.

14
15 The alternative that you have here will include the changes
16 after the SFA and for Puerto Rico, you have the -- Unit 1
17 includes specifically the silk snapper, the blackfin, the black
18 snapper, and the vermilion snapper. That's the current Snapper
19 Unit 1 group.

20
21 Again, for Puerto Rico, you have the alternative of zero in the
22 EEZ and then for the years 1999 to 2007, the same thing. The
23 average reported for those years, the average is adjusted for
24 that year. The average reported with redistribution and, again,
25 the average corrected with redistribution and Bill explained
26 what the redistribution was for the group and so it's the same
27 protocol that was followed. The range goes from 179,492 to
28 311,329 pounds for the landings between 1999 and 2007.

29
30 **ROY CRABTREE:** Don't go far, Bonnie, because I might ask you a
31 question. You advised us to use the corrected landings. Is
32 adjusted synonymous with corrected or is that yet something
33 else?

34
35 **BONNIE PONWITH:** Those are two separate things. The adjusted is
36 adjusted for underreporting and the redistribution is the one
37 where you're using known species breakdowns to calculate out the
38 unknowns.

39
40 **ROY CRABTREE:** What does corrected then mean?

41
42 **GRACIELA GARCIA-MOLINER:** She was making the difference between
43 adjusted and redistributed.

44
45 **ROY CRABTREE:** I understand redistributed, but what I don't
46 understand is the difference between adjusted and corrected.

47
48 **GRACIELA GARCIA-MOLINER:** They are synonyms. It's a correction

1 factor that the government of Puerto Rico has applied.
2
3 **ROY CRABTREE:** The Center has advised us that we should be using
4 the adjusted landings and so it seems to me the alternatives
5 that are using not adjusted landings ought to be removed.
6 Correct? Are we all in agreement? That should be throughout
7 the document. We should be using the corrected or adjusted
8 landings throughout the document.
9
10 **BILL ARNOLD:** That would be as opposed to the reported landings
11 and not as opposed to the redistributed landings. The debate
12 remains.
13
14 **ROY CRABTREE:** It's a separate issue from the redistributed.
15
16 **BILL ARNOLD:** That's right. We don't want to use reported
17 landings. We want to adjusted/corrected landings.
18
19 **ROY CRABTREE:** Do we need a motion, Mr. Chairman? Okay. **I move**
20 **that throughout the document we use the adjusted/corrected**
21 **landings and we remove all of the alternatives using the not**
22 **adjusted/corrected landings.** That's my motion and if there's a
23 second, I'll explain it a little better.
24
25 **BEULAH DALMIDA-SMITH:** Second.
26
27 **ROY CRABTREE:** Effectively, that means that we're not going to
28 use alternatives that just have just the reported landings.
29 Bill, the adjusted/corrected landings will always be higher,
30 correct?
31
32 **BILL ARNOLD:** So far they've always been higher.
33
34 **ROY CRABTREE:** This means your ACLs are going to be higher and
35 it means the possibility that we get in trouble down the road
36 when reporting increases I think is diminished some, because
37 we're assuming some non-reporting and adjusting upwards. I
38 think the Center is in agreement with this. Is that right,
39 Bonnie?
40
41 **BONNIE PONWITH:** Just as a clarification, we have guidance from
42 Puerto Rico on how to make the adjustments for underreporting
43 and misidentification and so those landings we are able to make
44 the adjustments. We do not have similar guidance for St. Croix
45 or St. John/St. Thomas.
46
47 Those numbers, and this gets back to the comment that I made
48 earlier, that we should always use the adjusted in the case

1 where we have adjusted. This is a situation -- We don't have
2 the ability to make those adjustments in the Virgin Islands at
3 this point, but getting to the place where we can would be
4 advisable.
5
6 **ROY CRABTREE:** The intent of my motion would be where we have
7 adjusted/corrected landings. Obviously if we don't have an
8 adjusted/corrected landing then we have to use whatever other,
9 the reported landings, I guess.
10
11 **EUGENIO PIÑEIRO:** Roy, is that your motion?
12
13 **ROY CRABTREE:** Move that throughout the document we use the
14 adjusted/corrected landings where available.
15
16 **EUGENIO PIÑEIRO:** Do you agree with that, Beulah? Okay.
17
18 **ROY CRABTREE:** We remove all the alternatives not
19 adjusted/corrected landings when adjusted/corrected landings are
20 available. Okay, I think that's it.
21
22 **EUGENIO PIÑEIRO:** Let's vote on it. Is there any further
23 discussion? We'll vote.
24
25 **MARCOS HANKE:** Yes.
26
27 **MIGUEL GARCIA:** Yes.
28
29 **BEULAH DALMIDA-SMITH:** Yes.
30
31 **WINSTON LEDEE:** Yes.
32
33 **ROY CRABTREE:** Yes.
34
35 **CARLOS FARCHETTE:** Yes.
36
37 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**
38 Graciela and Bill, you can proceed.
39
40 **GRACIELA GARCIA-MOLINER:** We've covered the species that are
41 overfished and undergoing overfishing, the ACLs from the
42 commercial sector. Now, there is that issue of the recreational
43 sector.
44
45 For this, the alternatives have changed, because there were some
46 suggestions of having a 10 percent of the commercial catch for
47 the recreational harvest in the U.S. Virgin Islands, but at the
48 last council meeting, specifically -- These are the alternatives

1 that you have in the document that came out of that discussion,
2 to not set a recreational ACL for St. Croix, for the EEZ off of
3 St. Croix, but to use the commercial ACL to monitor the
4 recreational sector and as a mechanism for accountability
5 measures in the recreational sector.

6
7 There is no MRFSS or no specific survey for recreational data
8 gathering in the Virgin Islands as of right now. The efforts
9 include setting regulations in place for the recreational
10 fishers, but there hasn't been anything new regarding the
11 recreational surveys in the Virgin Islands and so the same thing
12 that you've seen for St. Croix also applies for St. Thomas/St.
13 John.

14
15 The information that's available was reviewed in the document,
16 specifically two or three annual surveys that have been
17 conducted, and they touch on the landings by the recreational
18 sector, but for Puerto Rico, we have included the recreational
19 sector ACL for each of the groups that we have been discussing.

20
21 One of the alternatives is to include an ACL for the queen conch
22 for the recreational sector. The problem with the MRFSS is that
23 the Marine Recreational Fisheries Statistics program does not
24 collect information on the invertebrates and so there are only
25 two waves in 2001 that had any information on queen conch
26 specifically and that has been reported as having something like
27 50,000 participants, annual participants, in the recreational
28 harvest of queen conch, but there is no actual -- Actually,
29 there is an estimate of the total number of conch landed, but
30 we're trying to get the Department of Natural Resources to give
31 a report on that, because that was a special survey and we have
32 the data, but we don't have the background data for setting a
33 number here and so we have it just as a generic to include the
34 average conch landings of the MRFSS and it's actually 2001 and
35 not 2000 when the survey was conducted.

36
37 That's the only information that's available on the conch
38 recreational harvest in Puerto Rico, but, again, queen conch is
39 zero in the EEZ in Puerto Rico and so that includes the
40 commercial and the recreational.

41
42 **ROY CRABTREE:** It seems to me we don't need this alternative.
43 We need one alternative that sets one ACL that's commercial and
44 recreational and sets it at zero for Puerto Rico and I think the
45 same for St. Thomas/St. John.

46
47 Now, in St. Croix, is all of the harvest of queen conch there --
48 Is there any recreational harvest of queen conch in St. Croix

1 from the EEZ?
2
3 **CARLOS FARCHETTE:** Yes, there is, but there's very little. Not
4 very little harvest, but very few fishermen that make it out to
5 the EEZ recreational.
6
7 **ROY CRABTREE:** We don't have any estimates of the recreational
8 harvest of queen conch in St. Croix anyway?
9
10 **CARLOS FARCHETTE:** No, we don't.
11
12 **ROY CRABTREE:** Graciela, maybe I missed it, but have we already
13 gone through the St. Thomas recreational or did we start here
14 with Puerto Rico? Is that next?
15
16 **GRACIELA GARCIA-MOLINER:** The problem is that we don't have any
17 specificity as we did in Puerto Rico for the species groups.
18 For St. Thomas and St. Croix, it's a generic recreational ACL
19 based on the commercial to monitor the recreational. You can
20 make a generic motion to include the recreational in the
21 commercial ACL.
22
23 **BEULAH DALMIDA-SMITH:** If I remember correctly, based on our
24 last session in September, we decided not to set a recreational
25 ACL for the Virgin Islands whatsoever, because we had no data.
26 I think we do have an alternative in here that reflects such,
27 that we will not set one until we have a recreational survey
28 completed. I think that carries it through for us, unless
29 there's further discussions.
30
31 **ROY CRABTREE:** I'm ready to make a motion. **My motion is not to**
32 **set sector-specific ACLs for conch.** What that means is we're
33 going to have a single ACL that includes commercial and
34 recreational, which means the recreational actions or
35 alternatives for conch would go out of the document everywhere.
36 We're not going to set sector-specific ACLs for conch anywhere.
37 The two sectors are commercial and recreational. We're not
38 going to set a commercial and a recreational. We're just going
39 to set a single ACL for conch.
40
41 **MIGUEL ROLON:** What I was going to say is that by sector, we
42 understand that's separate from geographical area sectors and we
43 are referring to commercial and recreational.
44
45 **ROY CRABTREE:** I'm referring to recreational and commercial. I
46 think where that leaves us is it's going to be zero for the EEZ
47 for Puerto Rico and zero for the EEZ for St. Thomas and then
48 it's going to be whatever number we end up with for St. Croix

1 and we don't have any estimates of the recreational queen conch
2 catches there anyway and so it's effectively just the commercial
3 take.

4
5 **BEULAH DALMIDA-SMITH:** Just to be clear, we're not going to set
6 sector-specific, as you put in there, Roy, but that means that
7 we'll now have to increase that ACL for St. Croix. We did say
8 that we'll wait until the SSC meets again to determine if they
9 do have a different figure and so I'll hold off on that
10 question.

11
12 **ROY CRABTREE:** I think in the motion at the last meeting we
13 decided not to set recreational ACLs for the U.S. Virgin Islands
14 and so that means the ACL for St. Croix would just be a
15 commercial ACL and I didn't mean to change that at all.

16
17 **EUGENIO PIÑEIRO:** Is there a second?

18
19 **BEULAH DALMIDA-SMITH:** Yes.

20
21 **EUGENIO PIÑEIRO:** Any further discussion in here? None? We'll
22 vote.

23
24 **CARLOS FARCHETTE:** Yes.

25
26 **ROY CRABTREE:** Yes.

27
28 **WINSTON LEDEE:** Yes.

29
30 **BEULAH DALMIDA-SMITH:** Yes.

31
32 **MIGUEL GARCIA:** Yes.

33
34 **MARCOS HANKE:** Yes.

35
36 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**
37 Go ahead, Graciela and Bill.

38
39 **GRACIELA GARCIA-MOLINER:** That brings us to the recreational
40 ACLs for parrotfish, groupers, and snappers, which is going to
41 be all the same. What you have in the options paper is the A
42 plus B1 in numbers of fish reported from the MRFSS.

43
44 The reason for having the number of fish reported rather than
45 the actual poundage is because when you look at the poundage
46 from the MRFSS, the way that they do the conversion is that if
47 they don't have a weight for the species, that species gets
48 assigned a zero or a very low number and so you end up with, for

1 example, 25,000 numbers of fish and 23,000 pounds for things
2 like the queen snapper, the silk snapper.

3
4 The parrotfish are much smaller, but the larger groupers, you
5 end up with very small fish, which when you go and review the
6 information that's available from the MRFSS instead of the
7 number of sample sizes to determine these weights are very few.

8
9 We went through the SEDAR and the SEDAR had looked at the
10 yellowfin, at the mutton snapper, at a number of species, and so
11 we know that the sample size of the intercepts are very low.
12 The MRFSS in Puerto Rico has been in place since the year 2000
13 and it has had varying degrees of effort in terms of the
14 intercepts.

15
16 The telephone interviews are conducted on a regular basis. The
17 intercepts to identify the species and to actually make data
18 available for the conversion factors to weights are really
19 scarce.

20
21 We've reported on the actual number of fish and at the last
22 council meeting, we presented information gathered from
23 recreational fishers on an informal basis on the average weight
24 of some of these species, but that hasn't gone any further in
25 terms of acquiring new data to convert the number to weights.

26
27 We started a little survey to see what was the average weight
28 for the species that we are dealing with, so that we can make
29 some conversion, but that hasn't come to fruition and so the
30 best available information that we have right now is the number
31 of fish that are reported through the MRFSS.

32
33 This is the way that they've been reported for the various time
34 periods that the council requested, again the 2000 to 2007, and
35 that's a complete dataset for the MRFSS in Puerto Rico, and the
36 2003 to 2007, the last five years of the data. They are, again,
37 reported like that in this case.

38
39 We have the numbers of fish for parrotfish and, again, because
40 of the same problem with the redistribution, all parrotfish are
41 included and so the total numbers for 2000 to 2007 range between
42 17,785 fish and in 2003 to 2007, 13,729 reported by the
43 recreational harvesters in Puerto Rico. Again, you have the
44 alternative of using the commercial ACL to monitor the
45 recreational harvest.

46
47 The same thing was done for Grouper Unit 4. These are species-
48 specific information from the MRFSS. We also looked at the

1 consideration of the grouper as a whole and so that might be, as
2 you have done for the commercial, to look at the grouper
3 category for the recreational harvest in Puerto Rico.

4
5 For the Grouper Unit 4, the tiger and the yellowfin, it goes
6 from zero to 588 fish landed, the average, between 2000 and 2007
7 and 730 fish between 2003 and 2007 and we have the option of
8 using the commercial ACL to monitor the recreational catch.

9
10 Finally, for Snapper Unit 1, specifically from the MRFSS, you
11 have over 95,000 fish landed between 2000 and 2007. The
12 conversion factor from that is much lower in terms of poundage
13 and so if you even do one pound to the fish, then you get 90,000
14 pounds of Snapper Unit 1 being landed.

15
16 The 2003 to 2007 is 97,937 fish and then you also have the
17 option of using the commercial ACL to monitor the recreational
18 catch. In the options paper, we've included these numbers in
19 terms of a graph, so that you'll see the variation among the
20 years, and we do have a table in where we have -- This is not
21 one of the alternatives in the options paper, but we have
22 included the total category of parrotfish, of grouper, and of
23 snappers together for all of the MRFSS data and that's what you
24 have on the screen right now. This is only for Puerto Rico.

25
26 It shows the average between 2000 and 2005, 2000 and 2007, 2003
27 to 2007, and then after the SFA, the 2006 to 2007. For the
28 parrotfish, the actual numbers landed over that period of time,
29 it's on the first row on each of the categories and then the
30 conversions factors as derived from the MRFSS and this is what I
31 was saying at the beginning.

32
33 If you look at this poundage, you will see that most of these
34 fish will be less than a pound or about a pound and the same
35 thing for groupers and the same thing for snappers. This would
36 be an additional alternative that is not in the options paper.
37 The options paper only looked at the species-specific
38 information from the MRFSS. What does the council members want
39 to do about the recreational fisheries of Puerto Rico?

40
41 **MARCOS HANKE:** The issue here is, because we don't have the
42 poundage, it's hard to convert and to work with this. Go back
43 to grouper or snapper or any of them, to all the alternatives
44 you have, please. Which of those represent a bigger ACL after
45 we make your corrections and your calculations, a higher level
46 of ACL for the recreational sector in this case?

47
48 **GRACIELA GARCIA-MOLINER:** These are just number of fish and so I

1 don't know if you can set an ACL based on the number of fish.

2

3 **MARCOS HANKE:** That's why I'm making the question.

4

5 **GRACIELA GARCIA-MOLINER:** That's one thing. You do have a table
6 where we've put together the average poundage as derived from
7 the MRFSS with the correction factors that they use, but not any
8 additional correction factors. For example, at the last council
9 meeting, I think we had a graph or a table that had eight pounds
10 for some of the larger groupers and so we haven't done any of
11 that here. We've just used the information as it is available.

12

13 If you do look at the last sub-alternative here, D, you can use
14 the commercial ACL and the commercial ACL for the groupers, now
15 you have what we talked about earlier in Grouper Unit 4, to use
16 the adjusted and redistributed landings from the commercial
17 catch for Grouper Unit 4 and to also include the all grouper
18 category into the commercial ACL for groupers. That would be in
19 the hundreds of thousands of pounds.

20

21 **MARCOS HANKE:** If we have for the grouper, using a reference,
22 the ACL for the commercial, you're saying we're going to use
23 exactly the same number and we're going to just use that ACL or
24 are we going to use -- Are we going to assume that we do 50
25 percent of the catch on the recreational sector and add to the
26 ACL?

27

28 **GRACIELA GARCIA-MOLINER:** The way that it's written here is that
29 if you have the commercial ACL set, let's say 100,000 pounds,
30 once that ACL is reached, then the accountability measures will
31 apply to both the commercial and the recreational. If it means
32 that you're closing the EEZ to the fishing of whatever, it will
33 be for both the commercial and the recreational.

34

35 **MARCOS HANKE:** I want to clarify something to the council which
36 is my point on this. I understand that it's more enforceable
37 and it's going to work better if you close the fishery for
38 grouper, let's say, if you overrun for the recreational and
39 commercial, but I don't think it's fair, because we don't have
40 the right numbers here, to just use the commercial information
41 and penalize the recreational because we don't have the data and
42 this is a fishery that has taken place and the resource has been
43 removed throughout the years.

44

45 I think we need to analyze this better and try to find out which
46 way we can reflect what's going on in the field with the
47 recreational fishermen. I know that it's a headache, but
48 otherwise, it's going to affect the recreational sector in a

1 very big manner.

2
3 **BILL ARNOLD:** I would just like to make one suggestion. The
4 recommendation is that we set a single ACL for recreational and
5 commercial. I think that was the SSC recommendation and that
6 would be based on pounds.

7
8 At least for the foreseeable future, we're going to have a
9 difficult time converting numbers caught through MRFSS into
10 pounds and so I would like to suggest that you at least consider
11 setting separate ACLs for the commercial and recreational, with
12 the commercial based on pounds and the recreational based on
13 numbers. That eliminates this problem of trying to convert from
14 numbers to pounds, which is a biased and potentially problematic
15 approach.

16
17 **ROY CRABTREE:** Bill is right. If you decide you want to have a
18 separate recreational ACL, you would be better off to set it in
19 pounds and we're basing this all on average landings and MRFSS
20 really reports these things in numbers of fish and so you would
21 be better off to set your ACL for the recreational sector in
22 numbers of fish and not try to make conversions, in my opinion.

23
24 **EUGENIO PIÑEIRO:** I need a correction here. Bill, is that what
25 you said, fish versus pounds, because I understood the opposite.

26
27 **BILL ARNOLD:** I must not have been clear, but my suggestion
28 would be, as we're doing, the commercial is set in pounds and
29 the recreational is set in numbers and forgive me if I misstated
30 that.

31
32 **ROY CRABTREE:** Back to the other issue, Graciela, you had
33 something up there that showed the actual numbers a minute ago
34 for some of these.

35
36 **GRACIELA GARCIA-MOLINER:** You have the actual numbers for
37 Grouper Unit 4 and for Snapper Unit 1 and then those were the
38 ones that were in the options paper. For example, here you're
39 looking at 95,000 fish plus for Snapper Unit 1 for that period
40 of years.

41
42 As we were developing this options paper, then we talked about
43 what you have discussed here today, grouping all the groupers
44 and all the parrotfish, et cetera, and that's what that table
45 is. It has the numbers at the top and it has the poundage in
46 the middle and it has the representation of what the
47 recreational catch is compared to the commercial catch. Again,
48 the poundage here, it's well, well underrepresented.

1 **MIGUEL ROLON:** Graciela, the table then, you have that for
2 recreational and that percent that you have at the third line is
3 what is supposed to be the commercial percentage?
4

5 **BILL ARNOLD:** That would be the percent of the commercial catch
6 that the recreational catch equates to, based upon that poundage
7 conversion. That's pounds to pounds, but clearly those pounds
8 estimates are underestimates of reality, which is probably at
9 least two to three pounds per fish, and now you're going to be
10 sending your percent of commercial up to the 75, 100, 125
11 percent range.
12

13 **MARCOS HANKE:** What makes me really worry here is this exercise
14 that we are doing that I think we can get better numbers on this
15 is that the recreational fishermen are fishing and we have been
16 discussing this as a general rule that we catch like 50 percent
17 of the total catch, let's say of the Snapper Unit 1, 50/50, as a
18 general rule.
19

20 If we establish the ACL based on the commercial, just on the 50
21 percent of the commercial, we're going to go over the ACL in a
22 hurry once we start to measure the recreational, because of the
23 fishery that is taking place now.
24

25 **BONNIE PONWITH:** Graciela, one more clarification on the
26 Alternative D and that is you are monitoring the commercial
27 harvest of the commercial ACL and when the commercial ACL is
28 hit, you close both fisheries. Is that correct?
29

30 **GRACIELA GARCIA-MOLINER:** I'm saying closed as one of the
31 alternatives. I don't know what the council is going to do
32 regarding accountability measures.
33

34 **BONNIE PONWITH:** You take your accountability measure and you
35 take that action and so basically, you're not monitoring the
36 recreational fishery directly. You're using the pace at which
37 the commercial fishery reaches its ACL as a proxy for the same
38 in the recreational fishery, right?
39

40 **MARCOS HANKE:** This is the part that really touched me here with
41 the people that I represent or try to represent here, is that in
42 Puerto Rico -- I'm talking about Puerto Rico for sure and St.
43 Thomas and St. Croix too, especially St. Thomas, but the
44 recreational sector includes in some way not charterboats
45 essentially, but tourists also that come to the islands to fish
46 or to enjoy the fishing or whatever by themselves.
47

48 Economically for the islands, it's very dangerous to say to the

1 tourists that they cannot fish anymore. The economic impact is
2 very big and that's why you need to really take care on this.

3
4 I think we have mechanisms like establishing for the
5 recreational fishermen and create side-by-side to this a
6 framework that we spoke of earlier to modify the ACL for
7 recreational in the future with the bag limit, until we have the
8 real knowledge of how much fish we catch. The bag limit will
9 allow us to restrict the industry, but keep the industry moving
10 through this process without the risk of closing the fishery
11 right away.

12
13 **MIGUEL ROLON:** We are missing a couple of things here, Marcos.
14 The 50/50 percent was something that was a guesstimate by
15 scientists some time ago. The best available data you have now,
16 when converted to -- It means that for let's say grouper, that's
17 close to 40 percent, meaning that the recreational guys catch
18 about 40 to 53 percent of the total harvest.

19
20 If you go with snappers, it's 19, 21, 21, 35, but once you
21 establish that ACL, and we don't have the AMs here, the best
22 available data that you have tells you to close it and this is
23 one of the problems. If we close it for the commercial guys, we
24 need to close it for the recreational guys, because that's the
25 way the cookie crumbles.

26
27 In the case of what you're saying, the only way the council can
28 defend something like that is by having better data or something
29 else that will reexamine those numbers, but to do that, we're
30 stuck with what we have.

31
32 **MARCOS HANKE:** What I'm trying to do with what I'm explaining
33 here is that if we go to the essence of what recreational
34 fishing is, we don't need to catch a hundred pounds of snapper
35 to have fun. You can catch less and still they're both going to
36 go out of the marina and execute the fishing. Just a
37 measurement of control to avoid getting over the ACL and take
38 that in account once we establish and extrapolate those numbers
39 to the recreational ACLs.

40
41 **ROY CRABTREE:** Part of the problem is we don't have any bag
42 limits in the EEZ for any of this stuff and so we're way behind.
43 I understand that you don't want to be closed when the
44 commercial is and so I guess you could take that alternative in
45 or out, but then you're going to set a recreational ACL based on
46 what the average of landings would be and it's almost a
47 guarantee you're going to go over it at some point and that's
48 going to mean you're going to be closed down.

1
2 Now, we need bag limits on these species to make sure we don't
3 hit the ACLs, but the problem with bag limits are we don't have
4 a commercial permit and so we don't know who is commercial and
5 who is recreational and so we're way behind where we need to be
6 and it is going to create problems, but it's hard for me to
7 envision how this all happens without some closures.

8
9 Now, remember we're not talking about monitoring your catches
10 and closing you down when you've reached it, at least not for
11 the commercial fishery, because we're a year or a year-and-a-
12 half after the fact getting those landings, but in the
13 recreational fishery in Puerto Rico, we get the estimates from
14 MRFSS and that is a little more timely and it would be possible
15 to close you down because we think you've already caught your
16 ACL and that's something we're going to need to talk about as a
17 council, is whether you want to do that or whether you want to
18 just look back and see did you go over last year and we need to
19 make a change.

20
21 Bill, do you know off the top of your head what the CVs are on
22 most of the Puerto Rico recreational estimates for like snapper
23 and grouper for these numbers? Do we have that, what the CVs
24 are?

25
26 **BILL ARNOLD:** I do not have that, Roy.

27
28 **ROY CRABTREE:** There are a lot of decisions to be made here.

29
30 **MARCOS HANKE:** I understand there is a lot of decisions, but my
31 other question, trying to be specific, is this is not the time
32 to start the process to establish a bag limit for the
33 recreational?

34
35 **ROY CRABTREE:** The trouble is unless we could establish a bag
36 limit and then have it but it doesn't apply to fishermen who
37 have territorial commercial licenses -- If we could do that, we
38 could maybe do bag limits, but that's going to be a whole lot of
39 work, to decide what should the bag limit be and how we're going
40 to analyze it and all the rest of it, but could we do that,
41 Shepherd?

42
43 You could, I guess, establish a couple of generic bag limits,
44 like no more than this many grouper or no more than this many
45 snapper and then I guess Shepherd is telling me for conch that
46 we have one and apparently anyone who has a territorial license
47 is exempted from the bag limit. It does not apply to a
48 fisherman who has a valid commercial fishing license issued by

1 Puerto Rico or the U.S. Virgin Islands.

2
3 I would say yes, if you want to establish just a generic bag
4 limit for grouper or snapper and exempt people who have the
5 territorial license, you could do that, but you need to decide
6 at this meeting if you do want to do it or not and you need to
7 give us some guidance about approximately what those bag limits
8 would be.

9
10 Then you're going to have to decide are they going to apply just
11 in Puerto Rico or are they going to apply in the Virgin Islands?
12 We could do it in the Virgin Islands, but we're not setting ACLs
13 in the Virgin Islands, but that still doesn't mean you couldn't
14 set some sort of a bag limit and probably you ought to.

15
16 **MARCOS HANKE:** The problem is that I have some reservations with
17 the MRFSS data and the implications they're going to have now to
18 our industry and this idea is not that I think I have a magic
19 solution for this, but I think it's a good tool, because when
20 you make your estimate, you're going to estimate based on
21 something else that helps us to have much better numbers of what
22 is going on. I can work on this and I can give you guidance,
23 but if it has to be today, I have to meet with them to see if --

24
25 **ROY CRABTREE:** No, I think what you would need to tell staff --
26 It doesn't have to be today. We've got tomorrow. I think then
27 you would need to give staff guidance that you want to look at
28 some alternatives for recreational bag limits for snapper and
29 grouper.

30
31 I can tell you, for example, in the Gulf and the South Atlantic
32 we have an aggregate grouper bag limit and it has for years been
33 five, no one can keep more than five grouper per person, and
34 we've lowered it, because we have overfishing problems, and it's
35 now down to no more than three per person in the South Atlantic
36 and I think the Gulf is at four.

37
38 For snapper, I think we've had an aggregate bag limit on the
39 order of ten fish or so, but I would have to look and see, but
40 you could ask staff to add some alternatives for aggregate
41 snapper grouper bag limits like that if you wanted to and we
42 could see what we could do with it.

43
44 **MARCOS HANKE:** I would like to do so. I would like to have some
45 guidance on it and to get follow up on this. I want the ball to
46 start to roll on this.

47
48 **ROY CRABTREE:** Then I think, Mr. Chairman, that you ought to

1 make a motion to add alternatives for an aggregate snapper bag
2 limit and an aggregate grouper bag limit.

3
4 **MARCOS HANKE:** So moved to establish bag limits for snapper and
5 grouper groups -- Aggregate recreational bag limits and grouper
6 groups.

7
8 **ROY CRABTREE:** I'll second this. The way I'm thinking, this
9 would just be a grouper bag limit for all grouper species and a
10 snapper bag limit, that you can have up to this many snapper.
11 If you start talking trying to split them out by species, it's
12 going to get really complicated.

13
14 **MARCOS HANKE:** On the discussion, I just want to make sure that
15 those bag limits have to be an input of the industry. In my
16 case on the council, I want to have a real input on this,
17 because the idea of those bag limits, again, is to have another
18 tool to keep our industry running and not overrun the ACL and at
19 the same time, to be able to establish the highest ACL possible
20 for the industry to keep running in the beginning of this
21 process.

22
23 **ROY CRABTREE:** I think it does reduce the likelihood that we go
24 over the ACL and so that's a good idea and you'll have another
25 chance -- You're going to see this document several more times
26 and there will be more votes and I don't know if we're going to
27 do more public hearings, but I imagine we will at some point.
28 We will do public hearings and so they'll have a chance to see
29 all this stuff.

30
31 **BEULAH DALMIDA-SMITH:** A point of clarification. This motion,
32 does it include the Virgin Islands? If it does, I just wanted
33 to put on the record that we are in the process, with MRAG
34 Americas, of developing our recreational survey and we are
35 discussing issues such as -- The licensing process involves bag
36 limits and other measures and so I really don't want to approach
37 it knowing fully well that we are acting on it through that
38 process and so I really would like to remain out of this at this
39 time and once our recreational data comes online or we have
40 developed our surveys, then we can include that as a combined
41 package.

42
43 **GRACIELA GARCIA-MOLINER:** I have a question for Roy regarding
44 the bag limits. Are the bag limits for the recreational, the
45 aggregate bag limits, related also to a size limit for those
46 species or they're just any size fish over -- I can't remember
47 if they're --

48

1 **ROY CRABTREE:** Yes, the size limit would be in place, too. If
2 you have a twelve-inch size limit and the bag limit was three,
3 you would only be able to have three and they would all have to
4 be over twelve inches.
5
6 **MARCOS HANKE:** Roy, this isn't the case that the size limit is
7 established.
8
9 **ROY CRABTREE:** If there's no size limit, then there's no size
10 limit and we have some size limits, but I don't remember how
11 many. We have a size limit for yellowtail snapper and I'm not
12 sure about other things. Doesn't Puerto Rico have some size
13 limits for other species? There are some territorial size
14 limits that might apply.
15
16 **MARCOS HANKE:** They have --
17
18 **GRACIELA GARCIA-MOLINER:** None for the species that you're
19 discussing, except the queen conch. None for the deepwater
20 snapper, the Snapper Unit 1.
21
22 **WINSTON LEDEE:** One question on Roy. Did you hear Beulah's
23 statement?
24
25 **ROY CRABTREE:** Could you repeat it, please?
26
27 **BEULAH DALMIDA-SMITH:** I basically wanted clarification as to
28 this motion. Does it involve the U.S. Virgin Islands, primarily
29 because we are in the process of developing a recreational
30 survey with MRAG Americas, which will include in the whole
31 licensing process bag limit and everything else that matters. I
32 don't know if it would behoove us to approach it at this time or
33 wait until we have that complete package together to submit to
34 the council.
35
36 **ROY CRABTREE:** I would think we could just set it up so here's
37 some alternatives for bag limits and we could have a sub-
38 alternative that says Puerto Rico only and a sub-alternative for
39 the Virgin Islands and then you can decide that at the next
40 meeting or two, what you want to do.
41
42 **EUGENIO PIÑEIRO:** No further discussion? Thank you. We'll
43 vote.
44
45 **MARCOS HANKE:** Yes.
46
47 **MIGUEL GARCIA:** Yes.
48

1 **BEULAH DALMIDA-SMITH:** Yes.
2
3 **WINSTON LEDEE:** Yes.
4
5 **ROY CRABTREE:** Yes.
6
7 **CARLOS FARCHETTE:** Yes.
8
9 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**
10
11 **GRACIELA GARCIA-MOLINER:** Accounting for uncertainty, Action
12 Number 7, you had asked the staff to put together the 85 percent
13 of the chosen average catch level to adjust for uncertainty.
14 The rest remained the same and so that's the case for the U.S.
15 Caribbean EEZ and then you do have, under Action 7b, for the
16 parrotfish, for the groupers, for the snappers, and they all
17 read the same, 25, 50, 75 percent and 85 percent uncertainty
18 levels. Basically, your ACL multiplied by the chosen
19 uncertainty level, that's what the limit would be.
20
21 **EUGENIO PIÑEIRO:** Any new elements the council would like to
22 have there?
23
24 **GRACIELA GARCIA-MOLINER:** You also have the no action, as in
25 every other alternative.
26
27 **EUGENIO PIÑEIRO:** Any new element that the council members would
28 like to have in there? No?
29
30 **BONNIE PONWITH:** I think it's a very good idea to have a range
31 of alternative available. It certainly is in keeping with the
32 process, but I will say that I'm not comfortable with 85 percent
33 as an alternative that is supported by the state of the science
34 right now. I guess what I would like to do is ask if Todd has
35 anything he wants to add to that, if that's all right.
36
37 **TODD GEDAMKE:** Just to follow up, what I touched on in the
38 presentation earlier was trying to get at the feel for the
39 uncertainty and the uncertainty scaler that's to be used. One
40 of the proposals and the tie-in that I was trying to get across
41 is the average years that are used are also tied directly into
42 that and so please keep that in mind when you're considering the
43 uncertainty scaler that should be used.
44
45 Bonnie's comment a moment ago was that there is considerable
46 uncertainty on some of these landings, but keep in mind that
47 what we're touching on is both the fact that the species groups
48 that we're focusing on right now are in an overfished or

1 undergoing overfishing situation.

2
3 The average catch from that point in time, when that designation
4 was made, has to be reduced and currently, the scalers that are
5 being considered and have been discussed in councils around the
6 country range from about 0.5 to 0.75.

7
8 The justification of the values that I was throwing out during
9 my talk earlier are really trying to get a feel for by choosing
10 those years that represent when the determination was made, we
11 would be comfortable with not going with that lower scaler of
12 0.5, which is in the SEDAR data report, but we could see that
13 0.75 would be an acceptable level of uncertainty.

14
15 **MARCOS HANKE:** You are proposing to eliminate the 85? Because I
16 remember exactly the discussion that we had at the last meeting
17 and I was the one that proposed this, in order to understand the
18 process and to give something to go around and to educate us.
19 To the point that we have with the data that we have now, what
20 will be an adverse effect of using the 85? Can you give an
21 example for us?

22
23 **BONNIE PONWITH:** We're doing two things here. First of all, in
24 a condition where a stock is undergoing overfishing, there's a
25 mandated reduction that's required and in addition to the
26 mandated reduction, you have to take into consideration
27 scientific uncertainty.

28
29 To have 15 percent represent both of those components in that
30 equation is a very, very narrow margin and I think that 15
31 percent reduction --

32
33 (Tape change)

34
35 **BONNIE PONWITH:** -- in the confidence in the data, the stability
36 of the data.

37
38 **MARCOS HANKE:** I am willing to take off the 85 percent, because
39 we are using a higher level or a higher average of the catch, as
40 we discussed in the past, and I think that is getting closer to
41 what the council is pursuing.

42
43 **MIGUEL ROLON:** That's not a rationale. The rationale that they
44 are offering is that the confidence interval is bigger than the
45 production that you have there. We are not trying to please
46 anybody by having a higher level of whatever. The science tells
47 you that 85 is not enough to account for the uncertainty that
48 you have in this area.

1 **MARCOS HANKE:** I understand. I misexpressed myself.
2

3 **BEULAH DALMIDA-SMITH:** I wanted to know what the SSC recommended
4 in terms of the uncertainty measures. Is there any proposed --
5 I know Todd did mention the 0.5 or the 0.75, but I would like to
6 hear from Dr. Kojis what she would recommend.
7

8 **BARBARA KOJIS:** The SSC supported the ACLs that were recommended
9 by the ACLG group and so we did not -- Because they were ACLs,
10 we did not make any recommendations regarding uncertainty
11 measures, because these uncertainty measures, if we're talking
12 about ACLs, which was what the ACLG group was working with,
13 these are management uncertainty factors and that's the
14 responsibility of the council.
15

16 **WINSTON LEDEE:** A question, Todd. What triggers the uncertainty
17 to kick in? Is it the ACLs or the accountability?
18

19 **GRACIELA GARCIA-MOLINER:** Could you repeat the question, please?
20 I couldn't hear the question.
21

22 **TODD GEDAMKE:** Winston, could you just repeat that one more
23 time?
24

25 **WINSTON LEDEE:** What triggers accountability measures to kick
26 in? Is it the ACLs or the uncertainty?
27

28 **TODD GEDAMKE:** What triggers the accountability measures is when
29 the ACL is exceeded and so the determination of the ACL is based
30 on the uncertainty that I think Bonnie just summarized very
31 well, that there are two different aspects to this prior to
32 getting to that ACL.
33

34 In our case, we're looking at an average catch that has to come
35 out of the overfishing, to come down from that, and then there
36 is also scientific uncertainty on top of that OFL, which reduces
37 that, in addition. There's two components to the uncertainty to
38 get to that ACL.
39

40 **BONNIE PONWITH:** I would add that what goes up can come down and
41 that is that there is scientific uncertainty, as Miguel
42 mentioned, that if the confidence intervals are wider than would
43 allow a 15 percent reduction to account for it, that as the
44 quality of the data improves, as our data collection programs
45 become more robust and participation in those data collection
46 programs become more robust and the confidence in those data
47 becomes higher, that can be taken into consideration in the
48 future.

1 **BEULAH DALMIDA-SMITH:** Are we taking into consideration now the
2 seasonal closures that we have in all of the MCDs and those
3 other measures that are already in place? Did we factor those
4 into the equation?
5

6 **TODD GEDAMKE:** That's a perfect one for me to follow up, because
7 in my presentation, what I was really hoping to convey from this
8 is that by looking at those years prior to the SFA -- In 2005,
9 that's when that designation was taken and so by using those
10 years, we are taking into account the fact that there has
11 already been management measures that have been in place and
12 that average catch generally has been reduced from that point in
13 time.
14

15 We're basically, by looking at that as a component of that
16 uncertainty, we are giving credit to the fisheries for having
17 those regulations imposed on them. That's really the first
18 component that I was getting at in what I was terming probably
19 not particularly as uncertainty, but that's the first step and
20 that is the reductions to try to get down to that OFL. The next
21 scaler is the ones that we're really looking at here.
22

23 **EUGENIO PIÑEIRO:** Any further discussion on this issue? At this
24 point of the meeting, does the council wish to remove the 0.85
25 or do you wish to just leave it there and keep going and move on
26 to something else? I need guidance from the council members at
27 this point.
28

29 **MARCOS HANKE:** Because I was the one to put the alternative
30 there and over this educational process -- The reason why we put
31 it is exactly to educate the council and for us to make a better
32 decision. **I want to remove the 85 percent from the**
33 **alternatives. My motion is to remove 85 percent uncertainty.**
34

35 **MIGUEL ROLON:** Remove the 85 percent alternative from Action 7d.
36

37 **GRACIELA GARCIA-MOLINER:** It has to be for all of Action 7,
38 because it's there for the U.S. Caribbean for the parrotfish --
39

40 **MIGUEL ROLON:** For Action 7, the 85 percent alternative.
41

42 **MARCOS HANKE:** That expresses my idea and thank you for the
43 help.
44

45 **EUGENIO PIÑEIRO:** Did we get a second for this motion? Did we
46 get a second motion for this motion?
47

48 **MIGUEL ROLON:** A point of order. Either you second or the

1 motion dies.
2
3 **ROY CRABTREE:** I'll second it.
4
5 **EUGENIO PIÑEIRO:** Any further comments or questions? No? Then
6 let's vote on that.
7
8 **MARCOS HANKE:** Yes.
9
10 **MIGUEL GARCIA:** Abstention.
11
12 **BEULAH DALMIDA-SMITH:** Abstention.
13
14 **WINSTON LEDEE:** No.
15
16 **ROY CRABTREE:** Yes.
17
18 **CARLOS FARCHETTE:** No.
19
20 **EUGENIO PIÑEIRO:** No. We're going to leave the 85 and then if
21 we don't like it, we'll get rid of it down the road, but for
22 now, it stays.
23
24 **GRACIELA GARCIA-MOLINER:** Miguel mentioned something about this
25 this morning. Action 8 deals with permits and tags for the trap
26 fishery.
27
28 **MIGUEL ROLON:** The idea was to remove the permits section. Joe,
29 this is where you talk about the permits.
30
31 **JOE KIMMEL:** We had a conference call or two to talk about
32 permits and we had the U.S. Virgin Islands representatives and
33 we had Puerto Rico representatives and we had representatives
34 from the regional office, the permit office, and after much
35 discussion, we've decided that we might not be ready to pursue
36 permits in this particular amendment, because they were going to
37 be quite complicated.
38
39 There's some differences between the territorial permits, they
40 way they're structured, from the way the federal permits are.
41 We just need to get together another time or two with those
42 people to look at databases and it's going to be really
43 important that our permits people in the regional office have
44 the availability to at least inspect the permit databases from
45 the U.S. Virgin Islands and Puerto Rico, so they can help
46 structure the new permits there.
47
48 There was questions about whether the permits need to be issued

1 towards the vessel, as they are in the U.S., or permits need to
2 be structured towards the operator or the fisherman in the
3 Virgin Islands and Puerto Rico. These are some really basic
4 differences.

5
6 There's also a problem in having an individual identifier for
7 each permit holder, so that permits could be tracked from one
8 period of time to another over the history of those permits, so
9 that permits might be transferred as some person wants to get
10 out of the fishery and transfer his permit to somebody else.

11
12 There was lots of discussions that the people were not familiar
13 with and so we decided that we would have another conference
14 call before the March meeting to try to help resolve some of
15 these issues, but in light of the discussions, it seemed to me
16 that the permit options in this FMP amendment were probably
17 better placed in another amendment, to be accomplished parallel
18 with the ACL Amendment.

19
20 We feel that by keeping this action in the ACL Amendment it
21 might slow down the development of the ACL Amendment and so
22 we're recommending that this action be taken out.

23
24 **EUGENIO PIÑEIRO:** Postpone it for a future location, right?
25 Okay. Joe has asked us to postpone the decision on this one and
26 so we can separate this one from the ACLs. Do you agree with
27 that and if you do, can we get a motion to that?

28
29 **MARCOS HANKE:** So moved to revisit the permit decision --

30
31 **MIGUEL ROLON:** It's to postpone action on Action 8 until some
32 other time.

33
34 **MARCOS HANKE:** That's it, to postpone Action 8.

35
36 **MIGUEL ROLON:** To postpone consideration on Action 8 until a
37 further time.

38
39 **GRACIELA GARCIA-MOLINER:** Actually, to remove Action 8 from the
40 ACL document.

41
42 **MIGUEL ROLON:** Postpone consideration of Action 8 to a future
43 time and remove it from this ACL document.

44
45 **ROY CRABTREE:** Why don't you just say to remove it from the ACL
46 Amendment and place it in a separate permitting amendment that
47 we'll work on in the future?

48

1 **MARCOS HANKE:** Because you're saying that, I'm assuming that
2 that's possible to do, which I learned very recently that it was
3 possible to do and that's great. The other thing that I want to
4 know is how long you're going to postpone, because I have a deep
5 interest for this to be established and not to be -- When?
6

7 **ROY CRABTREE:** That's kind of up to the council and it comes
8 down workload issues and that comes down to staffing and
9 decisions this council makes about staffing and it comes down to
10 how many alternatives we load up in the ACL Amendment, because
11 we're going to have to turn right around and do another ACL
12 amendment after we finish this one.
13

14 That's really the issue here, is workloads. I think when we get
15 to the Administrative Committee meeting we're going to talk some
16 about these workload issues and some things like that, but
17 that's the problem we have, is it just takes time to analyze all
18 these alternatives and work through them.
19

20 **MARCOS HANKE:** A good language would be once we finish the ACL
21 process?
22

23 **ROY CRABTREE:** It could be.
24

25 **GRACIELA GARCIA-MOLINER:** Remember that there are things that
26 are running parallel to what you're doing and so there is
27 already conversations with the local governments to acquire the
28 data under the confidentiality responsibility that everyone has
29 from the perspective of analyzing it for permits in the EEZ.
30

31 In addition to that, the local governments are running --
32 Actually, Puerto Rico has the announcement out for the
33 registration of the recreational fishers and so that's ongoing
34 and I believe that also the unique identifier for the commercial
35 fishery, so that you can actually follow them in time. The USVI
36 has that database and so it's a matter of -- As Joe said, the
37 next step is getting to the point where we have the information
38 that we need.
39

40 **MIGUEL ROLON:** Marcos, the other thing is without the local
41 governments' concurrence, we're not going to move anywhere. We
42 have to wait for them to finish what they are doing now and that
43 way, we'll be able to revisit this again. If I were you, I
44 would forget about all that language. Let's take it out and we
45 promise that we're going to put it somewhere sometime, when
46 appropriate.
47

48 **BEULAH DALMIDA-SMITH:** Second.

1 **WINSTON LEDEE:** Are you already to vote? Let's vote.
2
3 **MARCOS HANKE:** Yes.
4
5 **MIGUEL GARCIA:** Yes.
6
7 **BEULAH DALMIDA-SMITH:** Yes.
8
9 **ROY CRABTREE:** Yes.
10
11 **WINSTON LEDEE:** Yes. Genio is absent and Frachette. **The motion**
12 **carries.**
13
14 **MIGUEL ROLON:** Graciela, how long do you think these others will
15 take? Genio was trying to see if we can use the time that we
16 have and maybe cut it, so we can move into some of the comments
17 from the public and then have the last whatever number of
18 actions you have for tomorrow morning.
19
20 **GRACIELA GARCIA-MOLINER:** Action 9, 10, 11, and 12. They deal
21 with monitoring the annual catch limits. There has been some
22 talks about that, the accountability measures and when they are
23 applied, the allowable gear, and the framework. You do have
24 those four issues.
25
26 **MIGUEL ROLON:** Winston, do you think that the group, the
27 council, would like to break here and then continue tomorrow?
28
29 **WINSTON LEDEE:** Yes, we'll break here.
30
31 **MIGUEL ROLON:** Also, tomorrow, we will expect to have Graciela's
32 and Bill's notes of what Roy asked before when we were talking
33 and so we will have sort of a clear idea tomorrow morning of
34 where are we and where we are supposed to go.
35
36 For the record then, Mr. Chairman, we are going to then have a
37 continuation of the ACL/AM Report/Discussion tomorrow morning,
38 followed by the SSC National Workshop 2 report by Barbara Kojis.
39 At this time, then we will go with the list of people that would
40 like to comment for five minutes.
41
42 **PUBLIC COMMENT PERIOD**
43
44 **JULIAN MAGRAS:** I'm Julian Magras, St. Thomas Fishermen's
45 Association, Chairman of the Board of Directors. I have a
46 couple of issues concerning this scoping document that we've
47 been going over here this afternoon and it goes back to when we
48 talked about overfishing or species undergoing overfishing.

1 When the SFA Amendment came out in 2005, all these groups was
2 put together for the Caribbean fishery and now we speak here
3 again today about the separation of the Caribbean fishery into
4 three sectors and we feel like St. Thomas/St. John, the species,
5 from the parrotfish to the conch to the deepwater snappers to
6 the yellowfin grouper, all of these species are not undergoing
7 overfishing in St. Thomas, but because all of them was lumped
8 together as being managed as the Caribbean, we had to pay the
9 penalty for that.

10
11 We think now in setting the annual catch limits that some
12 justifications and so revisit of these species must take place
13 and I'll use the parrotfish as a perfect example. If you look
14 at our parrotfish fishery for St. Thomas/St. John, we've been
15 catching approximately 50,000 pounds consistently over the last
16 twenty-five years.

17
18 That line shows a steady straight line and so I don't see why we
19 should be penalized at all to have that brought down by any
20 percentage from 25 percent to 75 percent. We shouldn't be
21 punished for that all. Actually, I'm glad that it was voted
22 against for the 85 percent that we would like to see.

23
24 We think we could live with 85 percent, but when you start
25 telling me that I'm only getting 75 percent of my catch, then it
26 becomes a problem. It needs to be revisited. The council needs
27 to go back and look at the rules that were put in place during
28 the process of the SFA and since we have decided to do sector
29 allocated areas, it must be revisited and St. Thomas/St. John
30 must be credited for not overfishing these species.

31
32 Our conch fishery, we haven't exceeded 2,000 pounds. We have
33 something that is there and if a fishery was to develop, then
34 numbers as high as 340,000 pounds of conch can be harvested from
35 our fishery. These things must be revisited.

36
37 Also, I'll touch on one other topic. The St. Thomas Fishermen's
38 Association has been involved from the very beginning of this
39 whole process, from the SFA to present, and we feel that our
40 attendance is very important here, because we haven't missed a
41 meeting and the council, through its monies that it gets, needs
42 to find a way to help pay the fishermen who are the stakeholders
43 and this process can't get done without us being here.

44
45 You guys should find some kind of funding. I know there are
46 liaison funds, but because of the amount of extra meetings we
47 had this year, those liaison funds were depleted and this
48 meeting here is now -- We had to go out and do fundraisers, like

1 we do every year, to get us here to attend this meeting.
2
3 Everyone else in this room here is being paid to be here, but
4 the fishermen, who are the stakeholders and who are the ones
5 that you guys are looking to cut back, have to pay their own way
6 and you guys should find a way to help us attend these meetings,
7 since we've been trying to give you as much information and we
8 want to work with you guys to get this process where it's going
9 to benefit both the scientists and the fishermen to have a
10 sustainable fishery for the future. Thank you.

11
12 **WINSTON LEDEE:** Thank you, Julian. You have a question, Roy?

13
14 **ROY CRABTREE:** I would like to talk a minute about you want to
15 revisit the SFA Amendment and in particular, the overfishing
16 designations and your idea that it should be based on the
17 various islands and things. I think I agree with you on that
18 and we didn't get to it today, but we will tomorrow.

19
20 In the guidelines on ACLs, there's a section in there that says
21 councils can choose one of two different ways to determine
22 whether stocks are undergoing overfishing and one of those ways
23 is what we did in the SFA Amendment with a fishing mortality
24 threshold and a stock assessment, but the other way you can
25 choose to measure overfishing is based on the ACL. I think
26 that's probably what we ought to do.

27
28 The way that would work is if your catches are below your ACL,
29 you're not undergoing overfishing. If they go over the ACL,
30 then that's overfishing and you have to do something to bring
31 the catches back down.

32
33 When you look at the landings the last couple of years, the
34 catches are pretty low and I think if we used the pre-SFA
35 baseline, even if we reduce it by some percentage, it's probably
36 still going to be higher than what the landings have been the
37 last couple of years and so if we did it that way, probably a
38 lot of these stocks would come off of the overfishing list at
39 that point and it would be based on the different islands.
40 That's a thought I had. I don't know if that gets at what
41 you're after adequately or not, but maybe that's something you
42 guys could talk about tonight and we could talk about it
43 tomorrow.

44
45 **JULIAN MAGRAS:** What we would like to see -- All that sounds
46 good, but we need to see numbers. We say we're going to do all
47 of this, but we can't agree to anything until we start to see
48 some of the numbers coming out and also understanding what kind

1 of percentage that is going to be reduced from that.

2
3 Right now, the percentage that Todd used earlier today, I still
4 have some issues with that. I still think that that percentage
5 is too high. I think that the reduction percentage that he
6 wants to use is too high and I think because -- At least for St.
7 Thomas/St. John. I only can speak for our islands there, that
8 the numbers should be more in the range of the 85 percent, what
9 we talked about at the last meeting.

10
11 If you guys have numbers that you're going to show us, then we
12 can sit down and we can, as a group that we have -- We have six
13 of us here from St. Thomas and we can sit down and discuss these
14 numbers and see what it looks like and then we can move forward,
15 instead of just battling each other back and forth.

16
17 **ROY CRABTREE:** We probably do have some numbers we could talk
18 about tomorrow, but certainly by the March meeting the document
19 should be a lot better scoped out and have actual numbers in it,
20 but we could probably go over some of what the numbers might
21 look like with you tomorrow if you would like to.

22
23 **WINSTON LEDEE:** Thank you, Julie. Next is Jimmy Magna.

24
25 **JIMMY MAGNER:** Good afternoon. My name is Jimmy Magner and I'm
26 President of the Fishermen's Association. I came here from St.
27 Thomas for all of my five minutes. We have a lot of
28 disagreement going on between the council, NMFS, and the St.
29 Thomas Fishermen's Association, which is all, to me, part of the
30 game. You're going to play rough and we're going to play rough,
31 too.

32
33 We used to come here to these meetings and work as one unit and
34 try to accomplish management, which seems to be the goal in
35 these meetings. We got a little sidetracked and so it started
36 to turn into kind of a gunfight right now.

37
38 I don't like it. I don't have to leave home to come here to
39 deal with this. The purpose when the Association was founded
40 was to work together to create a system that would make everyone
41 happy, a working system.

42
43 The fishermen, even though we don't count in some issues, have
44 the biggest key to make this system work. Trust me. I've been
45 out there for forty years and I see things that no scientists
46 see and seems to be missing in this puzzle. I spoke with Bonnie
47 today at lunch and she agreed with some of the things and I
48 spoke with Todd and I spoke with Roy. The ideas are not far-

1 fetched, but we have to understand that one group is not going
2 to push the next one with muscle and that's what it seems to be
3 coming in.

4
5 We have a newsletter out that is nice and we have a couple of
6 issues that turned bad. I'm here now are we going to patch this
7 up and work as a unit or are we going to keep fighting each
8 other?

9
10 To me, the fighting doesn't make no difference. I like a good
11 fight sometimes, but the fight is not resolving what we are here
12 for and that's creating management, as the Magnuson-Stevens Act
13 says. It also says a lot of other things that are not
14 incorporated or is that not being done properly.

15
16 When I leave here today and go back home, I'm hoping that
17 between the council and NMFS and the Association that we have a
18 decision that we are going to work together to work for
19 management of this fishery or are we going to continue this
20 fight?

21
22 To me, the fight ain't going nowhere, but it's getting dirty
23 with everybody and we could continue or we can end it now and
24 work towards a purpose, but I'm not coming from St. Thomas to
25 sit in a corner for five minutes in the afternoon, because I
26 have too much information that I could offer to this table and
27 if I have to sit here for five minutes, then I will stay home.
28 Thank you very much.

29
30 **WINSTON LEDEE:** Thank you, Jimmy. Our next deponent is David
31 Olsen.

32
33 **DAVID OLSEN:** David Olsen, St. Thomas Fishermen's Association.
34 I would like to revisit that discussion of overfishing that
35 started during Julian's -- The SFA determinations weren't really
36 based on hard data. They were based more on informed judgment.
37 Joe has told me that.

38
39 They were also issue-specific. They had to do with spawning
40 aggregation fisheries for tiger grouper, for Grammanik grouper,
41 a net fishery in St. Croix, and perceived serious overfishing of
42 the St. Croix conch resource.

43
44 Now, there have been management actions. I remember I did this
45 blowing up one day at some meeting because they weren't really
46 considering the management actions that had been taken in the
47 SFA that certainly have had an effect.

48

1 I just had a ridiculous conversation with my ponytailed friend
2 here about where the resource sits after those management
3 actions, but the yellowfin grouper spawning aggregation fishery
4 was eliminated. It wasn't reduced in effort and when I did the
5 Nassau work, those landings constituted 85 percent of the annual
6 landings of Nassau grouper. That certainly has certainly had to
7 have had a major effect from the SFA actions.

8
9 I remember Aida telling me that the tiger grouper spawning
10 aggregation fishery isn't fished anymore, but she can confirm
11 that.

12
13 **EUGENIO PIÑEIRO:** David, I'm sorry to interrupt you, but in the
14 future, I'm going to please ask you to refer to him as Dr. Todd
15 Gedamke.

16
17 **DAVID OLSEN:** My ponytailed friend, Todd Gedamke. The
18 parrotfish problem was largely the St. Croix net fishery. I
19 don't hear any statement that anyone felt Puerto Rico's
20 parrotfish were being overfished and certainly we don't feel the
21 St. Thomas parrotfish were being overfished.

22
23 Those fishermen were going to get together into a quota managed
24 fishery and there were asking a quota of 200,000 pounds, but
25 that fishery was closed, for reasons that I disagree with, but
26 it was closed. The parrotfish overfishing in St. Croix has been
27 largely addressed and there's every reason to think that the
28 species groups that were determined to be overfished in the SFA
29 are no longer overfished.

30
31 The conch fishery landings at the time of the SFA were 200,000
32 plus pounds. The quota that they put in place there, which to
33 say, again, for like the ten-millionth time, was a year-and-a-
34 half long study that I carried out in the Virgin Islands of the
35 resource which gave an MSY value of 60,000 pounds, average, with
36 Appeldoorn's reanalysis, which he disagreed with me on certain
37 points, of 40,000 pounds. The 50,000 pounds is between two not
38 catch related, but fishery independent assessments of the
39 resource.

40
41 That 50,000 pound quota now is in place and represents a
42 reduction in landings to 25 percent of the 2005 level. There is
43 every reason to believe that the SFA has largely been successful
44 in addressing the problems.

45
46 Then today, you completely eliminated one of the overfished
47 species, Grouper Unit 4, by merging it with the grouper, so
48 there's only one grouper thing. Does that now mean that you

1 have painted the entire suite of groupers with the overfishing
2 that was only happening up until 2005 or does that now mean that
3 the non-overfishing in that group affects everything and there
4 is no Grouper Unit 4 in the overfishing limit anymore, because
5 you're now considering it a merged thing?

6
7 The determination of whether or not these things are overfished
8 affects how you apply uncertainty. You apply uncertainty
9 differently to species groups that are not overfished than you
10 do to species groups that are overfished. The law does not
11 require you to bring down the landings of species that are not
12 being overfished, does it? It doesn't.

13
14 I keep coming up with the thing that there has been considerable
15 action taken in the Virgin Islands in terms of closures. Big
16 areas have been closed and to zero fishing effort. Those
17 closures have had a really significant impact. They have caused
18 fishermen to have to increase the number of traps they have
19 outside of those areas and increased the cost of fishing and
20 yet, Todd said something this morning that if you have
21 overfishing, you start seeing the signs of overfishing.

22
23 The signs of overfishing are generally fewer large fish, an
24 increase in the number of pre-reproductive fish. If you go
25 around every Saturday and look at the fish -- The DFW Director
26 said that those big parrotfish were extinct in St. Thomas and
27 they're not extinct. If you go out to Smith Bay on a Saturday
28 morning, you see a whole bunch of them.

29
30 I don't have a problem with them being protected, but I'm saying
31 that the determination of overfishing has not been sufficiently
32 reevaluated since 2005 when the actions have been taken and I
33 think that there's sufficient justification to quit operating in
34 an overfishing mode and move on into the basic management of the
35 resource.

36
37 Roy, I was hearing some kind of agreeable comments coming out of
38 you in that discussion, but I think we are mixing apples and
39 oranges today. We're merging things, but at the same time,
40 we're failing to address that the SFA Amendment has had certain
41 successes.

42
43 I would think the council would want to pat itself on the back
44 and say that it had certain successes in the species that it
45 said were overfished, but you keep going ahead as if nothing
46 happened in 2005. I don't understand it. Thank you.

47
48 **ROY CRABTREE:** I don't think any of us are disagreeing with you

1 David, that the SFA appears to have had some impacts and the
2 catches have come down and I suspect you're right that the main
3 problem with parrotfish was St. Croix and we may well have
4 successfully adopted that.

5
6 What we're moving ahead with is ACLs. We have to have ACLs.
7 That's the law. Now, I agree with you that I want to revisit
8 this issue of how we decide what's undergoing overfishing or not
9 for now and what I'm going to likely recommend to the council is
10 we base that on are you over your ACL or under it? If you stay
11 under your ACL, you're not undergoing overfishing.

12
13 Now, the Status Report to Congress is different from the ACLs
14 and right now, it still has those groupings that were set up in
15 the SFA Amendment and they'll remain in there and in the Virgin
16 Islands, if we do some broader groupings, exactly how that's
17 going to affect the report to Congress I don't know.

18
19 I'm going to have to talk to headquarters and see what we can
20 work out on that. We may need to restructure the report to
21 Congress and split it up, to where it reports separately for
22 each of the island groups, but I've got to talk to headquarters
23 about can we do that or not, but I need to have a better
24 understanding of where the council is heading when I go to them
25 on that.

26
27 I don't think we're all that far apart on this. I think the SFA
28 did have some good things and I think no one is happy with these
29 informed judgment kinds of decisions that were made in the ACL
30 group and I've heard that and I'm not real happy with them and
31 so what we need to do is find some things where we can actually
32 tell either we're above it or we're below it and that's what I'm
33 trying to work for. I don't think we're too far apart on this
34 one and we'll see where we wind up with it.

35
36 **DAVID OLSEN:** The bug, which I think is really key, is the
37 determination of whether or not these things are still
38 overfished in the application of uncertainty reductions. That's
39 the bug. We argued this surplus production thing, but at the
40 point when you all kind of accepted the idea that current
41 landings were going to be a surrogate for MSY, since we say the
42 St. Thomas landings have been constant for a long time, that's
43 MSY and we accepted that.

44
45 Then when we get into -- We've offered the offsets for
46 uncertainty, but your requirements for dealing with an
47 overfished species are different than your requirements for just
48 dealing with an ongoing fishery and that means a larger or

1 smaller uncertainty reduction.

2
3 (Tape change)

4
5 **WINSTON LEDEE:** Next is Jasmine Seda.

6
7 **JASMINE SEDA:** Good afternoon. As I said, my name is Jasmine
8 Seda from the Sea Grant Program at the University of Puerto Rico
9 at Mayaguez Campus. I've spoken to several of the council
10 members so far about a region-wide assessment that is presently
11 being conducted by Sea Grant.

12
13 It began of June of 2008 and basically, what it entails is
14 trying to identify research and information needs for better
15 management and conservation measures in the Caribbean.
16 Presently, we're trying to target a wider audience. Sea Grant
17 is usually associated or affiliated with scientists, with their
18 data, and right now, with this assessment, we're trying to
19 identify the needs from local stakeholders, resource users,
20 resource managers, and try to prioritize those needs and within
21 a reasonable amount of time, try to help address those needs.

22
23 Sea Grant is trying to be a part of that. National Sea Grant is
24 conducting this assessment in different regions around the U.S.
25 and so there's a national effort to try and identify these
26 needs, whether it's studies on a short term or a long term and
27 the obstacles that right now are hindering better management and
28 conservation.

29
30 I went around giving around some questionnaires that a couple of
31 you have already answered and they're just three simple
32 questions to just get feedback from you guys that constantly
33 work with this type of thing.

34
35 Just to emphasize, I'm also giving out some flyers about the
36 project. It just has some information on the website that we
37 have, where you can go and look and see what we're doing. I
38 would suggest that the council members visit our database. I've
39 noticed that one of the topics that has been coming up is
40 information, data on certain things that is important for the
41 council, especially studies, if there's any studies reported.

42
43 Right now, we're trying to construct a database that has
44 published studies or white reports or any type of report right
45 now available, to be able to provide that information to the
46 public in general.

47
48 Basically, this is trying to get everything in one place, all

1 that information in one place, so you don't have to keep on
2 looking at different websites and different agencies and
3 different organizations. Right now, have over 300 studies in
4 the database and reports and so it's just we're trying to
5 provide that as a resource just for users, for scientists, for
6 anyone that needs that information.

7
8 For those who have the questionnaire and haven't filled it out,
9 could you please before you leave? Those who haven't received
10 it, please let me know and I will be sure to get you one. Thank
11 you very much and thank you to the council.

12
13 **WINSTON LEDEE:** Thank you, Jasmine. This council meeting is
14 adjourned.

15
16 (Whereupon, the meeting recessed on December 15, 2009.)

17
18 - - -

19
20 **December 16, 2009**

21
22 **WEDNESDAY MORNING SESSION**

23
24 - - -

25
26 The Caribbean Fishery Management Council reconvened at the El
27 Conquistador Hotel, Fajardo, Puerto Rico, Wednesday morning,
28 December 16, 2009, and was called to order at 9:00 o'clock a.m.
29 by Chairman Eugenio Piñeiro.

30
31 **EUGENIO PIÑEIRO:** Good morning, everyone. Today is Wednesday,
32 the sixteenth of December, 2009. We are going to continue where
33 we left off yesterday and that was with the ACL, but before
34 that, I would like to have a roll call.

35
36 (Whereupon, a roll call was done)

37
38 **EUGENIO PIÑEIRO:** Thank you very much. We have to point out
39 that our fellow council member Marcos Hanke is not here today
40 with us. Most likely his wife is in labor and so we wish him
41 the best, the very best, and we'll keep you posted of any news,
42 if we get any today. Graciela, we can get started now.

43
44 **CONTINUED DISCUSSION OF ACL OPTIONS PAPER**

45
46 **MIGUEL ROLON:** What we're going to do is to finish the document
47 and then Graciela and Bill will go back and revisit the areas
48 where you asked the team to change the language or modify it in

1 any way.

2
3 **GRACIELA GARCIA-MOLINER:** We left off with Action Number 9. You
4 had requested that Action Number 8, permits and tags, be deleted
5 and so Action Number 9, it's to monitor the annual catch limits.
6 This has to do with basically the appropriate data form that
7 needs to be submitted.

8
9 What has happened in this case is that both the USVI and Puerto
10 Rico are moving forward with developing new data forms, et
11 cetera, and so this is really for the people who are going to be
12 fishing to submit the appropriate data form that will be
13 developed.

14
15 One of the things that the task team discussed was whether this
16 actual monitoring of the ACLs really needed to be an action or
17 not and if it needs to be an action, then this is what you have
18 as an alternative.

19
20 The forms are being developed in conjunction with everyone who
21 is involved, the CFMC, the Southeast Fisheries Science Center,
22 the region, the stakeholders, and industry fishers. So do we
23 leave it in the document?

24
25 **ROY CRABTREE:** It seems to me since yesterday we decided to move
26 permits off into a separate amendment that this would have to go
27 with it, since this relies on federal permit holders, which
28 there are no federal permit holders.

29
30 It's not clear to me how we can require people who aren't
31 federal permit holders to do something, because we really don't
32 know who they are. It's not clear to me how we would do that
33 and so I'm all -- I want to improve our data collection and we
34 all do, but it seems to me that has to go with the permitting
35 requirement that we're going to work on.

36
37 **EUGENIO PIÑEIRO:** To that, since we're going to put the permits
38 to a future location, postponing that, we can move this along
39 with the permits for the future action. Is that the wish of the
40 council? Okay. In the case, I'm going to need a motion to move
41 Action 9 along with Action 8 and leave it for another day.

42
43 **ROY CRABTREE:** So moved.

44
45 **EUGENIO PIÑEIRO:** I have a motion by Roy Crabtree.

46
47 **ROY CRABTREE:** It's to move Action 9 out of the ACL Amendment
48 and into the permits amendment.

1 **EUGENIO PIÑEIRO:** Second for that motion? Second by Carlos
2 Farchette. Any further discussion on this one? Then let's vote
3 on it.

4

5 **CARLOS FARCHETTE:** Yes.

6

7 **ROY CRABTREE:** Yes.

8

9 **WINSTON LEDEE:** Yes.

10

11 **BEULAH DALMIDA-SMITH:** Yes.

12

13 **MIGUEL GARCIA:** Yes.

14

15 **EUGENIO PIÑEIRO:** Yes. We do have one out, absent, and the
16 motion carries.

17

18 **GRACIELA GARCIA-MOLINER:** The next action has to do with
19 accountability measures and so to establish these, implement
20 these, once the ACLs have been exceeded, depending on a single
21 year of landings catch data, a two-year average, or three-year
22 average landings or catch data.

23

24 Since the last time that you saw this alternative, a few things
25 have happened. The USVI does have a 50,000 pound quota for
26 queen conch and they were able to close it within a month of
27 receiving the data, surpassing it by a couple of thousands pound
28 at the most.

29

30 We're dealing with the data after 2007 and so we are not
31 including in this document 2008 and 2009. Those data are still
32 being dealt with and so we are really -- The states are probably
33 within a month or two of following the quota and following the
34 landings, but we, in terms of the data when it's received by the
35 Southeast Fisheries Science Center and then received by the
36 scientists, et cetera, it's probably about two years away.
37 These are the options that you have.

38

39 **EUGENIO PIÑEIRO:** I believe that the three-year average, I think
40 that's very real with what is happening in the field. There's
41 no surprises in there.

42

43 **GRACIELA GARCIA-MOLINER:** The best case scenario would be within
44 a year and the reality is it's probably around the three-year
45 average.

46

47 **EUGENIO PIÑEIRO:** I agree with that.

48

1 **ROY CRABTREE:** We're going to need to more specific about -- It
2 says implement accountability measures, but what does that mean
3 exactly? We're going to find out a year-and-a-half after the
4 fact that we went over an ACL and so then what are we going to
5 have to do? I'm not sure what we can do at that point, except
6 implement a seasonal closure to make up for it.

7
8 **EUGENIO PIÑEIRO:** Actually, it's two years at the present rate.

9
10 **ROY CRABTREE:** Whatever it is, but we need to be more specific
11 about what are we going to do and are we going to want to have -
12 - It seems to me, because we're trying to improve the data
13 collection, we're going to need to have some sort of review of
14 the numbers, to try and determine did the catches go up because
15 people started reporting and if they did, that's not a problem
16 and we ought not have a closure if that's why, but if the
17 catches went up because fishing effort went up for some reason,
18 then we probably do need to do something and so we need to think
19 this through.

20
21 **BEULAH DALMIDA-SMITH:** I totally agree with that and I also
22 wanted to mention that basing the alternatives for this action,
23 it's going to be dependent on when we do establish a new data
24 collection program. We're hoping to get that done in a timely
25 manner and so once that has been implemented, then we can make
26 an assumption or choose a timeframe, but I still believe that
27 the three-year may be the most appropriate at this time.

28
29 **EUGENIO PIÑEIRO:** Is that all we have? You don't have any new -
30 -

31
32 **GRACIELA GARCIA-MOLINER:** For the averaging on how to determine
33 whether you've overrun the ACLs or not, that's one thing. You
34 also have 10b, which is the applicability of these
35 accountability measures. In most cases, it would be -- For
36 example, considering reduction of the fishing season, that's
37 exactly what the USVI does for queen conch in St. Croix, or
38 reduce the total amount in the next year.

39
40 The only experience that we have really is with the quota in St.
41 Croix and what they do is that they close the fishing season.
42 You do have another alternative, but we don't have any other
43 experience here in the area, except for the queen conch.

44
45 **EUGENIO PIÑEIRO:** Graciela, going back to 9, I think we have the
46 compromise of states that they are willing to move forward and
47 expedite the measures as have been proved by the St. Croix
48 closure of the queen conch. At this time, what would be the

1 desire of the council? Do you think that's good enough and so
2 we can move forward with that?

3
4 **ROY CRABTREE:** We handed out a handout this morning that looks
5 like this on the first page and I guess we're going to come to
6 that when Graciela is done. It's a way to maybe reorganize this
7 thing, but if you look on the next-to-last page, there's some
8 more fleshed out alternatives on accountability measures there
9 and I guess we can go over them when we get to this document or
10 however you want to do it, but --

11
12 **GRACIELA GARCIA-MOLINER:** Whichever you prefer. If you want to
13 discuss that here, we have the document available or if you want
14 to wait until we're done with the ACL document as it is -- It's
15 your wish.

16
17 **EUGENIO PIÑEIRO:** Any preference from you, Bill? Do you think
18 it would be better if we just finish -- Graciela, let's finish
19 the ACLs.

20
21 **BILL ARNOLD:** I think we should finish this version and then we
22 can go to the new one.

23
24 **GRACIELA GARCIA-MOLINER:** That's what you have under Action 10.
25 For Action 11, it has to do with the allowable gear as per the
26 regulations and so you do have a number of additional sub-
27 alternatives that were not in the options paper before.

28
29 The most significant problem is that the allowable gear includes
30 trawling, which was never the intention of the council to allow
31 that kind of fishing activity in the area. This is mostly a
32 coral reef-based platform and that's in the list right now.

33
34 There is also to remove the gillnets and the trammel nets,
35 because we have already prohibited the use of those in the EEZ.
36 The powerheads are still listed as allowable gears in the Code
37 of Federal Regulations.

38
39 What was not allowed was the commercial use of spear guns.
40 There has been a letter by the council already requesting that
41 that be allowed and there is still some question about some of
42 the definitions in terms of the gears that are being used in the
43 EEZ, like bandit gear and hand line, et cetera, for the reef
44 fish fisheries. It's not included in the commercial FMP fishing
45 activities. Those are the alternatives that you have.

46
47 **BEULAH DALMIDA-SMITH:** I have an addition, if the council so
48 agrees, to Sub-Alternative E, which states allow the commercial

1 harvest of reef fish with the following gears: hand line, bandit
2 gear, and we're thinking of adding the buoy gear to that.
3
4 **GRACIELA GARCIA-MOLINER:** The Code of Federal Regulations
5 includes a description or a definition of each of these gears
6 and so we'll have to check on the buoy gear and if not -- That
7 would be for the commercial harvest of reef fish?
8
9 **BEULAH DALMIDA-SMITH:** That is correct.
10
11 **EUGENIO PIÑEIRO:** To Sub-Alternative E.
12
13 **GRACIELA GARCIA-MOLINER:** Two things. The task team had
14 discussed whether we should keep the allowable gear changes
15 within the ACL document. As of right now, some of them might be
16 -- The council could deal with them with letters specific to the
17 -- For example, it was for the spear guns and whether it should
18 be moved to another amendment or an amendment outside the ACL.
19 That's for the council to --
20
21 **SHEPHERD GRIMES:** Sub-Alternative D, and correct me, Dr. Kimmel,
22 if I'm wrong, but adding spear to the list is something that's
23 already been taken care of via to regulatory package for Bajo de
24 Sico and so it's not something you would need to include here.
25
26 **EUGENIO PIÑEIRO:** Graciela and Shep, Beulah would like to add
27 the buoy gear and is that the best way, perhaps, to do it, is
28 through a letter or perhaps just go and add it and then we would
29 need an amendment in Section E?
30
31 **SHEPHERD GRIMES:** It takes more a letter. You can write a
32 letter with all the explanation as to why you want to add it to
33 the list, but one of the things I was going to check on is I
34 believe the current list describes hook and line gear as an
35 allowable gear, which would include, my guess is, bottom
36 longline, buoy gear, vertical line. I'm going to check to
37 confirm that, but I'm having an issue trying to find it here and
38 so give me a minute.
39
40 **GRACIELA GARCIA-MOLINER:** In the meanwhile, if we could have a
41 motion so that if it's not part of the ACL at least we have it
42 on the record as a motion that the council would like to
43 include.
44
45 **MIGUEL GARCIA:** Under the commonwealth regulations, we allow the
46 spearfishing -- only, recreational. Are we going to take that
47 into consideration here?
48

1 **EUGENIO PIÑEIRO:** Puerto Rico allows in state waters
2 spearfishing, but for recreational only with tanks. Otherwise,
3 the local regulation is only commercial can use spears if you
4 are using scuba gear.
5
6 **GRACIELA GARCIA-MOLINER:** The recreational are allowed to use a
7 spear while they're not using scuba tanks, only free diving.
8
9 **BEULAH DALMIDA-SMITH:** Shepherd, buoy gear would be a multiple
10 hook rig and so it does fall under that.
11
12 **EUGENIO PIÑEIRO:** In that case, we don't need a motion to move
13 it over. Thank you. Graciela, proceed.
14
15 **ROY CRABTREE:** Dr. Crabtree's comment is not audible on the
16 recording.
17
18 **EUGENIO PIÑEIRO:** What Graciela said was that in Puerto Rico
19 spear diving -- Free diving is allowed to use spears. That is
20 in state waters. It's a bunch of people that use spears and
21 they just go in the currents, but they don't -- They cannot use
22 scuba gear.
23
24 **ROY CRABTREE:** Are you saying you want it to be the same way in
25 federal waters as in state waters or what's the --
26
27 **MIGUEL GARCIA:** For consistency, if it's possible to be the
28 same.
29
30 **ROY CRABTREE:** It's all possible. You as a council just have to
31 decide what it is you want to allow or not to allow and I would
32 say if you want to start making some real changes to this to
33 make it consistent, this is probably one we ought to put off
34 into the permits amendment and deal with it there.
35
36 It makes sense to me to try and be consistent, but we would need
37 copies of all the local regulations so we could look at them and
38 see all that and we haven't had that now. To me, if we're going
39 to do this, it makes sense to do it right and try to become
40 compatible as much as we can, but if we're going to do that,
41 then it might make sense to hold off on this and do it
42 separately, when we can spend more time on it, but it's up to
43 you.
44
45 **SHEPHERD GRIMES:** -- process or something that's easier to do,
46 but if you're talking about prohibiting the use of scuba tanks,
47 you're going to need to do that via FMP amendment. It can't
48 just be a letter requesting gear added or taken off the list.

1 **EUGENIO PIÑEIRO:** I guess in this case the best way to follow is
2 would be that the states would provide the council with
3 regulations they have regarding spears and the use of tanks and
4 from there, we can make a more informed decision towards
5 compatibility. I agree with that.
6
7 Beulah, that would apply to the Virgin Islands, too. Send us a
8 letter with the regulations so we can move on with this one,
9 with the diving and spear fishing in tanks.
10
11 In Puerto Rico, the law says if you're commercial fishing that
12 you can use spear and tanks, but if you're a recreational, you
13 cannot use both. You have to free dive. If you want to change
14 the compatibility of regulations, we're asking Dr. Garcia from
15 Puerto Rico, and we suggest you to do the same, to provide us a
16 letter informing us of the regulations as they are in your
17 state. Thank you.
18
19 **GRACIELA GARCIA-MOLINER:** We need a motion for the council to
20 decide what to do regarding Action 11, to move it to the permits
21 amendment or to retain it within the ACL document.
22
23 **ROY CRABTREE:** I would move that we move Action 11 from the ACL
24 Amendment and include it in the permits amendment.
25
26 **EUGENIO PIÑEIRO:** We need a second here.
27
28 **WINSTON LEDEE:** I second that motion.
29
30 **EUGENIO PIÑEIRO:** Further discussion at this point?
31
32 **BEULAH DALMIDA-SMITH:** I would like to put on the record that I
33 absolutely agree with this, in addition because it allows us the
34 committee, headed by Joe Kimmel and others, to sit with us and
35 we can really discuss this issue in depth, along with others
36 within the state and organizations in the Virgin Islands. I'm
37 sure Puerto Rico would agree.
38
39 **EUGENIO PIÑEIRO:** Anything else? Let's vote then.
40
41 **CARLOS FARCHETTE:** Yes.
42
43 **ROY CRABTREE:** Yes.
44
45 **WINSTON LEDEE:** Yes.
46
47 **BEULAH DALMIDA-SMITH:** Yes.
48

1 **MIGUEL GARCIA:** Yes.
2
3 **EUGENIO PIÑEIRO:** Yes. **It's six yes and one absent and the**
4 **motion carries.** Thank you. Graciela.
5
6 **GRACIELA GARCIA-MOLINER:** For Action Number 12, we have the
7 development of the framework to deal with the ACLs and AMS both
8 for the queen conch and for the reef fish. There are some
9 changes that are included in the queen conch amendment that
10 we've been developing that needs a framework so that we can
11 adjust the annual catch limits as needed, as well as deal with
12 the accountability measures if they need to be implemented. You
13 have for the queen conch and for the reef fish. They'll be the
14 same, because it's only to set and adjust the ACLs.
15
16 **EUGENIO PIÑEIRO:** Is there anything more with this?
17
18 **GRACIELA GARCIA-MOLINER:** They should be left in the document,
19 because they will be part of the necessary changes in the
20 future. We have completed the draft options paper as you have
21 it in your briefing book.
22
23 We've made some corrections that you requested yesterday or
24 changes and deletions from the options paper and so we have them
25 in the presentation and so if you wanted to go through them,
26 because we need some motions and decisions by the council to
27 complete the document.
28
29 The first thing that you had requested was that we include an
30 action to deal with the EEZ boundaries and so that would be
31 Action 13. Of course, now that you've deleted Actions 8, 9, and
32 11, the numbering will change, but that's already included in
33 there.
34
35 **MIGUEL ROLON:** Yesterday, we also asked the two local government
36 representatives to discuss this when they get back home and send
37 us, as soon as you can, any other alternative that you may have
38 on this one.
39
40 **GRACIELA GARCIA-MOLINER:** That's why the sub-alternatives will
41 be determined, because that will really depend on what the local
42 governments come back with and the alternatives that Joe showed
43 us.
44
45 Now we'll go back to the beginning of the -- The one thing that
46 did not happen yesterday was whether you wanted to take action
47 on Action Number 1, if you want to have the changes that need to
48 be made in terms of the correct species that go into the actual

1 groupings.
2
3 The reason for taking action in this case is because we do have
4 a number of proposed and current units and that basically
5 doubles the length of the document if they are being considered.
6 We didn't take any action yesterday on whether you would accept
7 the alternatives that are here and we should continue to deal
8 with them as such. That includes changing the groupers, the
9 parrotfish, and the snappers.
10
11 **ROY CRABTREE:** We decided yesterday that for parrotfish though
12 that we would not break that up, but that we would close
13 midnight, blue, and rainbow, but we don't have to split them
14 into a separate group to do that. We can just have an
15 alternative that would prohibit possession of those three
16 species.
17
18 The reason for that was because even in Puerto Rico most of the
19 parrotfish are not identified to species and so it seems to me
20 we can take this alternative out and we don't need to do any of
21 this right now.
22
23 **GRACIELA GARCIA-MOLINER:** That would be for the parrotfish. You
24 still have in Action 1 --
25
26 **ROY CRABTREE:** I would move that we remove Action 1a from the
27 ACL Amendment and to add an alternative that would prohibit
28 possession of blue, midnight, and rainbow parrotfish.
29
30 **EUGENIO PIÑEIRO:** Is there a second for that motion?
31
32 **BEULAH DALMIDA-SMITH:** Second.
33
34 **EUGENIO PIÑEIRO:** Is there further discussion needed? No? Then
35 let's vote.
36
37 **CARLOS FARCHETTE:** Yes.
38
39 **ROY CRABTREE:** Yes.
40
41 **WINSTON LEDEE:** Yes.
42
43 **BEULAH DALMIDA-SMITH:** Yes.
44
45 **MIGUEL GARCIA:** Yes.
46
47 **EUGENIO PIÑEIRO:** Yes. The motion carries with six yes and one
48 absent.

1 **GRACIELA GARCIA-MOLINER:** The second one had to do with the
2 groupers, because Grouper Unit 4 includes the yellowedge and the
3 misty grouper, and it had been proposed as an alternative to
4 separate these into two units. The alternative also includes
5 removing the Creole fish to another category.
6
7 **ROY CRABTREE:** Remove Creole fish from Grouper Unit 3 and where
8 does it go to, Graciela? If we remove it, where does it go?
9
10 **GRACIELA GARCIA-MOLINER:** It goes into a data-only category.
11 You have that already in the SFA, for the aquarium fish, for
12 example.
13
14 **ROY CRABTREE:** It goes into data collection only?
15
16 **GRACIELA GARCIA-MOLINER:** Yes. The landings data for Creole
17 fish, since 1983, I think they show landings for two years for
18 less than a hundred pounds each.
19
20 **ROY CRABTREE:** Are the landings, Bill, for the other species
21 here, the yellowfin, the red, tiger, black, yellowedge, and
22 misty? Are they substantial or are they really minor or
23 Graciela, whoever knows.
24
25 **GRACIELA GARCIA-MOLINER:** We're searching the database, but the
26 other thing is that the black grouper -- It's under regulation,
27 but it's not included in the actual FMUs that the council has
28 and so we're including black grouper so that it would be part of
29 the Grouper FMU. It's regulated, but it's not in the FMU.
30
31 The reason for the separation of the groupers is that yellowedge
32 and misty are deepwater groupers. They do occur in a separate
33 fishery and for the landings information --
34
35 **BILL ARNOLD:** We don't really get landings for yellowedge
36 grouper and I don't know why that is.
37
38 **EUGENIO PIÑEIRO:** Most of the people don't know it, but it lives
39 together and it gets lumped with the misty grouper. They both
40 are from the deep. They live a thousand feet below and that's
41 the main reason.
42
43 **ROY CRABTREE:** Yellowedge gets confused with misty?
44
45 **EUGENIO PIÑEIRO:** Yes, it's sold actually together. You need a
46 very trained eye to distinguish it. We took some photos
47 recently at the council and I provided two of them and most of
48 the people simply -- They live at the same depth.

1 **BILL ARNOLD:** Misty averages about 10,000 pounds a year of
2 expanded landings, corrected or expanded.
3
4 **EUGENIO PIÑEIRO:** I really believe it's a good idea to separate
5 Unit 4 and 5. They're two different things.
6
7 **ROY CRABTREE:** Bill, can you tell us again, in Puerto Rico for
8 grouper, what proportion of the total grouper landings are
9 unidentified to species?
10
11 **BILL ARNOLD:** Probably around 30 percent.
12
13 **ROY CRABTREE:** Be aware that it's going to be a problem in
14 Puerto Rico to try and break this down to these subgroups for
15 grouper, because 30 percent of the landings aren't reported to
16 species and so they're just going to be divvied up on what we
17 estimate it's going to be and if we come down to having a
18 closure for one of these groups, it's possible that what
19 happened that year was the catch didn't divide up like it had in
20 previous years, but we aren't going to have any way to know
21 about it.
22
23 If you want to do this, Genio, that's fine, but be aware if you
24 split this group up in Puerto Rico that a large fraction of the
25 landings in Puerto Rico are not identified to species and
26 they're just going to be assigned to one group or another and
27 that may or may -- Does it fluctuate a lot from year to year,
28 Bill?
29
30 **GRACIELA GARCIA-MOLINER:** We're just looking at the total
31 landings of sea bass over the periods of years and from the
32 total landings, it has been decreasing for that category and so
33 Bill is calculating the percentage to see what the difference
34 has been over the years.
35
36 **BILL ARNOLD:** For the last five, six, seven years, it's been
37 about 30 percent and it's fluctuated from say 26 percent to 35
38 percent. Just for context, in 1983, it was 100 percent
39 unidentified, the beginning of the data.
40
41 **GRACIELA GARCIA-MOLINER:** The data collection form has changed -
42 -
43
44 (Tape change)
45
46 **GRACIELA GARCIA-MOLINER:** -- for all species or you want Grouper
47 Unit 4 and Grouper Unit 5 and that's where it becomes --
48

1 **MIGUEL ROLON:** Miguel and Aida, one of the things that we were
2 discussing on the side is that we are now in the process of
3 revamping the ticket system, the same as the catch in the Virgin
4 Islands. I remember, and somebody mentioned it, if we keep
5 lumping this together, then there's no use for you to modify
6 that ticket.

7
8 Most of the fishermen will ask you what do you need that for and
9 here, with the data that we have on the system that we have, it
10 would take about five years to get a decent number to change
11 what we have here so far, to discriminate between yellowedge,
12 which I believe we will never be able to discriminate, but at
13 least misty grouper is something that most people know what it
14 is.

15
16 The question is, and also for Roy, would it be any harm to leave
17 it there or just lump them altogether, as we did with the other
18 species? What would be the pleasure of the council? That's
19 what the staff needs to know.

20
21 **EUGENIO PIÑEIRO:** (The comment is not audible on the recording.)

22
23 **GRACIELA GARCIA-MOLINER:** We'll come back and ask you, when
24 we're presenting the changes to the ACLs, how you want the
25 proposed or the current FMUs to be dealt with. For the
26 snappers, this is a matter of adding the correct species to the
27 correct group and this doesn't change anything in the ACLs. It
28 does change it for the groupers though.

29
30 For the queen conch, you had requested that we look at the 1999
31 to 2005 database. We don't have the database here and so we've
32 added the sub-alternative that you had requested. You also
33 requested that the queen conch be left with the alternatives
34 that it had until the SSC had a chance to look at it. That's
35 the changes that we've done, except for Puerto Rico, where the
36 EEZ it's closed.

37
38 We are deleting all the sub-alternatives that have anything to
39 do with establishing ACLs based on the data from the states and
40 that would leave you, like Nassau grouper and the goliath, with
41 a zero for the ACL.

42
43 For the parrotfish, you had requested that all of the
44 alternatives that were more than what the SSC had recommended to
45 the council be deleted from the options and that we have done
46 for St. Croix and for Puerto Rico and we have kept the options
47 as the zero for the EEZ and the recommendation of the SSC to the
48 council.

1 For the Parrotfish Unit 2, which we'll replace that with blue,
2 rainbow, and midnight then, that will be zero for all of the
3 U.S. Caribbean and nothing changed to the Nassau and the
4 goliath.

5
6 For the groupers, other than the Nassau and goliath, you had
7 requested a couple of things. One has to do with what we just
8 discussed in terms of the FMUs. We do have proposed and current
9 FMUs in place and so that's why we wanted to know what species
10 you wanted listed within the Grouper Unit 4, so that the
11 landings can be considered for only those species. We've
12 eliminated anything that had to do with the reported landings
13 and maintained in the options paper only those that are adjusted
14 or corrected for Puerto Rico.

15
16 You also requested that we added the years 1999 to 2005. For
17 the databases that we had here, we have done so and so, for
18 example, for Puerto Rico, the poundage -- We were able to
19 calculate that and put it in the actual sub-alternatives.

20
21 We also have kept in the document the proposed Grouper Unit 4,
22 which is then deleting or rearranging the misty and the
23 yellowedge to another unit. We have deleted from that the
24 reported average landings and have included the alternatives for
25 the landings pre-SFA, from 1999 to 2005.

26
27 You also requested that another alternative be added to include
28 all groupers, the same category that the U.S. Virgin Islands
29 has, for Puerto Rico. We've done so and so it will be all
30 groupers, other than Nassau and goliath, added for the same
31 periods of years, 1999 to 2007 and 2003 to 2007 and 1999 to
32 2005. We've only used the corrected or adjusted landings for
33 Puerto Rico.

34
35 For the snappers, we have done the same. We've added a new
36 alternative with the years 1999 to 2005, all the SFA, to St.
37 Croix, to St. Thomas and to Puerto Rico. We've also included in
38 Puerto Rico a category of all snappers for that action. We have
39 deleted all the reported landings and so that's the category of
40 all snappers for Puerto Rico and that includes zero and it goes
41 all the way to 1,284,000 pounds to 159. We've done it also for
42 the years that the council has requested, 1999 to 2007, 2003 to
43 2007, and 1999 to 2005.

44
45 You had requested that no recreational ACL be set for queen
46 conch and so we've deleted that sub-action 6c. We have kept
47 only the numbers of fish for the recreational sector and we have
48 added, as you had requested, to establish an aggregate

1 recreational bag limit for snappers and groupers.
2
3 We don't have right now any suggestion as to the limit that that
4 should be and so the task team would get together with the
5 information that's available and bring some alternatives to the
6 table. There is some local information on other species, but
7 they don't include the groupers and snappers.
8
9 We've maintained the uncertainty, as requested by the council,
10 and we've deleted Action 8 and now, at your request, we'll
11 delete Action 9 and 11.
12
13 **WINSTON LEDEE:** Next is a presentation by Dr. Kojis.
14
15 **ROY CRABTREE:** We had some thoughts about ways to reorganize
16 this amendment to hopefully reduce the numbers of actions and
17 alternatives and simplify it some and there was a handout that
18 went around and I think we might ought to talk about that some.
19 It's up to the chairman whether we want to finish with all the
20 ACL issues now or do you want to do this and then come back to
21 it.
22
23 **EUGENIO PIÑEIRO:** (The comment is not audible on the recording.)
24
25 **ROY CRABTREE:** You want me to go ahead and talk about this now?
26
27 **EUGENIO PIÑEIRO:** Yes.
28
29 **ROY CRABTREE:** We handed out this to everybody and I think all
30 the council members have it. Don't look too much at the details
31 of it. You'll see it includes spiny lobster and corals. I
32 think the way it was set up, it included everything we manage,
33 but it's more a different way to organize the amendment and it's
34 kind of along the lines of what we talked about at the last
35 meeting, but we didn't want to just reorganize it this way,
36 because it looks quite a bit different without going through it
37 with the council.
38
39 One thing that we don't do in the current version of this
40 amendment and I think we need to do is to update all of the
41 management parameters and proxies that were set in the SFA
42 Amendment.
43
44 That's really the status quo right now and I'm worried that with
45 the way the current document is set up that we could end up with
46 an ACL that's higher than the proxy we have for MSY that was put
47 in place in the SFA Amendment and that's because the MSY proxies
48 we have now were based on landings from 1997 to 2001, but now

1 we're looking at timeframes that are more recent for ACLs.
2
3 If we end up with MSY set one way and ACLs based on more recent
4 years, I think that's a problem and things are going to get out
5 of whack. It seems to me when we decide what the time series
6 we're going to use is, we need to update all of those parameters
7 that were in the SFA Amendment. When you look at the way this
8 is set up, it's an action to define the management reference
9 points and so the first thing you see there is the status quo
10 definition.
11
12 That basically goes through what was done in the SFA Amendment
13 and then you look at Alternative 2 and that bases things on the
14 longest reliable data series, which for Puerto Rico is 1999 to
15 2005 and for the Virgin Islands, at least in this alternative,
16 is 2000 to 2005.
17
18 Then it would update all of those things in the SFA Amendment
19 based on that new time series and then Alternative 3 uses 1999
20 to 2007 for Puerto Rico and 2000 to 2007 for the USVI and
21 basically, those alternatives go through all of that and so you
22 essentially choose the time series you want to use for the
23 baseline and then it updates all of these things.
24
25 Now, there would be a few things that would have to be handled
26 differently, because with conch we're not really using,
27 necessarily, timelines, because we have an SSC recommendation of
28 50,000 pounds. That would have to be added into this and it's
29 not right now.
30
31 Then for parrotfish, we've got the 300,000 pounds recommendation
32 and that would have to be handled a little bit different here.
33 We would probably also have to add in -- I don't know if it
34 would be another alternative or exactly how we would do it, but
35 some way to deal with the recreational sector in Puerto Rico and
36 then we would have to add some alternatives somehow that deal
37 with whether we're going to break out snapper and grouper into
38 the same sorts of groups that's in the SFA Amendment and we
39 would have to do that.
40
41 Then if you'll look, for example, at Alternative 2, down at the
42 bottom in the box, you'll see it says "annual catch limit" and
43 the annual catch limit would be equal to the overfishing level,
44 which is the average catch that comes out of the time series
45 multiplied by the uncertainty factor and I guess we would put
46 some sub-alternatives in there of an uncertainty factor. It
47 might be 0.85, 0.75, 0.5, 0.25. I think that's what we have in
48 the document right now.

1 Then if you'll look, for example, at Alternative 2, where it
2 says "overfishing threshold" midway through, this would change
3 the way we define overfishing and it would set it up that
4 overfishing occurs when the catches exceed the overfishing
5 level, which is the average catch in some period of years.

6
7 Right now, the way it's set up in the SFA Amendment is
8 overfishing is based on these fishing mortality thresholds.
9 Well, we don't have any fishing mortality estimates and so the
10 only way we made those determinations were to convene these
11 working groups and used informed judgments and I think all of us
12 have heard complaints from virtually everybody about using
13 informed judgment and doing things that way.

14
15 This would give us a way to judge overfishing based on did the
16 catches go over the OFL or not. There's also an Alternative 2b
17 there that says that overfishing occurs when the catches exceed
18 the overfishing level and the council, in consultation with the
19 SSC and the Science Center, determine that the overage occurred
20 because the catches increased and not because reporting has
21 improved.

22
23 It gives you an alternative that would allow you to look at this
24 more carefully and make sure we aren't penalizing the fishermen
25 because they're doing a better job of reporting.

26
27 Those are some of the differences with it. We tried to come up
28 with some way to deal with overfished by looking at what if
29 catches fall below some threshold, but after talking to the
30 Science Center, it doesn't seem to me that's a workable idea and
31 so probably that would fall out of it.

32
33 Where that would leave you then is you would have a series of
34 alternatives that would set all of these reference points and
35 the ACLs and then you would have an action -- The initial
36 alternatives would just set up U.S. Caribbean-wide ACLs and not
37 broken down by islands. It's just going to give you the overall
38 numbers.

39
40 Then in Action 2, you would decide we're going to have
41 Caribbean-wide ACLs or, two, we're going to divide and manage
42 the catch limits by platform. You would decide there to break
43 them up by the various island groups and if that's what you
44 chose to do, then the annual catch limits would all be split up
45 based on how much each of the islands contribute to them and
46 that seems to be what you want to do and so that would be taken
47 care of in Action 2.

48

1 Then Action 3 would set up the accountability measures and so
2 you would have an Alternative 2 that just says the
3 accountability measures are triggered if the catches exceed the
4 annual catch limits and it would be based on one year, a two-
5 year average, a three-year average.

6
7 Then it has a third alternative that would trigger the
8 accountability levels if the catches are exceeded, but only
9 after the council, the SSC, and the Science Center reviewed the
10 numbers and determined that the overage was not due to improved
11 reporting, which I think is something that we've heard from the
12 fishermen and everyone that we need to have in there.

13
14 Then in the next action, which is applying the accountability
15 measures, it goes into if after all that review you determined
16 you did go over the ACL, then what do you do? What it talks
17 about is that you essentially implement a closed season, in
18 order to compensate and keep you from going over again and then
19 it has a few alternatives of different ways to do that.

20
21 Then Action 4 is the same framework procedures that are in the
22 existing document that we just went over. It gets the whole
23 amendment down to four actions with just a few alternatives for
24 each.

25
26 Now, I think it will have to get a little more complicated than
27 that, because of conch, because of the way we're dealing with
28 parrotfish, and because of the recreational issues and because
29 we're going to have broader groupings in St. Thomas and St.
30 Croix and less broad groupings in Puerto Rico and that's not
31 reflected in here. We would have to do it.

32
33 If you all are in agreement with it, I think it's a more
34 straightforward way to lay this out that doesn't have so many
35 different alternatives in it and I guess what you could do is if
36 you think this is a more sensible and simpler way to arrange it,
37 staff could go back and rearrange the document along these lines
38 and then when we bring it back to you at the March meeting, it
39 would be organized in this way.

40
41 The content of it would all essentially be the same as what
42 you've approved and it would reflect all the changes you've
43 made. It's just a reorganization into what I think are a
44 smaller number of actions and alternatives. You just need to
45 tell me if you think this seems more clear or not.

46
47 Either way we go on it, we're going to have to do better with
48 updating the reference points in the SFA Amendment and one thing

1 we've heard about from a lot of folks is they don't like the SFA
2 Amendment. Lord knows we've all heard that.

3
4 Really, what we're doing here is changing most of what's in the
5 SFA Amendment and moving away from it. We're going to change
6 the numbers and we're going to change the proxies, based on
7 different years, and change a lot of those kinds of things and
8 we're going to change how we decide when overfishing is
9 occurring.

10
11 I don't know what to do about the overfished part of it yet.
12 We're going to have to keep working with the scientists to
13 figure out how to handle that, but at least if we went down this
14 path we would either be able to say yes, we're overfishing or
15 we're not overfishing, based on here's what the catches are.
16 That seems, to me, to be more acceptable to folks. It's up to
17 you guys.

18
19 **EUGENIO PIÑEIRO:** Thank you, Roy. I believe that it captures
20 the essence of what we have been discussing for the past year
21 and -- (The rest of the comment is not audible on the recording.)

22
23 **BEULAH DALMIDA-SMITH:** I would just like to take a five or ten-
24 minute break to look it over and to discuss it and then we can
25 come back and vote on it.

26
27 **EUGENIO PIÑEIRO:** We'll take a five-minute break and we'll be
28 back. Thank you.

29
30 (Whereupon, a brief recess was taken.)

31
32 **EUGENIO PIÑEIRO:** Roy, I believe you have the word on --

33
34 **ROY CRABTREE:** We were going to decide whether we wanted to
35 reorganize along these lines and I just want to make a couple of
36 comments that the overfished threshold parts in these
37 alternatives, where it says the group is overfished if the catch
38 drops below 50 percent of the ACL, that comes out of the
39 document, because that won't work, at least the way things are
40 now.

41
42 Then the other thing that a couple of people asked me about --
43 When you set the ACL, if you exceed the ACL, that triggers the
44 accountability mechanism, but it doesn't mean you're overfishing
45 if the ACL is reduced for the uncertainty.

46
47 If you set your ACL at 75 percent of the overfishing level, the
48 ACL triggers the accountability, but the overfishing level is

1 what would trigger an overfishing determination, which goes into
2 the report to Congress.

3
4 Then when a stock becomes overfishing, you get a letter from the
5 Fisheries Service saying you're required by law to take action
6 and right now, the statute is you have two years to implement
7 measures and they have to be sufficient to end the overfishing
8 immediately.

9
10 There's the overfishing level that determines if you're
11 overfishing or not and then the ACL determines whether
12 accountability measures kick in or not, but otherwise, I think
13 what we just need from the council is a general consensus that
14 we want to reorganize along these lines or we don't and tell
15 staff and then we'll make it happen.

16
17 **EUGENIO PIÑEIRO:** Is there at this point any objection to
18 reorganize the document accordingly to what Roy had said?

19
20 **ROY CRABTREE:** I think as long as the record reflects that we
21 want to reorganize along this handout that that's sufficient and
22 staff understands.

23
24 **EUGENIO PIÑEIRO:** (The comment is not audible on the recording.)
25 To make everyone feel at ease, that doesn't change the essence
26 of the discussions of this council at all. It's just some
27 instructions and some guidance for staff to reorganize the
28 document.

29
30 We are done with the ACLs, I believe. Anything further,
31 Graciela? No? If that is the case then, we are going to
32 continue with the remaining and we will have the presentation of
33 the SSC by Dr. Barbara Kojis.

34
35

36 **NATIONAL MEETING OF THE REGIONAL FISHERY MANAGEMENT COUNCILS'**
37 **SCIENTIFIC AND STATISTICAL COMMITTEE REPORT**

38
39 **BARBARA KOJIS:** Good morning, everybody. My name is Barbara
40 Kojis and I'm going to give you a report on the Second National
41 SSC Meeting that was held in St. Thomas. Representatives of the
42 eight regional councils' SSCs met on St. Thomas, U.S. Virgin
43 Islands, from November 10th to the 13th of this year.

44
45 The CFMC successfully organized and hosted the meeting with CFMC
46 staff playing a very vital role in the smooth running of the
47 meeting. The VI government hosted a reception and the VI
48 Governor welcomed the SSC members at the reception and so it was

1 a very good meeting with a beautiful view from the Sugar Bay
2 Resort and many of the members there had wished they had
3 arranged a vacation afterwards.

4
5 The first draft of the report was edited by David Witherell and
6 it's currently being reviewed by the SSC members who attended
7 the meeting and this report should be available fairly quickly
8 and I am sure will be put on the council website. I don't know
9 when it's going to be exactly it's going to be available, but it
10 should be available shortly.

11
12 The focus of the meeting was to discuss technical aspects of
13 establishing scientifically based catch limits. A
14 representative from each of the eight regional councils made a
15 presentation on the scientific methods that are being used to
16 establish ABCs, allowable biological catch, and how they were
17 incorporating uncertainty into setting annual catch limits.
18 This was a focus of the meeting.

19
20 Bill Michaels from NOAA-NMFS provided a report on the status of
21 the revised National Standard 2 Guidelines that were being
22 developed by NMFS. The guidelines were being revised because of
23 the reauthorization of the Magnuson-Stevens Act that was done
24 recently.

25
26 NS-2 relates to managing fisheries using the best available
27 scientific information. The draft revised National Standard 2
28 Guidelines should be published in December of 2009. I'm not
29 sure if they have been published yet, but they're supposed to be
30 published this month in the Federal Register and there will be a
31 period of ninety days available for comment.

32
33 The intent of revising the NS-2 Guidelines was to facilitate
34 compliance with the requirements of the Reauthorized Magnuson-
35 Stevens Act and to provide quality standards for the collection
36 and provision of biological, ecological, economic, and
37 sociological information to fisheries managers, councils, and
38 the public.

39
40 Mr. Michaels stated that the information should include an
41 evaluation of uncertainty. The scientific information should
42 include an evaluation of the uncertainty of the information and
43 identify gaps in the information. The limitations in scientific
44 information may not be used as a justification for delaying
45 fishery management actions and information from data-poor
46 fisheries may require use of simpler assessment methods and
47 greater use of proxies.

1 I just want to note here that the CFMC has the unenviable job of
2 establishing ACLs based on unreliable catch data. We've heard
3 repeatedly from fishers that reporting has not necessarily been
4 accurate and this is true for most of our stocks under
5 management.

6
7 It was clear at this meeting -- When people were talking about
8 data-poor situations, they referred to stocks that had at least
9 reliable catch data and so we're even far out of what is
10 normally defined as a data-poor situation and with reliable
11 catch data, you can use the catch data and determine a level of
12 uncertainty and in our case, that level of uncertainty could be
13 very high in both directions and there really is no way, for
14 many of our stocks, for determining the level of uncertainty of
15 our catch data.

16
17 Under existing NS-2 Guidelines, SAFE, which is the Stock
18 Assessment and Fisheries Evaluation Reports, are required to be
19 prepared and updated or supplemented as necessary for each
20 fishery management plan.

21
22 A SAFE Report is a document or a set of documents that provide
23 councils with a summary of the scientific information pertaining
24 to the fishery at issue. Not all SSCs receive SAFE Reports,
25 despite a long-standing requirement that SAFEs be prepared.

26
27 The participants of the meeting felt that SAFE Reports can be
28 very useful to the public, the council, as well as the SSC.
29 They provide a single document containing scientific stock
30 assessment information for establishing ACLs for a particular
31 stock and can improve the public understanding of the
32 transparency and the ACL process.

33
34 They also provide the history of the decisions relating to each
35 species and species unit, so that as membership of SSCs and
36 council change, the background and rationale behind decisions is
37 not lost. This was a recommendation of the SSC National Meeting
38 that SAFE Reports be provided.

39
40 Rick Methot and Erik Williams, both of NMFS, provided a
41 presentation on the 2009 National Standard 1 Guidelines on ABC
42 control rules and scientific uncertainty. I just want to bring
43 up this slide, which we've probably seen many times in various
44 meetings, but, again, this sort of explains how the system as it
45 exists now is supposed to work, with the OFL overfishing limit
46 being equivalent to the maximum amount of fishing that can be
47 done, the ABC, allowable biological catch, being determined by
48 the SSC.

1 As I have stated previously, the SSC couldn't determine ABC,
2 because there wasn't reliable catch data, and the difference
3 between the OFL and the ABC is the buffer for scientific
4 uncertainty. How sure are we that this OFL level can
5 scientifically be determined exactly?
6

7 If you are really unsure, because the data is not precise enough
8 or there is a lot of variability in the data, then ABC would be
9 lower. The ACL can be at the same level as the ABC or lower
10 than the ABC, but it can't be above the ABC and the difference
11 between the ACT, the annual catch target, and the annual catch
12 level is the buffer for management uncertainty, which is the
13 buffer that's determined by the council, that the council wants
14 to take into account based on their uncertainty regarding the
15 management measures that are in place and how well those
16 management measures will work.
17

18 Down at the bottom, you've got ACT is less than or equal to the
19 ACL and you do not have to establish an ACT as a council. It's
20 not a requirement. You do have to establish an ACL, an ABC, and
21 an OFL.
22

23 The ACL can be less than or equal to the ABC and the ABC must be
24 less than the OFL. You have choices. The second way down there
25 of that listing indicates that you can choose not to have an ACT
26 -- The ACL is less than or equal to the ABC is less than the
27 OFL.
28

29 Control rules are procedures for translating information about
30 abundance and productivity of a stock into recommendations
31 regarding future levels of fishing activity. The 2009 update of
32 NS-1 Guidelines provide more explicit guidance regarding the
33 need to account for scientific uncertainty in designing ABC
34 control rules to prevent overfishing.
35

36 The ABC control rule for a quantitatively assessed stock usually
37 should take into account three basic factors, the stock
38 productivity, the stock abundance, and the uncertainty about the
39 stock abundance levels and productivity.
40

41 The difference between OFL and ABC provides a buffer that takes
42 into account scientific uncertainty and is based on the SAFE
43 Reports and the SSC reviews of these reports. We get SEDAR
44 reports that usually come out and then other reports as well
45 that the Southeast Fisheries Science Center provides.
46

47 The uncertainty factor, which establishes ABC below OFL, is
48 based on the probability of overfishing a stock and it cannot

1 exceed 50 percent. That 50 percent level is based on a court
2 case, where a judge said if you're fishing two years in a row,
3 only one of those years you can overfish the stock. That's one
4 interpretation. I'm sure there's other interpretations as well
5 for that 50 percent level.

6
7 The level for most species should actually be lower than the 50
8 percent, but that was the minimum. The probability of
9 overfishing a stock, when you read the document and things come
10 up in the future, is called P*.

11
12 This is another way of looking at these OFL, ABC, ACL, and ACT,
13 showing that the difference between OFL and ABC is due to
14 management uncertainty and the difference between your ACL and
15 ACT is due to scientific uncertainty and the other is due to
16 management uncertainty and OFL is equivalent to MSY and so when
17 you're looking at these documents and they talk about MSY, you
18 can equate that pretty much with OFL, overfishing limit, and the
19 ACT they equated with optimum yield here as well.

20
21 The difference between ACL and ACT, as shown up here, takes into
22 account management uncertainty and is determined by the council.
23 There is no requirement to establish an ACT, which would set a
24 target below the ACL for a specific stock.

25
26 However, the advantage of establishing ACTs and setting them
27 below ACLs is that when ACTs are exceeded, they do not trigger
28 required accountability measures, for example closure of the
29 fishery for the remainder of the year. These are only triggered
30 when ACLs are exceeded, although you probably could set in place
31 -- This may be something that the Southeast Fisheries Science
32 Center or the Regional Office wants to clarify a little more, is
33 how you could utilize ACTs to make sure that you don't exceed
34 your ACLs. I thought that was a fairly important statement
35 that's taken from the document.

36
37 Relevant to this council, the SSC discussed data-poor cases
38 where even catch is not reliably estimated and they discussed
39 that in the context of using spatial management. While it was
40 concluded that leaving some portion of a stock protected, closed
41 areas, in essence, has some merit in reducing fishing mortality,
42 it is often difficult to quantify the reductions in fishing
43 mortality provided by closed areas.

44
45 There is also the chance that there's a false sense of security
46 in terms of protecting stocks from fishing mortality through
47 area closures, especially for highly-mobile stocks. If a stock
48 is pretty sedentary and it stays in the same area, a large

1 closed area could certainly probably protect it, but in
2 situations where you've got highly mobile stocks, that
3 protection may be much less than you anticipate.

4
5 The use of area closures would not explicitly address the
6 requirements specific to ABC and ACL, according to what was
7 mentioned in this meeting. However, I stated in the SSC meeting
8 that area closures have been shown to be successful when they've
9 focused on protecting areas important to fish life history, for
10 example nursery area, and spawning aggregations, which the
11 spawning aggregations are highly vulnerable to fishing.

12
13 I mentioned the documented success of closing the Marine
14 Conservation District south of St. Thomas, which was initially
15 closed seasonally and eventually year-round, to protect a red
16 hind spawning aggregation. That has been shown, from the
17 studies done by numerous scientists, to have protected that
18 spawning aggregation.

19
20 Catch shares were also discussed. There was a presentation on
21 the history and implementation of catch shares. The 2006
22 Reauthorization of the Magnuson-Stevens Act provided statutory
23 language for limited access programs.

24
25 NOAA Fisheries is currently developing a catch shares policy to
26 encourage regional fishery management councils to consider catch
27 shares as an option for management in their various fisheries.
28 Catch share programs would set an annual quota for each fish
29 stock and allocate an exclusive portion of that quota to
30 entities such as fishers, cooperatives, or fishing communities.

31
32 The recipient of a share is responsible to stop fishing when
33 they reach their quota. Benefits of catch share programs could
34 include control of catch to prevent overfishing, reducing the
35 overcapacity in a fishery, improving overall economic
36 performance of the fishery, improving safety at sea, and
37 increase participants responsibility for monitoring and
38 management.

39
40 There were some concerns that stakeholders have raised about
41 catch shares that were mentioned during the meeting. These
42 included increased wealth of large stakeholders; inherent
43 economic inequalities in the distribution of catch shares;
44 exclusion of entry-level fishers; financial speculation on
45 shares; hi-grading, where some fish are thrown over because they
46 can make more money with other fish, and so you may get more
47 bycatch mortality; increase in false reporting; implementation
48 monitoring costs; privatization is hard to reverse and if the

1 system isn't working, how do you reverse it; and crews may
2 sometimes be disadvantaged.

3
4 I assume that all of this is going to be addressed in the policy
5 that NOAA is coming out with regarding catch shares. Under-
6 Secretary Lubchenco announced the formation of a catch shares
7 task force in June of 2009 to develop NOAA policy on these catch
8 shares.

9
10 The NOAA policy on catch shares will be designed to ensure that
11 catch shares are fully considered when councils take up fishery
12 management plan amendments. A draft interim policy will be
13 published and I think it was supposed to be published in
14 November of 2009, and I don't know if it's out, with a ninety-
15 day comment period.

16
17 They also made a presentation on the Marine Recreational
18 Information Program, called MRIP, which is the substitute for
19 MRFSS. MRFSS had the unenviable position of starting out to do
20 one thing and then being really asked to provide how much catch
21 recreational fishers were harvesting, so that when councils made
22 their decisions on total catch and so on it was included and
23 MRFSS never really was set up that way and so when you tried to
24 use it, people complained that the data were inaccurate. There
25 was a presentation given on this new program. The goal of the
26 MRIP is to develop a nationwide system of surveys --

27
28 (Tape change)

29
30 **BARBARA KOJIS:** -- the bias and uncertainty that was inherent in
31 the MRFSS program and it was encouraged by the CFMC SSC that
32 MRIP surveys be expanded in Puerto Rico and implemented in the
33 Virgin Islands.

34
35 Then, because of the problem with the data-poor situation, where
36 we only have catch, there were a number of things that people
37 looked at with respect to this, because every council has at
38 least some stocks where they've only catch, reliable catch only
39 situations.

40
41 One of the suggestions were suggested categories for stocks in
42 which only reliable catch was known and in each of these cases,
43 you had catch-only statistics, where, for example, a stock was
44 really not targeted and it's inconceivable for that stock that
45 the catch could be affecting the stock and this usually is a --
46 You would put that stock either not in the fishery at all or
47 it's an ecosystem component and an ACL and so on is not
48 required. A status determination is not required.

1 If the catch is small enough to warrant a stock in the fishery
2 and tracking, but not enough to be of concern, then there were
3 suggestions about setting the ABC and ACL above the historical
4 catch or set the ACT at the historical catch level and allow
5 increase in ACT if accompanied by cooperative research or close
6 monitoring.

7
8 If the catch was moderate, then, and a possible situation for
9 moderate was any increase in catch could result in overfishing,
10 then the ABC/ACL would be just capped at the current fishing
11 level.

12
13 If there was moderately high fishing for a particular stock and
14 that stock might be undergoing overfishing or overfished, but
15 there's no assessment to really quantify whether that's
16 happening, then the recommendation is to set the provisional OFL
17 and so -- Set ABC and ACL below OFL, to begin stock rebuilding.
18 This was one of the tables that was proposed.

19
20 Like I said, all regional councils are dealing with at least
21 some species that have only reliable catch data and so to come
22 up with valid procedures for determining OFL and ABCs for data-
23 poor stocks, Jim Berkson -- One of these days, we may have
24 reliable catch data, in the next few years, and so it's
25 important that we have something out there that we can utilize
26 to analyze these stocks and know what information we want to
27 measure, obtain in order to get this measurement.

28
29 Jim Berkson has volunteered to chair, and he's on our SSC, chair
30 a working group that would discuss how to establish ABCs for
31 stocks for which only reliable catch data are available and the
32 acronym for this working group is ORCS, which stands for Only
33 Reliable Catch Stocks.

34
35 The Magnuson-Stevens Reauthorization Act requires that the
36 regional management councils provide ABC for each stock. For
37 many stocks, reliable catch is the only data available. Without
38 additional data, such as catch per unit effort indices, catch by
39 length, mean lengths, catch by age, traditional stock assessment
40 techniques cannot be applied. All of this information is really
41 needed to do a traditional stock assessment.

42
43 With catch data, you can't do it, but they're looking at other
44 techniques that you can use if all you've got is catch data. As
45 a result of this, ABCs for the ORCS must be developed utilizing
46 approaches other than output from traditional stock assessments.

47
48 They're going to look at what's happened in the past with

1 respect to developing TACs, total allowable catch, which is now
2 really ABCs, and they're going to look at what scalers have been
3 used in the past and they're going to try to come up with some
4 new methods, and a range of methods as well, for dealing with
5 stocks for which we only have reliable catch data.

6
7 There are several issues related to developing ABCs for Only
8 Catch Data Species. The following concerns were identified.
9 There's a substantial number of stocks and there's a pressing
10 need to evaluate existing and potential methods for these
11 stocks. The information can contribute to a common framework
12 for establishing among regional SSCs.

13
14 One of the things with respect to this is coming up with
15 something that is a method that is stronger and more defensible
16 than what we are using right now and so this is one of the
17 things that they're going to be working on and their timeline
18 for doing this, because of the fact that there's fast-
19 approaching deadlines that we know about for our council and
20 everybody else's council, this task needs to be completed
21 quickly and so they're planning on producing and having a report
22 before the National Stock Assessment Workshop is held in May of
23 2010.

24
25 The participants at the meeting strongly felt that it was
26 critical to have another workshop next year. The SSCs now have
27 a fairly large responsibility in establishing ABCs and many of
28 the methods and control rules are still in development and
29 testing stages.

30
31 The diversity of approaches to quantifying scientific
32 uncertainty reflects that this is a new field for fisheries,
33 which requires refinement of approaches over time, and SSC
34 workshops offer a very efficient way to develop and refine best
35 practices for these technical issues.

36
37 Topics suggested for the next SSC workshop included comparison
38 of technical peer review processes among SSCs, uncertainty
39 calculations approaches for OFL, to consider what is the role of
40 the SSC in determining management uncertainty and providing
41 advice to the council with respect to that, reviewing NS-2
42 Guidelines, reviewing best practices for ACL control rules, and
43 best practices for a scientific review process as an analytical
44 evaluation.

45
46 Participants of the meeting agreed that in addition to SSC
47 workshops that further information exchange across councils
48 should be enhanced, by sending SSC members to sit on other

1 council SSC meetings on occasion and distributing reports among
2 SSC chairs and other coordination, where it's possible.

3
4 In many cases, most of the information is on the council
5 website, but if you're not checking the website regularly, you
6 don't know what's available.

7
8 It was a very successful meeting, successful because of the
9 council staff putting everything together and making it very
10 efficient and run smoothly, as well as the programmatic
11 organization that was done by this council as well as Dave
12 Witherell. If you have any questions, please ask.

13
14 **MIGUEL GARCIA:** Barbara, I wonder if the habitat extension has
15 ever been considered in terms of the population of these
16 species, the habitat availability for these species in the
17 different areas that you are looking at.

18
19 For example, were the species in any danger of being depleted by
20 fishery activities because of the limitations of its area, of
21 its habitat, habitat area. I wonder if this council has ever
22 been part of the discussions in these deliberations by the SSC.

23
24 **BARBARA KOJIS:** I don't recall any discussion with respect to
25 that. I think maybe they would have mentioned habitat issues
26 briefly, but it hasn't been a focus of any of the discussions
27 and it might be a good topic for the SSC to be considering as
28 well.

29
30 **MIGUEL GARCIA:** Also, another aspect that I believe is important
31 is the connectivity of the habitat. Just to give you an
32 example, when we're considering deep snapper fisheries, we need
33 to recognize that there is a connectivity between islands in the
34 Caribbean and that connectivity issue brings an important
35 consideration about the vulnerability of the stock or the
36 potential of the stock to be replenished by other islands.

37
38 That is something that I believe that at some point should play
39 an important role in the discussion of the uncertainties that we
40 want to apply to the different annual catch limits for these
41 populations.

42
43 In the case of Puerto Rico, for example, we know that there is
44 an entire ridge connecting Puerto Rico to the Dominican Republic
45 and that leaves a lot of space for interaction and connectivity
46 of these populations between the Caribbean islands. I think
47 that some point we need to incorporate some of these things into
48 the discussion of annual catch limits.

1 **EUGENIO PIÑEIRO:** Thank you very much, Dr. Garcia. Thank you
2 very much, Dr. Kojis, for your presentation. We are going to
3 have a presentation in regards to the council. (The rest of the
4 comment is not audible on the recording.)

5
6 (There is a gap in the audio recording.)

7
8 **PRESENTATION ON ANNUAL CATCH SHARES**

9
10 **WALTER KEITHLY:** -- and he gave me a few guidelines on different
11 issues that we may actually be looking at for this presentation.
12 For those of you that are familiar with catch shares, you may
13 want to take a nap right now, with the Chairman's permission.

14
15 For those of you not familiar with catch shares, feel free to
16 ask me a question anytime during the presentation. I don't want
17 you to get lost and those that are familiar, again, if you have
18 anything you want to add, feel free. It's tough saying much in
19 twenty minutes, but we're going to see where we can go and if I
20 start going overboard, I trust that somebody will tell me and
21 I'll try to wrap it up relatively quickly.

22
23 Dr. Kojis already basically stole a little bit of my thunder on
24 what a catch share is. Again, the report that she mentioned
25 that Dr. Lubchenco said would be out in November, it just came
26 out last week, at least the draft of it.

27
28 Always start with the definition when it comes to catch shares
29 and part of the definition is simply catch share is a general
30 term for several different fishery management strategies that
31 allocate a specific portion of that total allowable catch to
32 either individuals, corporations, or other different types of
33 entities.

34
35 An important factor is once somebody reaches his share of the
36 TAC, he must stop fishing for that species once his share of the
37 quota is reached. Again, points to consider from that
38 definition, first, catch shares includes all different types of
39 management strategies, which I'll get into a little bit more
40 detail in just a minute.

41
42 It's not allocation or fishing privileges, not necessarily
43 allocated to only individuals. Communities can be given
44 allocations or cooperatives. Associations after the initial
45 allocation can also develop privileges.

46
47 What we have when we deal with catch shares is actually a
48 market. We're bringing economics into play and so using

1 incentive systems to help manage the fishery. We're doing so
2 generally by creating a market -- In essence, if they're
3 transferable, you own -- I shouldn't say that, but you have a
4 privilege of harvesting, generally, a portion of the catch which
5 you can buy and sell and trade in the market.

6
7 Again, we have brought economics. We have brought the market
8 into play. Exactly what's happening with the greenhouse gas
9 issues and so forth, developing a market there. It's important
10 to note that catch shares do not negate the need for determining
11 accurate TACs or ACLs or ACTs, however want to look at it.

12
13 I'll give just a mere, brief history. Historically, going back
14 a number of years, back to the 1950s and 1960s, which was the
15 first time we really tried to manage fisheries, generally that
16 was by either biological constraints, size limits and so forth,
17 or input restrictions, again, limiting the number of vessels or
18 number of trips that a vessel can take at sea, the length of the
19 vessel, horsepower. Your imagination is the only limiting
20 factor of what constraints you can put on that vessel for input
21 restrictions.

22
23 Basically, what these did, they promoted efficiency among
24 vessels. Yes, in the short run they sometimes helped to
25 constrain catch, but in the long run, they were not bound to be
26 very effective and basically, as one colleague stated in a
27 paper, it's like a chess game and the fisherman always have the
28 last moves.

29
30 The managers put another restriction on and the fishermen try to
31 get around that restriction by changing something else and so
32 the input restrictions have not been found to be generally
33 successful in meeting the objectives of protecting stocks and
34 even less so at increasing any profitability in the fishery,
35 because implicitly, you're making fishermen less efficient when
36 you impose input restrictions.

37
38 We over time have moved to output restrictions and, again, it's
39 in association with better understanding of the fisheries,
40 putting output controls, which generally refers to aggregate
41 industry catches and/or individual trip limits by fishermen on
42 catches.

43
44 Over time, again, these were not found to be totally successful
45 at times and they're run into a large number of problems in
46 terms of derby fishing and so forth once that aggregate quota is
47 put on.

48

1 It encouraged fishermen to race for the fish and in certain
2 fisheries like halibut, the season became progressively shorter
3 and the same thing in the Gulf of Mexico with red snapper, where
4 a TAC was placed on a season and it went from 365 days down a
5 minimum of fifty-some at some point in time and the council
6 started imposing many seasons and it got very complicated in
7 terms of management.

8
9 Again, over time, these restrictions have been unsuccessful and
10 we've had to further address the problem. We don't have a
11 property right regime and therefore, what incentives are there
12 for individuals to maintain the resource with no property rights
13 to the resource and basically, with catch shares -- You've got
14 to be careful. Again, I'm sure Mr. Grimes would correct me
15 here, but with catch shares we're not really establishing
16 property rights, but we're establishing a right to the harvest
17 of the resource and that's the next best thing.

18
19 If you don't have property rights, you tend to overuse. Any
20 resource where you don't have property rights, almost any
21 resource, you tend to overuse it and so with respect to catch
22 shares, we're trying to establish those property rights.

23
24 Basically, rights-based management, catch shares, were initially
25 started in the mid-1970s in Holland and Iceland, relatively
26 crude types, but certainly that's where they go back to. By the
27 mid-1980s, IFQs in particular, but different catch share
28 programs had become almost commonplace and by 1986, New Zealand
29 had put all of its fisheries under a comprehensive IFQ system.

30
31 You see a natural progression, again, indicating, in part, their
32 success. Now, rights-based management is used by, or different
33 instruments, being used by over a dozen different countries and
34 it accounts for over 10 percent of the world catch, wild catch.
35 In fact, in many, many different types of countries.

36
37 I just had a call a couple of weeks ago from a company asking me
38 to give them some help, possibly, down in El Salvador in
39 determining catch based programs. Again, they're being used
40 basically in every region of the world now.

41
42 Just real briefly, two types of programs I'm going to look at
43 quickly. One is the individual transferable quota, which is a
44 specific form of individual fishing quota. Basically, it allows
45 for transfer of your share, of your share that will be given to
46 you.

47
48 There are three concepts. You have a quota. Just with every

1 fishery management process now, you have to have that aggregate
2 TAC, or ACL. However, that aggregate TAC is then partitioned to
3 individual participants in the fishery, so every member in the
4 fishery has some guaranteed share of the total allowable catch
5 or ACL. That is what makes it individual in nature. You're
6 taking that total TAC and giving fishermen some share of the TAC
7 and they're transferable in this case. Transferability implies
8 you've developed a market for it. They're brought in that
9 economic incentive.

10
11 Another example is to employ your territorial use rights for
12 fisheries and, again, basically what you're doing is you're
13 allowing an individual or an entity certain geographical
14 boundaries which are exclusive to his use for the harvest of a
15 given species.

16
17 What are some of the reasons? A paper, again, I think Dr.
18 Crabtree at the last council meeting handed out a document
19 "Catch Shares and Alternative Traditional Management". These
20 expected outcomes that I have listed here are straight out of
21 the document.

22
23 Increased fishery profitability. Why? First of all, you're
24 reducing capacity in the fishery. You're increasing flexibility
25 of when they can fish.

26
27 Rather than having seasons and everything else, when you go to
28 IFQ programs or catch share programs, you tend to increase
29 flexibility in the fishery and in fact, numerous studies have
30 shown now that with a well developed catch share program that
31 profitability in the fishery can increase significantly, either
32 through higher prices, due to better quality or an extended
33 season and/or lower costs associated with harvesting.

34
35 Again, consumers can buy fresher seafood and increase the safety
36 at sea. Why? Because you now have a share in the total
37 allowable catch. You get to determine when you want to go out
38 and harvest it. You're not being forced by the regulators to
39 either go out on this day or possibly not be able to go out.

40
41 When you develop a catch share program, the issue of seasons and
42 closed seasons and so forth in general tend to disappear over
43 time. In some fisheries, that leads to increased compliance and
44 reduced bycatch and what may be of particular interest down here
45 is possibly improvements in the habitat. Again, if for no other
46 reason than you have a reduction in capital in the fishery.

47
48 However, IFQs aren't a panacea and they may not work for every

1 fishery. In general, they have been very successful. I only
2 know of one case where they've been taken away or heard of one
3 case and supposedly that's because the TAC was poorly specified
4 to begin with on it and so the shares -- They ran into some
5 major problems there.

6
7 In general, I can say that most fishermen that are given some
8 initial share tend to be relatively happy with catch share
9 programs, but, again, there's no guarantee that they're going to
10 work in all instances and as we'll look at in just a second, the
11 Caribbean is a real good test case, I guess is the best way to
12 put it, of whether they can work in all fisheries.

13
14 There's some unique -- I won't say unique, but some issues with
15 the Caribbean that certainly are going to make catch shares a
16 problem for a successful implementation of catch shares.

17
18 There are several issues you probably want to look at in the
19 Caribbean to determine whether a catch share program of any type
20 will be practical or feasible. First is enforcement and we
21 should probably add on to that monitoring adequately and/or can
22 appropriate steps be taken to make it adequate?

23
24 If you don't have adequate monitoring and enforcement, there's
25 no sense in having a catch share program. Now you can make the
26 argument that if there's no enforcement that no management
27 regulations are going to work, but enforcement is absolutely
28 critical for a successful catch share program.

29
30 As you all know better than I do and I've worked down here for
31 many years now, off and on, is that there's some federal, state
32 or territorial jurisdictional commonwealth issues that need to
33 be considered.

34
35 I cannot imagine that if a catch share was proposed and an
36 amendment was written, I cannot imagine, and I hate to speak for
37 him, that the -- Let me put it this way. I'm not sure that the
38 Regional Administrator would allow it to go through or the
39 Secretary of Commerce. I think it's almost critical, mandatory,
40 that you have compatible regulations.

41
42 The multispecies nature of many Caribbean fisheries certainly
43 will present a challenge to the development of catch share
44 programs. Are stock assessments adequate? I think Dr. Kojis
45 gave a brief presentation on some of the problems with stock
46 assessments in the Caribbean.

47
48 Can we compensate for incomplete catch histories? In general,

1 that initial allocation given to the fishermen or the
2 cooperatives or whatever is based on historical catch records
3 and certainly a strong argument can be made that they're
4 incomplete in the U.S. Caribbean and as such, it may be more
5 difficult to determine an initial allocation that will be
6 acceptable to the industry.

7
8 Again, there's certainly other ways to determine initial
9 allocations other than catch histories by the individual
10 fishermen, but it's been historically the most common means of
11 determining histories.

12
13 Permitting is a prerequisite. Certainly we need to get that in
14 the fishery and finally, would the industry be receptive to the
15 catch share program? The way the Reauthorized Magnuson-Stevens
16 Act is written, if a council develops a plan amendment to an FMP
17 for introducing catch shares, the permit holders would have to
18 approve it. It would have to have a referendum.

19
20 This basically says the ball is in the court of let's say the
21 fishermen, the interest groups, because they would have to
22 approve the referendum. If they don't like it, then it won't
23 pass and the Secretary of Commerce would not approve the
24 amendment. Again, just the main point being that agreement by
25 the industry is necessary for success.

26
27 Different points that they would have to agree on would be
28 eligibility, who is in it and who is out of it, and initial
29 allocation among participants.

30
31 One point I haven't brought up is once those initial allocations
32 are given, oftentimes it's very lucrative financially. In the
33 Gulf of Mexico, where we started a catch share program, IFQ, for
34 red snapper, and it started just a couple of years ago, the
35 shares are selling for somewhere in the neighborhood of twenty
36 or thirty-dollars a pound. Again, from a theoretical point of
37 view, it would be your -- discounted profits associated with the
38 species being sold.

39
40 Transferability is a major issue that would have to be
41 considered, including leasing of shares. Length of the program,
42 under the reauthorization, it cannot extend beyond ten years,
43 but it will generally be renewed and so there's some discussion
44 in the reauthorization of the length of it, but it could be less
45 than that. Other factors include maximum shares or
46 concentration in the industry. Next steps, again, Miguel has
47 asked me to help the Caribbean Council on looking --

48

1 **SHEPHERD GRIMES:** I'm sorry to interrupt, but I just wanted to
2 comment before we got too far that the referendum requirement
3 does not apply to the Caribbean Council FMPs. If this council
4 chose to implement a catch share or an IFQ program, there would
5 be no referendum requirement for them. That's just Gulf and New
6 England.

7
8 **WALTER KEITHLY:** I read it and I wasn't certain. That's why I
9 said to be corrected. Again, I apologize there. I thought that
10 all councils had referendums that would be required, but it
11 would be weighted differently in the Gulf and New England.

12
13 Miguel has asked that I assist in looking at catch shares in the
14 Caribbean and basically, what I proposed doing is beginning by
15 reviewing the literature on the systems and look to see what has
16 worked and what hasn't worked, particularly in instances that
17 are common to the Caribbean or similar situations.

18
19 That's the initial point and, again, things we have to look at
20 are compatibility across islands and so forth, just a number of
21 different issues. Then the paper and propose presenting it to
22 the council for input and with the council's assistance, to
23 begin to develop a panel or a working group to help more fully
24 develop the options that are presented in that working paper.

25
26 This is, at this stage, still relatively generic in nature.
27 Just simply we're looking at not any specific island or fishery
28 at this stage, but just IFQs or catch shares in general and then
29 my intent is to develop that white paper and present it to the
30 panels and get feedback from the panels and make changes
31 accordingly until we can reach some type of consensus on what
32 might be feasible catch share programs to consider.

33 After consensus is reached on general principles, again, then we
34 begin to look at more detailed catch shares for particular
35 fisheries or groups of fisheries and we'll follow the similar
36 process.

37
38 It's my understanding that one area that may be of interest
39 initially is the west coast of Puerto Rico and I guess with the
40 deepwater snapper and, again, at the end of the project, I'll
41 prepare a report for the council that will outline possible
42 strategies for development of catch shares for specific
43 fisheries and/or groups of fisheries. Finally, thank you and
44 I'll take any questions that anybody may have.

45
46 **BEULAH DALMIDA-SMITH:** I have a quick question and it's about
47 the financial viability of allocations to the fishers. There's
48 some great disparity between fishers in the Caribbean, the

1 smaller ones, the less fortunate, versus the larger and I'm
2 assuming the larger fishing vessels will get greater catch
3 shares, but I don't know. Is the intent to create some kind of
4 equilibrium? How can we justify that? I don't see a buy-in if
5 the smaller fishers can't improve their fishing vessels and
6 can't improve their catch and effort to make much more money and
7 so they may need assistance. It's just a general question.

8
9 **WALTER KEITHLY:** It's a very valid question and certainly in the
10 reauthorization it basically brings up fair and equitable and so
11 on and so forth, but there's no one-way-fits-all determination
12 of that initial allocation.

13
14 Historically, many fisheries have done it on catch histories, in
15 which case, as you say, the larger fishermen would receive a
16 larger initial share. Is that fair? The argument would be that
17 I got larger by working harder.

18
19 Fairness is a very subjective concept and there's any number of
20 ways to determine that initial allocation, including, by the
21 way, which I don't think would be appropriate for the Caribbean
22 -- NOAA General Counsel can correct me if I'm wrong here, but I
23 don't think so, but I think they can be auctioned off now even.
24 Again, that's the exact type of issue though that any committees
25 that are formed are going to have to work out.

26
27 I can tell you, because I helped work on the Gulf red snapper
28 IFQ program, that was a major sticking point, is that initial
29 allocation. That, I would bet, has killed more proposed IFQ
30 programs than any other thing that could be discussed. Are
31 there other questions?

32
33 **MIGUEL GARCIA:** What kind of structure does there need to be for
34 a member of a particular group sharing X amount of pounds to
35 know where he's at in relation to his quota?

36
37 **WALTER KEITHLY:** Again, if I understand your question correctly,
38 let's say we pick a fishery that has a million-pound total
39 allowable catch or ACL, however you want to define it now, and
40 your share, your allocation, is 20 percent.

41
42 Your specific share of the quota is 20 percent, or 200,000
43 pounds, that you can harvest and by the percentage basis, if TAC
44 or ACL goes up or down, what you would be allowed to harvest,
45 your privilege harvest rates, will also increase or decrease
46 accordingly.

47
48 Now, if what you're asking is where do you know that you're at

1 at any point in the season, certainly helpful to the fishermen
2 is keeping some pretty detailed records him or herself on where
3 they're at.

4
5 If your total quota in the TAC under an IFQ program let's say is
6 200,000 pounds, you ought to be keeping up with how much you're
7 harvesting, so that come July you say I've only harvested 20
8 percent and I had better get out there and hustle a little bit
9 more to finish off my share or my poundage or lease it out, if
10 that's allowed, or whatever else.

11
12 The other thing is, as I've mentioned, monitoring is very
13 important and I would certainly expect that National Marine
14 Fisheries Service would be able to provide you with that type of
15 information over time. You really need real-time monitoring for
16 catch share programs.

17
18 **MIGUEL GARCIA:** My doubt is that as a -- Let's say I'm a
19 recreational fisherman and there might be 20,000 of them and how
20 do you know what's the tally, what's the tally up to a certain
21 time? I'm going to go out and I don't know if that share by the
22 recreational sector is already met.

23
24 **WALTER KEITHLY:** I've got you. Let's keep to commercial. To
25 save time, I did not break up the different sectors in the
26 fishery. Let's use an IFQ and that's the most popular catch
27 share program and, again, let's just say that the commercial
28 share is a million pounds.

29
30 It doesn't matter what everybody else has done. You still have
31 your 200,000 pounds, if you had a 20 percent share of the TAC,
32 and you can harvest it any time throughout the year that you
33 want. It is bounded by a million pounds. That will be the
34 commercial harvest, assuming they're keeping within their quota
35 under TAC.

36
37 Anybody else has to quit when he or she reaches his or her
38 individual quota. If you remember the first slide or second
39 slide on that definition, once an individual reaches his or her
40 quota, he must stop fishing for that species and so it doesn't
41 matter what everybody else is doing. You're still entitled to
42 harvest. You have the privilege to harvest that share
43 throughout the year.

44
45 **MIGUEL GARCIA:** It's an individual share basis? This is for
46 each fisherman there is a share or for the group or --

47
48 **WALTER KEITHLY:** For the group there's an aggregate quota. That

1 aggregate quota gets divided by each individual fisherman who
2 has an individual share. That one slide I went over showed
3 individual fishing transferable quota, an ITQ, and it's your
4 total quota, the commercial share under TAC, the quota under
5 TAC, we have that and then, again, if that's a million pounds
6 and everybody in this room is a fisherman and in total, the
7 total percentage would add to 100 percent and you've been a
8 highliner all these years and you have 20 percent and you're
9 guaranteed 200,000 pounds for that year.

10
11 Again, your percentage, unless you sell or buy shares, stays the
12 same, but if the TAC or ACL increases or decreases, then the
13 poundage that you would be allowed to harvest under your share
14 would increase or decrease accordingly, but yes, it's every
15 individual person has -- Again, keeping it to the basic IFQ,
16 where each individual or an association -- Then you get to
17 harvest whatever your share is.

18
19 **BARBARA KOJIS:** Say the St. Thomas Fishermen's Association has a
20 catch share. Then they, within their group, could decide how to
21 divide it up and then maybe each of the individuals within their
22 group gets a catch share and then they could redistribute it
23 later on.

24
25 **WALTER KEITHLY:** Absolutely, yes. It's the same thing with
26 cooperatives and again, there's a lot of technical terms that I
27 didn't want to get into at this stage, but it depends on how
28 things are set up. In a cooperative, they can -- There's
29 agreements with cooperatives. They can determine how profits
30 are even going to split from their share of the TAC.

31
32 **JULIAN MAGRAS:** I have a question for you, Walter. Using an
33 example you were using, a million pounds, I'm a fisherman and
34 I'm given 200,000 pounds, but the rest of the guys who have the
35 other 800,000 pounds causes the overrun of the ACL, but I'm
36 still keeping within my 200,000 pounds, is that going to affect
37 my catch share for the following year? Is it going to affect
38 the ACL going down because they went over, but my group kept
39 within the 200,000 pounds that we was allocated?

40
41 **WALTER KEITHLY:** My inclination would be to turn that over to
42 NOAA General Counsel on that. I think I know the answer, but
43 I'm going to let --

44
45 **SHEPHERD GRIMES:** I guess I would say it depends on the program
46 you set up. The overall quota allocated to the program as a
47 whole would have to be below the ACL and if any individual went
48 over, then that individual is responsible for paying that back.

1 In Gulf red snapper, I believe it's set up this way and in the
2 grouper IFQ program that the Gulf of Mexico recently
3 implemented, you have an overage provision.

4
5 If you go over and exceed your quota one year, that's deducted
6 from what you get the next year. It's not taken out of the
7 larger pool and so if you stayed within your 200,000 pounds, but
8 other individuals in the fishery exceeded their individual
9 allocation, then what they get the following year is going to be
10 reduced accordingly. That's just one way it's handled and
11 that's specified in the program. There are a myriad of ways you
12 could do it and it's up to you to design a program that you
13 thought was appropriate.

14
15 **WALTER KEITHLY:** These things are very flexible and there's an
16 infinite number of different types of programs that can be
17 developed and so a lot of these issues come down to how you
18 develop that catch share program, which it can always be changed
19 under amendments. Any other questions?

20
21 **MIGUEL ROLON:** Not, a question, but --

22
23 (Tape change)

24
25 **MIGUEL ROLON:** -- with the fishing communities and local
26 governments. The idea is not to decide this is the catch share
27 program that we are going to implement. It's just to decide on
28 the process. Maybe at the end of the process we will say that
29 catch shares is not for us, but today's goal is NOAA is saying
30 that they will assist fishing communities as they make the
31 transition between what they have now and if they move to the
32 catch share then they will be conducting regional workshops and
33 online seminars for education and outreach programs needed.

34
35 This is the first step. The other thing is that a catch share
36 program would take anywhere from one year to forever to
37 implement, but the caveat is that no matter what you do, you're
38 still below that cap that we call ACL and so whatever you do to
39 play underneath that ACL, allocation or what have you, catch
40 shares, has to conform with that requirement of the law that
41 goes above everything.

42
43 We just heard two examples today in the Gulf area where they
44 have taken a particular group that fish a particular species and
45 they have a reduction or a penalty, whenever you want to call
46 it, whenever your surpass your quota allocation. This is not
47 new. People are using catch shares and even small communities,
48 like Mexico for example -- They gave us a talk one time that

1 they have a lobster catch share program and have had that for
2 years and they keep it a particular way.

3
4 For example, if you remove the eggs from the lobsters, you may
5 run the same luck as the fishermen. They will remove your eggs
6 too and somehow you are taken out of the fishery and they also
7 have a penalty in some other areas where they have big fish and
8 big fishermen and big boats, a lot of fish.

9
10 In the 1970s, for example, there was an ITQ program in
11 Washington and I was a witness to that. The fishermen came
12 running to that ITQ program because it was a millionaires club.
13 Several years after, we have a workshop and they all wanted out,
14 because they had locked themselves into that program and once
15 you are locked into it, you cannot switch to other programs.

16
17 The idea is to show you all the different things that you can do
18 and remember, when the catch share was implemented as a policy
19 with this new administration, they didn't look at one paper, but
20 they looked at a thousand catch share iterations of catch
21 shares, LAPPs and ITQs and what have you.

22
23 At this time, what we are going to do is Walter Keithly will do
24 the review, the literature review. We will have a series of
25 meetings with the fishers and the local government officials and
26 then look at the beginning and we could start with the St.
27 Thomas/St. John Fishermen's Association and the U.S. Virgin
28 Islands Department of Planning and Natural Resources, because
29 they were the ones who asked to look at this. It doesn't mean
30 that they need to implement this.

31
32 The other fishery where the fishers came to the council and
33 asked for this were the deepwater snapper fishery fishermen from
34 the west coast of Puerto Rico and that's where we are so far and
35 probably by March we will have a report, so you will see the
36 progress of the catch shares. Then the council will have to
37 determine, in 2010, if you pursue this further and how you're
38 going to work on the catch shares program.

39
40 So far, we have identified the catch shares as one of the
41 activities that the council will do in the next five years, as
42 required by the grants money office. Dr. Lubchenco has
43 encouraged all the councils, at the chairs and executive
44 directors meeting, to look at catch shares as a possibly as a
45 tool in the box that we have for fishery management that could
46 be considered for every area.

47
48 We are very similar to the Pacific Islands Fishery Association

1 and they're looking into this, because we have some similarities
2 there and this is also tied with what we'll discuss about the
3 data-poor situations and all that and we have a meeting where we
4 send -- It was Graciela and we sent her over and she presented
5 the situation that we have in the Caribbean and it's similar to
6 the Hawaiian Islands regarding data collection and the way we
7 implement it.

8
9 The other thing about catch shares is that the catch share is a
10 data-hungry program, a really data hungry program, and the other
11 thing is that without even self or government-imposed
12 enforcement, it doesn't work at all, because they need to know
13 where you are and you need to be sure that your catch share will
14 be respected and so forth and so on.

15
16 I encourage the council members to look at the NOAA webpage.
17 They have a draft that came out a few days ago. I will send you
18 a copy of an article in the newspaper where they discuss very
19 briefly what the intentions are with the catch share programs.

20
21 **WALTER KEITHLY:** I think Miguel is absolutely correct. If I
22 left you with the impression that you can expect catch shares
23 down here in the next year or two, that's a mistaken impression.
24 It's a long-term process and I'm involved in just the first step
25 of that process, which may or may not even work, as I hopefully
26 indicated. Thank you.

27
28 **EUGENIO PIÑEIRO:** Thank you, Walter. On behalf of the council,
29 we appreciate your effort and we thank you. (The rest of the
30 comment is not audible on the audio recording.)

31
32
33 **PRESENTATION BY BOB TRUMBLE**

34
35 **BOB TRUMBLE:** Thank you, Mr. Chairman. It's a pleasure to get
36 back down here. It's the first time I think that I've had a
37 meeting with the council since we finished the EFH about four
38 years ago and so I'm very glad to come back and see you all
39 again.

40
41 I would like to start -- First, let me say that I understand
42 that many of you were expecting to talk about the data
43 improvement project and I just found out last night that that
44 was the case. Miguel asked me to come down to talk about EFH
45 and so that's what we're going to start with and then I'll move
46 into a brief review of where we are with the data improvement
47 project and then briefly to talk about the council-sponsored
48 project in the Virgin Islands to develop a recreational license

1 program and update recreational regulations.

2
3 To start, I would like to run over some information that I got
4 from David Dale of the National Marine Fisheries Service Habitat
5 Division. This sort of sets out why we're here and why we're
6 talking about EFH after we've put this to bed four years ago.

7
8 The Magnuson Act requires identification and description of EFH
9 and also requires a review periodically to identify changes that
10 have occurred and then the regulations that set up the Magnuson
11 Act, we have a provision that the councils and NMFS periodically
12 review EFH and revise, as appropriate. This should be done
13 every five years.

14
15 We did the project three years ago and we had a year to then
16 finish up to the fifth year and so we're now starting the
17 process of doing this five-year review of essential fish
18 habitat.

19
20 The purpose is to ensure that we're in compliance with the
21 regulation. We want to use the best available science and we
22 want to ensure that we have everything available to us, as
23 required by National Standard 3, and we need to make sure that
24 we're following NEPA requirements.

25
26 The council likely received a letter from the Regional Office
27 that lays out the requirements for this five-year review. I
28 don't remember if the letter was signed by Roy or signed by
29 David Dale, but I think that all of you should have a copy of
30 that and so this presentation basically lays out how the region
31 envisions this process and then subsequently how MRAG is going
32 to work with you guys to make it happen.

33
34 The council and NMFS have the responsibility to work together to
35 review this and the council then should report the information
36 in some format. The SAFE document is an appropriate vehicle for
37 this and we should also document any of the other kinds of
38 activities that we undertake as part of this process, workshops
39 and such as that, and then an expert review should occur, to
40 make sure that we've done everything right and we do have the
41 best available science.

42
43 The scope of the project, we need to look at the identification
44 and description of EFH and the HAPCs, to look at minimization of
45 adverse fishing effects, and identify measures to conserve EFH
46 and we'll do this through the literature, published and
47 unpublished, information that we may receive from interested
48 parties, and looking through any available information that we

1 didn't have access to before, either because we couldn't find
2 it, didn't have it available, or because people have done work
3 subsequently and it wasn't available then.

4
5 The documentation is basically a report from the council to NMFS
6 that identifies the things that you all consider as part of this
7 review, species added or eliminated, changes in overfishing or
8 overfished status, restoration techniques in the areas that we
9 made the first time through, new scientific information,
10 analytical techniques, and changes in gear. Basically, anything
11 that would affect the EFH, we want to bring that out and bring
12 it into this documentation that you will submit to the council.

13
14 The report will summarize all of these changes and describe all
15 the processes that we use to do this and identify obsolete and
16 new information.

17
18 The region then will send you back a letter that documents that
19 you've done this and makes recommendations for further action.
20 I am hopeful, because we're going to work very closely on this,
21 that when the letter comes back it's going to say good job,
22 guys, and you're right on. Hopefully that prediction will come
23 true.

24
25 A couple of key points. We need to maintain flexibility so that
26 each council and each region can determine the best way to move
27 forward and then we will end up with a report from you and a
28 letter back from the region and I want to emphasize the point
29 that David has made in all of our conversations, that there's no
30 requirement for action on your part as a result of this review.

31
32 Of course, it doesn't mean that you cannot take action. You
33 certainly may take action if you decide that's appropriate, but
34 there's no action required in the Magnuson Act or in the
35 regulations. What's next?

36
37 That's what I came down to talk to you about and so I'll walk
38 through what we propose to do and I want to have some
39 discussions with you on how we foresee doing some of this stuff
40 and make sure that we're on the right track as far as you all
41 are concerned.

42
43 I had originally planned on bringing with me Dr. Erika Zollett,
44 who will work with me on this project, but I will have
45 responsibility for oversight of the project and she will have
46 the responsibility for doing the day-to-day work and so over
47 time, she will have interactions with your scientists and with
48 your staff and I will be very much involved with this, because I

1 was pretty much involved with the original project and I
2 certainly plan on staying involved with this next phase.

3
4 There are a couple of key points that I brought up on that
5 previous slide. First was the role of the council and NOAA
6 Fisheries. We're planning on taking an intermediary role in
7 making sure that communication occurs between the council and
8 NMFS and so we will pass information back and forth and to make
9 sure that we do that in the most efficient way, I would like for
10 you to for us our contact points at NMFS and at the council, so
11 that when we're doing this work we'll go to the same people each
12 time and get information back from them, to make this as
13 efficient as possible.

14
15 The scope, remember we're looking at identification and
16 description and minimization of adverse effects and measures to
17 conserve EFH and HAPC. As part of this, we've identified a
18 couple of issues that did not come up originally that we think
19 we need to look at and so I want to lay out a couple of these
20 things for discussions with you.

21
22 We want to consider the impacts of climate change. We know that
23 the lionfish are now taking over in lots of areas and so we want
24 to discuss how to deal with that and we want to discuss the
25 possible use of habitat models to help assemble and coalesce and
26 bring into a more easily understood, digestible format all this
27 information available on essential fish habitat.

28
29 I have some examples of a model that we worked on for the
30 Pacific Council in the Pacific Region of NMFS and we also want
31 to look at the effectiveness of the EFH regulations and
32 descriptions, people on the ground who are actually using that
33 information and using the descriptions for putting together
34 permits and reactions and responses on the part of applicants.

35
36 We need to find out from them whether the existing descriptions
37 and the existing information does the job that they need or
38 whether they would like something different to make their jobs
39 easier.

40
41 With that background, let me just go through a couple of these
42 additional kinds of activities that we're interested in. First,
43 with climate change, I think that everybody has got some sense
44 of the kinds of issues involved.

45
46 Every time you turn around, somebody is talking about climate
47 change and the implications are pretty awful, in the worst case.
48 We're looking at declines and lots of predictions on things that

1 may happen and I don't think any of us know for sure, but
2 looking at it from a precautionary point of view, I think we
3 need to pay attention to all of these things, because we don't
4 know which ones we're really going to have to face.

5
6 We're looking at potential declines in fish populations.
7 They're talking pretty bad things about some of the northern
8 cod. They could really take a major, serious hit. We're
9 looking at species and ecological shifts. The dominant species
10 may fade and other species may increase in abundance to take
11 their place, which could be good for fishermen or pretty awful.

12
13 Distribution changes, as water warms, maybe some of these
14 organisms are going to have to move further north, out of the
15 range of some fisheries or maybe even into areas where the
16 conditions are not hospitable. Reduced reproductive capacity,
17 if animals are designed to spawn in a particular temperature and
18 the waters are quite warmer, then maybe they don't spawn as
19 well.

20
21 Local extinctions, Caribbean coral is among the highest risk
22 species for local extinctions and so it's pretty serious stuff
23 there, in addition to local bleaching and mortalities that we're
24 already experiencing in the U.S. Caribbean and the predictions
25 of increased sea level.

26
27 Real briefly, I'm sure most of you are pretty familiar with this
28 concept, but as we put CO₂ in the air from our various human
29 activities, it gets sucked up in the water and turns into acid
30 and as the acid builds up, then the calcium carbonate in the
31 corals dissolves and you can see from this graph that as the
32 atmosphere carbon-dioxide increases, the amount of carbonates
33 decrease.

34
35 We're putting all of this stuff into the air and the ocean is
36 sucking it up and turning it into acid and dissolving the
37 corals. It's not a good situation if you're a coral.

38
39 With the combination of acidification and warm waters, we've
40 already got examples of turning normal reefs into serious
41 bleaching circumstances and there are predictions from
42 scientists who suggest that if we can stay within one degree and
43 maintain temperatures at about where they are now, within a
44 degree, keep the carbon-dioxide about where we are, that the
45 reefs can stay in shape pretty well, but even a two-degree
46 increase could start changing the dynamics of the coral and
47 favoring some of these massive-type coral at the expense of the
48 more branchy form and this type corals.

1 At three degrees, most of these corals are going to die off and
2 the areas will be taken over by algae and so this is not going
3 to support the kinds of fish and other organisms that we have as
4 part of your management plans if we convert all of our healthy
5 reefs into bleached deserts or algal meadows.

6
7 Lionfish, you guys probably know an awful lot more about
8 lionfish than I do, but we know that they're exotic and they
9 came in from the South Pacific. They started showing up in the
10 early 1990s. They were all over Bermuda the Bahamas in the
11 early 2000s and they're expanding and expanding and they're
12 voracious, with no natural predators. Where they've taken up a
13 lot of the fish, then vegetation is overgrowing the corals.

14
15 Many of you have probably seen this, but I think that it's
16 really dramatic. This is the time lapse of lionfish from the
17 early 1990s and not much happening, a few here in Florida, and
18 then as we start approaching 2000, they start moving up the
19 coast and start expanding really fast and now suddenly we're
20 moving into -- The last slide shows 2009, where they're
21 basically everywhere. We want to get some feedback from you
22 guys on how you want us to approach lionfish.

23
24 Habitat models, habitat suitability, MRAG coordinated the
25 development of a habitat suitability model for the Pacific
26 Fishery Management Council and the Northwest Region as part of
27 their EFH update.

28
29 We identified habitat distributions and the use by all the
30 species that they were dealing with of those habitats by their
31 various life stages and then the model determines the
32 probability that any particular parcel is habitat or is EFH for
33 all of these species and life stages.

34
35 We have this model available, but we also want to look for other
36 models that are perhaps appropriate that may have better
37 characteristics, so that we can at least make sure that if we
38 decide we want to look at models that we have a good one for you
39 guys to consider.

40
41 At the end of this process, we will have some recommendations on
42 whether we have enough information for models to work down here
43 and if so, if there's a selection of models, we'll give you some
44 pros and cons, but just to give you an example of how this
45 process works, we have a database that lays out the habitat use
46 by life stages for each species and because we were doing this
47 on the west coast, we used National Marine Fisheries Service
48 trawl surveys to identify the locations of at least the adults

1 and the larger juveniles.

2
3 We had GIS information that laid out all of the habitat
4 information, the geology, bathymetry, the structure, biogenic
5 information, and this all goes into a model that then --

6
7 (There is a gap in the audio recording)

8
9 **BOB TRUMBLE:** -- is here near the coast and then as you go to
10 the juveniles, they've set the -- Going over to flounder, you
11 can see these probabilities going from essentially zero up to
12 over 80 percent. These dark browns are the areas where the
13 probability is highest that this area represents essential fish
14 habitat.

15
16 If you wanted to compare a variety of species -- We can look at,
17 for example, ling cod that are very sparsely distributed over
18 this area, a rarer rockfish that have this very narrow spine
19 down the middle of the region, and then Dover sole, that are
20 much more widely spread. You can see very clearly where these
21 key areas for EFH occur for these various species and life
22 stages.

23
24 Then if you want to say we don't want to just have presence and
25 absence and we want to have a higher probability to describe our
26 EFH, this is an example of using presence and absence.
27 Everything is the widest distribution of EFH and then if you use
28 a threshold of the 60 percent probability, your EFH would have
29 this much more narrow band and so by gathering all this
30 information and putting it into this model, the council, in the
31 Northwest, had the opportunity of deciding how it wanted to deal
32 with essential fish habitat.

33
34 We propose to see whether we have information in the Caribbean
35 sufficient to apply this kind of a model and to determine
36 whether other models might be as good or better and then see
37 where the best model situation would work for you guys.

38
39 Best available science, one of the next pieces on the NMFS
40 roadmap, we want to use the SSC to determine that we've used
41 best available science and we suspect that we would need to
42 involve the Habitat Advisory Panel and perhaps some outside
43 experts who are not on either of those two groups and the
44 general public.

45
46 We want to use these groups, to the degree we can, because we
47 need to have somebody agree that we're using the best available
48 science or tell us if we're missing something and so I would

1 like to have some discussions on how we're going to actually do
2 that.

3
4 The documentation, we have to have the report that we'll prepare
5 for you that looks at the considerations that we looked at, that
6 describes the process, that identifies obsolete and new
7 information, and the effectiveness of the current EFH
8 regulations.

9
10 From this, you will then get a letter from the RA and so we will
11 gather all of this together for you and work with you and your
12 staff and the scientists involved and prepare the report that
13 you can submit to the Regional Office.

14
15 This is how I originally envisioned this process, that we would
16 start with this meeting to introduce the topic and make sure
17 that we're all going in the right direction and then I wanted to
18 have a meeting with the SSC and the HAP to talk with them about
19 what they know and what new information has come up and where we
20 have problems and discuss with them our initial ideas on climate
21 change and models and perhaps lionfish.

22
23 Then I wanted to have a second meeting with them to review the
24 document, because somebody is going to have to look at this from
25 a technical point of view and give us comments back, so that we
26 can make corrections, and then follow that up with a second
27 meeting of the council to present the document approved by the
28 SSC, so the council could either make comments or approve it to
29 pass on.

30
31 I was looking at something like this. We're here now and I've
32 been looking at having a couple of SSC meetings, but now I've
33 found out, from talking with Graciela, that the SSC is only
34 going to meet once, in March. March is way too late for us to
35 get information that we need as part of the development of this
36 report.

37
38 **MIGUEL ROLON:** We're having a meeting in March, the first week,
39 but if we needed to, we can meet as needed.

40
41 **BOB TRUMBLE:** If that's the case, this is kind of how I
42 envisioned the process working. Now, it's possible that we
43 don't need a face-to-face meeting of the SSC and the HAP, but
44 perhaps we can do that by email, by a conference call, by some
45 other mechanism, but the idea is that early in this process we
46 need to have the HAP and the SSC, the people who are familiar
47 with all of this information, to help us gather it together,
48 because it's completely inefficient for MRAG to try to generate

1 information that you guys already have.

2
3 Exactly how we do this initial interaction with the SSC and HAP,
4 that's going to be, to a large degree, up to you, but we need to
5 figure out some way that we can get the information that we need
6 in the most efficient way.

7
8 Having all of these meetings is really tough when we're trying
9 to come up with a roughly June timeframe for this final report,
10 because there's a lot of time involved getting stuff to people
11 well in advance and so there's very small windows of opportunity
12 for us to do our work around the reporting periods of the
13 advance distribution of information to these various meetings.

14
15 I wanted to get your feeling on whether it makes sense to have
16 all these meetings. If we don't have all these meetings, how do
17 we get the information that we need and how do we review the
18 documents and make all of the corrections?

19
20 **MIGUEL ROLON:** We would like to also get your input, but I have
21 budgeted for three or four meetings as needed for the SSC, but
22 because of the logistics and what you said, it's very difficult
23 to get this group of people to meet that often. The question
24 is, can we do it through email, so you can send a list of topics
25 that they can shoot at and respond to you? That way, we
26 probably won't need those meetings and maybe we can have a face-
27 to-face meeting in between the process somewhere. If that's
28 acceptable, then we can do that.

29
30 **BOB TRUMBLE:** Graciela and I had discussed possibly sending one
31 of our staff folks down to talk with some of the key people who
32 have probably the majority of the information, Rick Nemeth and
33 Rich Appeldoorn.

34
35 If we could send Erika, for example, down here to meet with
36 them, we might be able to get a lot of this information more
37 efficiently than gathering all of the people together and we
38 could stop in and see other folks as well, if that would work
39 out. I just want to make sure that we'll have the opportunity
40 to work with your scientists to obtain the best information so
41 that we can do all of these things required of us.

42
43 **MIGUEL ROLON:** The other thing, if I may, is it's a good
44 opportunity to meet the Habitat Advisory Panel, because they're
45 looking for something to happen. That way, we'll be able to get
46 them to at least one place. You give them the information that
47 you gather from the others and then exchange that and so we'll
48 have at least one meeting of that group and not necessarily the

1 SSC, but the Habitat Advisory Panel or both, but we don't know.

2

3 **BOB TRUMBLE:** I'm sorry Miguel, but I didn't hear that.

4

5 **MIGUEL ROLON:** It would be a good opportunity to meet with the
6 Habitat Advisory Panel and do both, having Erika go and talk to
7 the key people that Graciela identified and maybe some others
8 that we can ask and then try to see if we can have a meeting of
9 the Habitat Advisory Panel, so we can exchange information with
10 them and the group, collectively, can give you the benefit of
11 their input, because we have budgeted for all that and we like
12 to keep that Habitat Advisory Panel active somehow.

13

14 **GRACIELA GARCIA-MOLINER:** Basically, the way that we have done
15 the essential fish habitat before was to actually gather the
16 information and have it -- When we did the habitat mapping, we
17 bring all the information to the table, so that people can come
18 and -- Send them the information ahead of time, in terms of a
19 report of some sort, and then they can come in and bring in
20 whatever was left out or actually do the review of what we have
21 done so far, because there have been a number of meetings
22 dealing with habitat in the past few years and so there are big
23 reports on that. The first thing would be to send everyone the
24 same information.

25

26 **BOB TRUMBLE:** That's the end of my presentation and so I think
27 this is an appropriate time for you to ask any questions or to
28 make any comments about how we might want to go forward with
29 this.

30

31 This was one other thing that I wanted to bring up as a
32 possibility and that's whether you would need to do any scoping.
33 This is a NEPA process and do you need to get the general public
34 aware of this in some way, through a series of scopings or maybe
35 there's a different process that you could use? I just wanted
36 to bring that up as something that you might need to think
37 about.

38

39 **MIGUEL ROLON:** I would like to ask Shepherd at this time and not
40 the answer now, but maybe we could send you an email just to
41 make sure.

42

43 **SHEPHERD GRIMES:** Just for the review, no. If the review leads
44 you to some sort of action related to EFH, then you would need
45 to go through the scoping process for that. I was going to
46 comment that I guess -- I wasn't clear, when we were talking
47 about email meetings and such, the Habitat Advisory Panel -- The
48 meetings will need to be in some sort of public forum and

1 noticed in the Federal Register. You can do them online, but
2 there has to be public participation. You would have listening
3 stations or other ways to dial in.

4
5 **MIGUEL ROLON:** -- from the individuals, but I would like to see
6 a Habitat Advisory Panel meeting, because that would follow the
7 process. We will discuss everything in the open.

8
9 **ROY CRABTREE:** They're starting to use what they call webinars
10 nowadays and I think the SEDAR process is starting to do that
11 and so that might be another way to do it.

12
13 **MIGUEL ROLON:** Is that acceptable? If that's acceptable, we can
14 also have the webinar pick.

15
16 **SHEPHERD GRIMES:** You will include the public throughout the
17 process and you'll have some report from it. The web can be a
18 public process and if you decide that based on what you learn in
19 the review that you do have some need for EFH-related action,
20 then, you will go through the process as usual, which will
21 include NEPA and the typical supporting regulatory analyses.

22
23 **MIGUEL GARCIA:** Something I wanted to bring to your attention
24 was that perhaps some of the mass of the new information that's
25 come about regarding habitat and essential fish habitat in these
26 last years is probably associated with the benthic habitat
27 mapping.

28
29 There's a few important studies that have come about and perhaps
30 that's going to be -- You have a lot on your hands already to
31 start with with those maps and perhaps trying to link the
32 biological information to different habitats.

33
34 That's something that I brought up earlier in the meeting today
35 and I think it's a whole new window that is opening up in terms
36 of the information that we can provide if we can be making those
37 links between biological information and the distribution and
38 areal coverage of the different benthic habitats in those maps
39 provided by the biogeographic group. That's a good place to
40 actually go ahead.

41
42 **GRACIELA GARCIA-MOLINER:** The Southeast Fisheries Science Center
43 has been working on the distribution of the landings data around
44 -- For example, the first cut was around Puerto Rico, where most
45 of the landings for the different species groups were coming
46 from.

47
48 What has not been done is the association of those landings to

1 the actual habitat maps around that area and so that would be
2 like a very next logical step in terms of where most of the
3 landings are landed or most of the catch is landed versus the
4 habitat that surrounds that area. That hasn't been done, but
5 we're slowly working on that also.

6
7 **MIGUEL ROLON:** Remember, this is the review schedule and I just
8 want to make sure that the council members understand and the
9 general public that this is the review schedule for the
10 document. Out of that review may be -- We might be able to
11 identify some actions that need to be taken and that's outside
12 of the scope of your concern, but it's important that everybody
13 knows this.

14
15 All the stuff, what Graciela mentioned and everything, will be
16 identified in the document if needed, but the necessary work at
17 this time is to develop the information or the matrix or
18 whatever you want to call it.

19
20 For the council members, the contract that we have with MRAG is
21 for this review, so we comply with the law, the requirements,
22 and then as soon as we identify in the document any needed
23 action, then it will kick in with another process that will be
24 the continuation of this.

25
26 **BOB TRUMBLE:** One of the other projects that I'm working on down
27 here now, that MRAG is working on down here, is developing a
28 USVI recreational license system and updating the recreational
29 regulations and again, Erika Zollett is working with me on this
30 one and we had a meeting in October of a subgroup of the Fishery
31 Advisory Committee of the U.S. Virgin Islands to start this
32 process.

33
34 The genesis of the VI license program comes from the NMFS
35 recreational registration program and the requirements. In the
36 absence of anything else, NMFS is requiring recreational
37 anglers, spear fishermen, to register on the NMFS registry by
38 January of 2010, with potential fees coming in in of January of
39 2011.

40
41 Basically, anybody who fishes in saltwater or areas where they
42 have anadromous fish in estuaries has to register as a
43 recreational fisherman, but there is an exemption for states and
44 territories and commonwealths that have an internal state
45 program, license program, that would gather the same
46 information. The idea in the Virgin Islands is that they would
47 develop a license program that would meet this exemption
48 requirement and then fulfill the NMFS registration.

1 The recreational regulations are old and they don't perform.
2 They don't address the current issues and there's an issue that
3 they want to maintain consistency with the federal regulations.
4 This last part is not too big of a deal, because there's not
5 much in the way of federal regulations for recreational
6 fisheries. I think there is a single bag limit and a single
7 size limit, and so hopefully that won't be too hard of an issue.

8
9 We started off trying to identify what we need to do and what
10 are the kinds of issues that we need to address and, first, we
11 need to get a universe of fishermen. Independently, the
12 requirements for National Marine Fisheries Service registration,
13 you just need to know who is fishing to generate information
14 about the fishery.

15
16 It's just something that the Virgin Islands needs and they want
17 information on the shore-based component and private boats and
18 the charter fleet. Then there are questions of stopping
19 overfishing or preventing overfishing, issues of potential
20 habitat damage from fishing or --

21
22 (There is a gap in the audio recording.)

23
24 **BOB TRUMBLE:** -- data collection. We started off looking at the
25 overfished and the overfishing groups, which I understand now is
26 likely to change as a result of council action, but we do have a
27 series of overfished species in the reef fish group and a series
28 of overfished and overfishing species for the highly migratory
29 species in the Atlantic. These are species that need some
30 attention from the standpoint of recreational fishing.

31
32 We also wanted to look at other kinds of issues, size and bag
33 limits, just in a general sense. Does it make sense to have
34 size and bag limits? The use of SCUBA for spearfishing, pros
35 and cons. Circle hooks versus j-hooks, if you have fish that
36 you want to release, in many cases, circle hooks do a much
37 better job of releasing fish unharmed than j-hooks.

38
39 Sale of recreational fish, the major issue with charter
40 operators who sell fish in the Virgin Islands, currently
41 illegally, because of the moratorium on commercial licenses.
42 They can't get licenses, but sell anyway.

43
44 The issue of enforcement, if you don't have enforcement, does it
45 make sense to put in new regulations that won't get enforced and
46 while they're not part of the regulations exactly, we had some
47 discussions on seabird interactions that the Department of Fish
48 and Wildlife wanted to bring up to the FAC.

1 We drafted a report on this first meeting that has now gone to
2 the Department of Fish and Wildlife and Toby has sent that out
3 for a review for the FAC members who attended the meetings. For
4 those of you who are interested in this report, it is available
5 through Toby.

6
7 The schedule, we had our meeting, our subcommittee meeting, on
8 the 17th and 18th and we developed these concepts that will go out
9 for public hearing. We are going to take our report and revise
10 that as a public hearing document and sometime early in the new
11 year, we will come back down to the Virgin Islands for public
12 hearings in St. Thomas and St. Croix, to lay out the issues and
13 an overview of the alternatives.

14
15 Sometime in the spring, we'll be back for another subcommittee
16 meeting, to take all of the public comments and the ideas that
17 the various members have come up with as they've had a chance to
18 think about this and to prepare a set of recommendations for the
19 full FAC and then we'll have a full FAC workshop sometime in the
20 summer, to develop final recommendations that will go to the VI
21 government.

22
23 That's an overview of the genesis of the project and the work
24 that we've done so far and how we're planning to move it forward
25 to final development of a license program and updated
26 regulations. Any question on this part?

27
28 **MIGUEL ROLON:** Not a question, but can you give us, after you
29 finish, a report to the council? We meet at the end of the year
30 and according to your schedule, you'll be able to finish by
31 summer or fall and we would like to see if we can get a copy of
32 the report or a presentation on the final product.

33
34 **BOB TRUMBLE:** I can't hear you, Miguel.

35
36 **MIGUEL ROLON:** It's just a request if it's possible to receive a
37 report at a council meeting when you finish the report, because
38 it's an important component of what we are doing here and we
39 would like to receive a copy or a presentation or both, in due
40 time.

41
42 **BOB TRUMBLE:** The council meeting following the completion of
43 this project, we'll be glad to come back down and give an
44 overview of the process and the results to the council.

45
46 **BONNIE PONWITH:** It isn't a question, but a comment. I would
47 just like to congratulate the U.S. Virgin Islands on taking a
48 proactive stance on getting the waiver to the federal

1 registration. It's a very important step, the registration,
2 whether it happens at the territorial or the federal level.

3
4 It's a very important step in improving the quality of
5 recreational data collections in the United States and we just
6 applaud you for that, because it's going to contribute on a much
7 more refined sampling frame when we do set up the MRIP program
8 there.

9
10 **AIDA ROSARIO:** I would like to give the opportunity to Ms.
11 Christina Cabrera to give us an update on the registry program
12 that we're doing for the recreational sector in Puerto Rico.

13
14 **CRISTINA CABRERA:** Thank you, Aida. When I was watching Bob's
15 presentation, I realized that maybe not all of you here know
16 that we're prepared some outreach material with some fellow
17 members of NOAA, with Forbes Darby and Gordon Colvin and their
18 contractor, Scott Ward, with this in mind, the National
19 Saltwater Angler Registry.

20
21 Basically, we're starting to go to fishing events and distribute
22 these materials, which give the fishermen a guide of whether
23 they're exempt or not exempt, because I guess in the case of
24 Puerto Rico we don't have in place the license in the same case
25 as the U.S. Virgin Islands and so we were going to do the
26 registry.

27
28 We're helping NOAA with the registry, basically. We're going to
29 have a form in the department for those fishermen that wish to
30 not do the process online, because they either don't have the
31 facilities or they have maybe trouble with the language, and
32 we're also giving, in these materials, in these handouts, the 1-
33 800 number and letting fishermen know that there's Spanish
34 operators and so the language shouldn't be a barrier and they
35 can do it online or through the form, but as well, the
36 Department will be gathering data that they will later put in
37 the NOAA system and so just to let you know that we are working
38 with that and that probably maybe next week or this week we
39 should have it in the media toolkit in countmyfish.noaa.gov.

40
41 **BOB TRUMBLE:** The last presentation, we're also working with
42 Puerto Rico DNER, USVI Department of Fish and Wildlife, the
43 council, the Regional Office, and the Science Center to help
44 with a data improvement program for the U.S. Caribbean.

45
46 This has involved all these people and more, including fishermen
47 and fishermen representatives as part of this process. This
48 goes back to a problem that I'm sure you're all very familiar

1 with, that we've got this long history of data collection and we
2 haven't gotten a whole lot out of it.
3
4 We're tried some stock assessments that haven't worked very
5 well. We don't have very good information on the commercial
6 catches and we're just wanting to do better, to get better data
7 and to have a better opportunity to do stock assessments and
8 other management activities.
9
10 The fishermen are pretty frustrated. You may have heard some
11 comments to that effect and so because the available information
12 isn't giving us the results that we want, we're trying to find a
13 way to make the improvements in the data collection so that we
14 can do better work in the future.
15
16 We identified a couple of problems for both Puerto Rico and the
17 Virgin Islands that we're going to try to address in our
18 program. In Puerto Rico, there's a large amount, roughly 50
19 percent, we're estimating, of unreported catch, either the
20 fishermen don't report it or when they sell to dealers, the
21 dealers don't report it, but it's a large and worrisome problem.
22
23 The port agents don't confirm landings when they do their
24 biological sampling and the biological sampling doesn't always
25 follow a statistical design and so we're not sure we're getting
26 the best utilization, the best information and the most
27 efficient gathering of that information.
28
29 The catch reports are not fast enough for in-season management
30 and so if we're looking at ACLs and avoiding going over ACT or
31 ACL, then this slow reporting won't do the job and we don't have
32 an accurate estimate of effort.
33
34 In the Virgin Islands, we don't have any catch identified by
35 species. The reports are all by species group. The port agents
36 don't confirm the reported landings and the port agents are not
37 able to take enough biological samples and we're specifically
38 interested in collecting the lengths, because lengths are a key
39 component of Dr. Gedamke's length-based model that we're wanting
40 to put into place for trying to gather information on the status
41 of some of these stocks in the short term.
42
43 Again, the catch reports don't come in quickly enough for in-
44 season management and as in Puerto Rico, we don't have a good
45 estimate of effort.
46
47 Timeliness, this is really a big issue that we're trying to
48 address. We're looking at one-month reporting periods currently

1 in both areas and three to four weeks after the end of the
2 reporting period before the data have to come in and in some
3 cases, the data don't come in for even longer that.

4
5 We're looking for reporting periods on the order of a week or
6 two weeks and we recognize that we may need to phase this in.
7 Going from a pretty unstructured to a very structured reporting
8 process may take some time to develop and one of the key issues
9 is people need to get the information into the agencies and the
10 more often they have to report, the more they have to oftentimes
11 go down to the agency to drop it off in person and so we're
12 looking at some options for making this process easier, so that
13 they don't have to go to the agency each time.

14
15 Catch per effort is really a big deal. Todd has spent a lot of
16 time talking about why we need it and the kind of information we
17 need. We want landings of species by gear, individual species,
18 and we need to know where the catch occurs. We've had a lot of
19 discussions on reporting catch by various locations, from quite
20 small areas to quite large areas.

21
22 We've looked at grids of two-and-a-half-miles-by-two-and-a-half
23 miles up to ten-by-ten. We're looking for specific information
24 on types of gear, number of units of gear, mesh size kinds of
25 things, the specifications of that gear, and the amount of time
26 that gear gets fished, whether it's soak time or number of tanks
27 or whatever.

28
29 This is an example of a five-by-five map for Puerto Rico. There
30 are an awful lot of grids, but it looks like in some regions of
31 Puerto Rico the fishermen are willing to go down to two-and-a-
32 half-by-two-and-a-half and so in some areas, we'll divide these
33 individual grids into four pieces. In other cases, we're
34 looking at probably restricting it to ten-by-ten, depending on
35 the characteristics of the fishermen and the willingness to work
36 on these kinds of scales.

37
38 In the short term, we're trying to provide management advice for
39 selected species within the next two to seven years. It's not
40 an instant process and even if we get this thing going, it's
41 going to take several years before we have enough information to
42 make these kinds of decisions and intensive length sampling is
43 really the basis for this and so at all of our meetings, we try
44 to emphasize how are you going to get good length information
45 and not just length information, but random information, so that
46 we're not generating biases from the fishermen telling us when
47 to come down and take a sample.

1 We want to enhance the industry understanding over the short
2 term, so that they'll have an opportunity to buy into it and the
3 more fishermen understand and accept the rationale, the better
4 the operations will go.

5
6 Working on landings by species, one of the really critical
7 pieces of all of this. Increasing and making more efficient the
8 biological sampling and validating landing reports and enhancing
9 enforcement and so these are the things we want to do in the
10 short term.

11
12 Longer term, we want to start bringing in more life history
13 information or aging from maturity studies and trophic dynamics
14 and develop a data that we can go to more statistically-based
15 models to do stock assessments and maintaining an ongoing
16 monitoring program for the future and, of course, reporting of
17 all the information that we need.

18
19 These are the components that we are focusing on, trying to
20 develop strategies for, as a result of our science and outreach
21 meetings. We're having a revision of fish tickets. The Puerto
22 Rico folks have already done this and we have made some
23 suggestions that they've agreed to consider for the next go-
24 round, but basically, we're looking for an area designation,
25 using a grid or something like that, and the specifics for the
26 gear, so that we'll understand how much gear is used and the
27 configuration of those gears.

28
29 This total catch estimation, this is really the big thing that
30 we're struggling with, because we have two components that we're
31 trying to develop. One, we want to estimate the number of
32 trips, do a trip count, and we want to do catch validation and
33 so for each trip that we sample, we would get a species
34 composition of the weight by species for that trip.

35
36 Then by multiplying the number of trips times the species
37 composition on the average for those trips, we can come up with
38 an estimate of the total catch. Whether it's by region, by
39 coast of Puerto Rico or St. Thomas or by St. Croix, we can
40 estimate the actual catch and so this trip count catch
41 validation is a very important and difficult kind of program
42 that we're going to develop a series of pilot studies, based on
43 the information that we have now, to help us develop the
44 information we need to do a longer term series of studies to do
45 this estimation.

46
47 For biological samples, we're got a couple of things that we're
48 focusing on. I've mentioned length several times and that's

1 really a dominant piece for us and we also want to maintain
2 maturity and age samples for some more pilot work.

3
4 For maturity, we would need -- Obviously we would work with
5 gonads and for age samples, we would need to take hard parts and
6 so we're proposing to buy fish from the fishermen for this
7 component, because once we do our operations, they're much less
8 valuable on the market, but we are looking at ways of improving
9 the biological sampling so that we can get good samples for
10 length and good samples for maturity and age.

11
12 We've also proposed an oversight process, a two-step oversight
13 process. First, we would have a regional steering committee and
14 so all of the agency partners, DNER, DPNR, SERO, the Science
15 Center, the HMS guys, the council, and various stakeholders
16 would make up the membership on this regional steering committee
17 and these guys would plan the science-based projects and review
18 the performance. This is really the science drivers and the
19 review folks.

20
21 Then we would have a subcommittee for each region, one for
22 Puerto Rico and one for the Virgin Islands, for the more day-to-
23 day, project-by-project kind of management, where they would
24 have two key tasks, one to look at the science, which would
25 consist of the catch validation, the trip counts, to obtain
26 effort, and the biological sampling, the maturity and the
27 lengths and so on, and in management tasks, they would track the
28 ACLs, the progress of the fishery toward the ACLs, through
29 whatever kind of reporting mechanism gets generated through the
30 council and NMFS.

31
32 That's, in a fairly short summary, a review of what we're trying
33 to do and the current status of the process and so I'll answer
34 any questions or take any comments if you have any.

35
36 **MIGUEL ROLON:** The slide before the last, the Special SSC
37 meeting that we are going to have in Miami, we were going to
38 invite you and the local governments, because we are trying to
39 develop exactly that, the last one, the planned science-based
40 projects, for the next five to ten years from the point of view
41 of the SSC and the Southeast Fisheries Science Center.

42
43 This will complement really very well the goals and objectives
44 of that meeting and our idea is that if we receive something
45 like this, it will be followed by other presentations and so we
46 will come out -- The delivery product that we want out of that
47 meeting is exactly your last line there, a planned science-based
48 list of projects that we could undertake in the next five or ten

1 years to collect the information needed for ACLs, monitoring the
2 fishery, and so forth, and try to standardize as much as
3 possible the way that Puerto Rico and the U.S. Virgin Islands
4 collect the information and I hope that you can attend or one of
5 the MRAG fellows there. Probably the meeting will be the first
6 week of March in Miami somewhere. I will send you an email with
7 that information and see if we can have the benefit of that
8 presentation.

9
10 **BOB TRUMBLE:** I'm sure that we could send somebody and ideally,
11 I would come. I don't have anything scheduled in the first of
12 March and so if you send me the proposed dates, I'll block that
13 in. Thank you very much.

14
15 **EUGENIO PIÑEIRO:** (The comment is not audible on the recording.)
16

17 **ENFORCEMENT REPORTS**

18
19 **AIDA ROSARIO:** We received the report from the enforcement
20 division, the Rangers, but we received it late and so we are
21 going to send this report to your office, so that it will be
22 included in the summary minutes document, when we have it in a
23 summarized form that is more meaningful than what we have
24 received so far.

25
26 **EUGENIO PIÑEIRO:** (The comment is not audible on the recording.)
27

28 **TRACY DUNN:** Council members should be getting an email with our
29 written report, but I just wanted to highlight a couple of
30 things. Our guys have been working really, really hard on a lot
31 of initiatives and one of them resulted in a good NOVA
32 investigated by Ken Henline on HMS issues and the most important
33 thing with that -- It was a \$7,000 NOVA and the reason it went
34 up to that level was because there was interfere during the
35 boarding and so we were very happy our attorneys took that
36 seriously and gave a much higher NOVA than we probably would
37 have gotten otherwise.

38
39 He also worked on a pretty good multiagency inspection operation
40 and it included about every agency down here, the Coast Guard
41 and -- I don't want to steal your thunder or anything. They
42 were looking at conch specifically, but they made a lot of
43 different cases, so many he didn't even list them in this
44 particular little summary.

45
46 Then one last little highlight was NOAA's National Ocean Service
47 has put in a kiosk in the Smithsonian Institute and that covers
48 a whole host of issues, but one of which was a case investigated

1 by Lynn Rios and so his case is now -- Anybody going to the
2 Smithsonian Institute in their new wing, the Sant Ocean Hall,
3 will be able to see that case and some of the highlights,
4 including a lot of forensics data. That's pretty much all I
5 have.

6
7 **EUGENIO PIÑEIRO:** I was -- last month and we were checking the
8 paper and we saw Special Agent Ken. Ken was there for the spiny
9 lobster case that NMFS got more than a hundred pounds and we
10 were very happy to know that -- In Brazil, we saw the paper and
11 we saw one of your agents that had made a bust in here of
12 illegal sized spiny lobsters and the officer happens to be here
13 with us.

14
15 That's Ken right there and so we were very proud and we were
16 very glad to go out there and know that the NOAA Enforcement
17 agents in the Caribbean are really doing their job and so I want
18 to congratulate you both. I think the last report we have for
19 enforcement would be the U.S. Coast Guard and Lieutenant
20 Crysler.

21
22 **LT. BRENDA CRYSLER:** I don't have anything formal put together.
23 However, I would like to note that in the past few months we've
24 had a substantial boost in our fisheries program at Sector San
25 Juan. That includes an increase in the number of LMR patrols
26 both on the sea and in the air.

27
28 On sea, we've had our small boats out in St. Croix and St.
29 Thomas doing more fisheries boardings and the same with the
30 small boats stationed here at Sector San Juan and our cutters
31 have been doing a lot more boardings, et cetera.

32
33 As a result, we've had cases such as the queen conch case out of
34 St. Croix, where they came across a vessel with approximately
35 102 queen conch onboard and it was Operation Conch. That was
36 with FWS, NOAA, and DPNR as well.

37
38 In fact, Ken Henline and Officer Rivera from DPNR, they came
39 aboard the Reef Shark and I was underway with the Reef Shark at
40 the time as well and they spent two full days and one night
41 onboard and we did a whole mess of boardings all throughout the
42 forty-eight-hour period and there was that one substantial case,
43 but there were other pretty significant boardings cases as well.

44
45 Then more recently, we had the case with the three DR vessels
46 off the EEZ. They came over into our EEZ and they were fishing
47 out there for a while and so the U.S. Coast Guard Cutter Key
48 Biscayne came across them and we ended up seizing their entire

1 catch and they were later escorted back to the DR.

2
3 We also had another case where one vessel had approximately five
4 or six violations, including out of season snapper and finned
5 and headed sharks. There were five of them and they had zero
6 permits, et cetera. That case has been sent up to SRFTC and
7 it's being taken care of right now.

8
9 We have also had an increase in fisheries flights from our air
10 station. The helicopters are now patrolling the EEZ a little
11 more often now and I'm currently working with a couple of the
12 lieutenants out there and putting together some new patterns
13 that they could fly that will be specifically addressing the
14 fisheries missions.

15
16 Then on top of that, we also have the Coast Guard Auxiliary air
17 patrol now on board. They're going to be doing flights via the
18 Sector San Juan operations. Before, they weren't supporting us
19 as much. They were just doing flights according to what the air
20 station wanted them, but now we have them onboard as well and
21 they're pretty excited about it and so they're going to be doing
22 some fisheries-related flights. Actually, PO2 Erhart already
23 went on one flight with the Auxiliary out there, looking for
24 some vessels that we're keeping an eye out for.

25
26 The D7 has definitely noticed the increase in fisheries-related
27 cases and patrols that we've been doing and we're always looking
28 forward to doing more in this, since it's kind of new to us, in
29 a way, at least it being this ramped up anyway. If there are
30 any areas that anyone would want us to patrol more or any
31 concerns that people would like us to address more, I'm always
32 open for a discussion. Anyone can feel free to contact me.

33
34 I think right now the problems that we face have to do with
35 whenever our cutters go underway, everyone seems to know within
36 a couple of hours and so everyone tends to hide and so that's
37 number one.

38
39 Number two is the inconsistencies between the local laws and
40 federal laws and we're still trying to address that and have a
41 clearer understanding, especially since they're even different
42 between Puerto Rico and the USVI's. We're all looking forward
43 to continuing with the increase of fisheries missions.

44
45 **EUGENIO PIÑEIRO:** (The comment is not audible on the recording.)

46
47 **MIGUEL ROLON:** I have just a question for the Lieutenant. Can
48 you give us a little bit of information about the west coast

1 workshop that you attended with the fishermen regarding the
2 boundaries between the west coast of Puerto Rico and the east
3 coast of the Dominican Republic?

4
5 **LT. BRENDA CRYSLER:** That was a meeting with local fishermen
6 from the west coast of Puerto Rico. Lieutenant Caleb Perez and
7 I went out there and addressed their concerns about the EEZ
8 coordinates.

9
10 They were saying that oftentimes they would come near the EEZ
11 line and they were often kind of harassed by the DR Navy and
12 they didn't know the exact coordinates and so they wanted to
13 make sure that they knew them and would stay away.

14
15 They also had several questions about the regulations, like the
16 territorial seas versus the EEZ, and they wanted to know the
17 difference between the local and federal laws as well and so we
18 spent an evening talking with all of them and it was pretty
19 productive and now everyone should -- Mr. Chaparro from Sea
20 Grant, he has been passing out actual coordinates of the EEZ and
21 so they now have that.

22
23 **EUGENIO PIÑEIRO:** (The comment is not audible on the recording.)

24
25 **PRESENTATION ON QUEEN CONCH AMENDMENT 3**

26
27 **JOE KIMMEL:** I just want to say that I'll be describing
28 Amendment 3 to the Queen Conch Fisheries Management Plan and
29 this is in response to the local government's request that we
30 develop compatible regulations with their territorial
31 regulations.

32
33 For the purpose and need, as you recall, in June of 2008, the
34 U.S. Virgin Islands established regulations or implemented
35 regulations that established a 50,000 pound quota in St. Croix
36 and a 50,000 pound quota in St. Thomas/St. John. They also
37 adjusted the trip and bag limit, as well as their closed season.

38
39 The St. Croix closure occurred on May 1, 2009. That's when they
40 determined that they had filled the quota and the federal
41 regulations at that time were Lang Bank remained open from
42 October 1 through June 30 and so there was from May through June
43 30 that the EEZ remained open, even though the territorial
44 waters were closed and the local government requested compatible
45 regulations.

46
47 A little bit of background on this amendment is the Queen Conch
48 FMP was implemented and I think that was 1996 and then Queen

1 Conch Amendment 1 was the SFA Amendment and that's where the
2 prohibition on commercial and recreational harvest occurred,
3 possession of queen conch in federal waters with the exception
4 of the Lang Bank area, where you could still land queen conch.
5 That was a negotiation at the end of the Sustainable Fisheries
6 Act Amendment to try to get the amendment passed.

7
8 Then Queen Conch Amendment 2 is under development now and that's
9 the Comprehensive ACL Amendment that we've been working on this
10 week.

11
12 This is just a picture of a juvenile queen conch in a grass bed.
13 This is not a legal conch. If you catch this one, it's against
14 the law. The lip thickness is too small and probably the length
15 is too small as well.

16
17 Lang Bank, that's where the fishery remains open and it's
18 defined as the area east of 64,34 west longitude and it's
19 bounded with the one-hundred-fathom curve, and so this Lang Bank
20 here. The EEZ part of Lang Bank is outside the territorial
21 waters, which looks like a finger to me, pointing to the east,
22 and so this is the federal waters and that's what remains open.

23
24 Just a little bit of background in terms of reported landings.
25 This is the Southeast Fisheries Science Center information.
26 From the year 2000 through 2007, the average landings of queen
27 conch in St. Croix was about 125,000 pounds and St. Thomas/St.
28 John was about 2,000 pounds, a little less than 2,000 pounds.

29
30 The bottom line is St. Croix landed 98.5 percent of the catch,
31 on average, and St. Thomas/St. John the rest. The quota is
32 50,000 pounds and so over these eight years, there is
33 substantial overage, if you consider 50,000 pounds as the quota.

34
35 The amendment contains two actions. Action 1 are compatible
36 regulations and there are two alternatives in this kind of a
37 situation. One is to not do something, that is do not establish
38 compatible regulations, and the other alternative is to
39 establish compatible regulations with the Virgin Islands.

40
41 Current federal regulations, this is what's in place right now,
42 fishing for or possession of queen conch in the EEZ is
43 prohibited, with the exception of Lang Bank. In Lang Bank,
44 harvest remains open during October through June of each year.
45 There is a size limit of nine inches and a three-eighths lip
46 thickness measure.

47
48 There is a trip and bag limit, which currently is 150 queen

1 conch per person per day and this is in the EEZ, three queen
2 conch per day, not to exceed three per boat in the EEZ. All
3 queen conch have to be landed attached to the shell, in the
4 shell, and harvest will hookah gear is prohibited in the EEZ and
5 hookah gear is an air supply for people diving to collect conch.

6
7 To have compatible regulations, we would have to make these
8 proposed changes, a compatible closure when the territorial
9 closure is met. We would have to put something in the amendment
10 for that and closed season, the July 1 through September 30
11 would have to be shifted from June 1 to October 31.

12
13 The commercial trip limit from 150 per person per day needs to
14 be shifted to the 200 per boat per day. These are the
15 territorial regulations, 200 per boat per day. The recreational
16 quota or bag limit is three per person per day and no more than
17 twelve per boat and for whatever the reason, the U.S. Virgin
18 Islands chose to increase the recreational bag limit from six
19 per person per day to no more than twenty-four per boat. If we
20 want to have compatible regulations, those would be the
21 compatible regulations that we would implement in this amendment
22 and we have actions in there to do just that.

23
24 The Action 2 is a framework procedure and before I go through
25 the alternatives, let me read you what a framework procedure
26 really is. In order to modify regulations, the council
27 generally must follow an FMP procedure, which may take longer to
28 implement than if the council had the availability of a
29 framework process.

30
31 The current process for amending the Queen Conch FMP is not
32 necessarily the most expedient possible for making changes to
33 management measures. However, this amendment establishes a
34 process to make changes in a more expeditious manner via a
35 regulatory action.

36
37 Regulatory actions can be implemented in a shorter period of
38 time than plan amendments, because the level of public
39 participation is not as extensive as for the full plan amendment
40 process and in order to complete a regulatory action, a
41 framework section must be established for each FMP to which
42 changes will be made and so we have a framework set of
43 alternatives in this amendment.

44
45 Again, the three alternatives are Alternative 1, no action, do
46 not establish the framework process, and Alternative 2 would be
47 to establish framework procedures for queen conch to provide the
48 council with a mechanism to independently adjust a series of

1 management measures through framework action and the third
2 alternative is very similar. It's simply establish framework
3 procedures to a subset or a different set of management
4 measures, as outlined in Alternative 2.

5
6 These are some of the management measures that could be
7 implemented or modified if we had a framework action, as pointed
8 out in Alternative 2. Quota requirements could be changed or
9 seasonal closures, area closures, trip and bag limits, size
10 limits, fishing gear, gear restrictions or prohibitions,
11 permitting restrictions, timeframe for recovery of overfished
12 species, rebuilding plans, total allowable catch, annual catch
13 limits, accountability measures, maximum sustainable yield,
14 optimum yield, minimum stock size threshold, maximum fishing
15 mortality threshold, overfishing limit, acceptable biological
16 catch.

17
18 You'll notice that some of these measures are things that we've
19 called status determination criteria and these sorts of measures
20 are things that change quite frequently in some areas where
21 stock assessments are available.

22
23 We're looking forward here and hoping that stock assessments
24 will be made available for our resources down here in the
25 Caribbean and so I think the best idea is to include as many of
26 these types of measures as you could in your framework procedure
27 and so that's why we listed a lot of things that you normally
28 don't see.

29
30 Framework procedure steps, recommendations for changing
31 management measures are made to the council by their APs, SSC,
32 or by the council itself or others, meaning the general public
33 or other stakeholders. Then the council holds public hearings
34 to discuss the recommendations of those group's reports and the
35 council can convene or may convene the SSC for advice prior to
36 taking final action.

37
38 The council could advise NMFS of proposed changes in writing,
39 their recommendations, accompanied by the group's report,
40 relevant background material, draft regulations, regulatory
41 impact review, and public comments.

42
43 Next, the RA, which RA stands for Regional Administrator, in
44 this case Roy Crabtree, reviews the council recommendations and
45 if the RA concurs that the recommendations are consistent with
46 the goals and objectives of the FMP, National Standards, and
47 other applicable law, he will recommend that the Secretary
48 publish proposed and final rules in the Federal Register to make

1 those changes.
2
3 If the RA rejects those recommendations, he will provide written
4 reasons to the council for the rejections and existing
5 regulations will remain in effect until the issue is resolved.
6
7 Implementing quota closures is a little bit different. The
8 authority is granted to the RA through this amendment to close
9 any fishery once a quota has been filled, in this case the queen
10 conch fishery. When such action is necessary, the RA will
11 recommend that the Secretary publish a notice in the Federal
12 Register as soon as possible and I might say here that had we
13 had a framework in our Queen Conch FMP that had these measures
14 in it last year, we could have closed the fishery in the EEZ
15 very quickly after being notified that the local government
16 wanted --
17
18 (Tape change)
19
20 **MIGUEL ROLON:** Joe, what is the next step for the council?
21
22 **JOE KIMMEL:** This is the first time the council has seen this
23 amendment, but I would recommend to the council -- It's a very
24 simple amendment. It's got two actions, basically five
25 alternatives and two of those are no action alternatives. I
26 would recommend the council select preferred alternatives at
27 this stage and then we can -- There will be required some more
28 analysis to this amendment.
29
30 We can provide you with the final draft in March, in which you
31 could take final action to submit to the Secretary for review.
32 I guess another way to do this, and this would have to depend on
33 our General Counsel's advice, is to go ahead and take final
34 action at this meeting, but if you -- I don't think it was on
35 the agenda that way and so that's probably not the way to go.
36
37 **ROY CRABTREE:** (The comment is not audible on the recording.)
38
39 **JOE KIMMEL:** You're right and we'll have to modify the purpose
40 and need to say those things.
41
42 **ROY CRABTREE:** (The comment is not audible on the recording.) I
43 would like someone to tell us what exactly was requested. My
44 understanding was they requested a compatible quota closure and
45 that was the extent of the request. Let me make sure that's
46 correct.
47
48 **JOE KIMMEL:** (The comment is not audible on the audio

1 recording.)

2

3 (The next portion of the recording is inaudible.)

4

5 **BEULAH DALMIDA-SMITH:** (The comment is not audible on the audio
6 recording.)

7

8 **ROY CRABTREE:** When I read the letter Joe wrote, it says to
9 ensure the protection of this valuable resource, I wish to
10 request an emergency fisheries closure and so it looks to me
11 like that they're just asking for a compatible quota closure and
12 so what I don't understand is why we have all these other things
13 in the alternative to change the bag limits and the recreational
14 bag limits and all those kinds of things. I don't think there
15 was ever any intent of the council to do that and I don't think
16 that's consistent with the purpose and need of the amendment. I
17 think all this amendment should be looking at is a compatible
18 closure, because that's what was requested.

19

20 **JOE KIMMEL:** I was under the impression that the council not
21 only wanted to develop compatible regulations, but have a
22 framework for their queen conch.

23

24 **ROY CRABTREE:** I'm not talking about the framework. I'm talking
25 about the action itself, Action 1, because it looks to me like
26 some of these actions would be lessening the restrictions in the
27 EEZ and so it would be counter to the whole purpose of the
28 amendment, which is to reduce fishing mortality rates.

29

30 **GRACIELA GARCIA-MOLINER:** This is a letter dated April 21, 2009
31 and addressed to Miguel Rolon, a request for emergency conch
32 fishery closure of federal waters of Lang Bank, St. Croix, May 1
33 to October 31, 2009: "Dear Mr. Rolon, the 2007 Magnuson-Stevens
34 Reauthorization Act established a mechanism for specifying
35 annual catch limits, implementing regulations for annual
36 specifications at a level such that overfishing does not occur
37 in a fishery, including measures to ensure accountability.

38

39 Congress has set a deadline to establish catch limits for all
40 fisheries experiencing overfishing by 2010 and 2011 for all
41 other fisheries. In the U.S. Caribbean, resources considered
42 overfished or undergoing overfishing include queen conch, Nassau
43 grouper, parrotfish, Grouper Unit 4, and Snapper Unit 1.

44

45 To eliminate overfishing of queen conch, *Stombus gigas*, the
46 territory enacted the following regulations in June of 2008:
47 limit the annual harvest to 50,000 pounds meat weights in St.
48 Croix and 50,000 pounds in St. Thomas/St. John and thereafter,

1 the season will be closed until November 1 of that year; limit
2 the daily commercial harvest to 200 conch per boat and six conch
3 per day per recreational fisher, not to exceed twenty-four conch
4 per boat per day; establish a closed season from June 1 to
5 October 31 annually; no possession of queen conch during the
6 closed season; all conch must be landed reported in the district
7 from which they were harvested; a minimum size of nine-inch
8 shell length of three-eighths-inch lip thickness; no harvest of
9 undersized conch; no possession of conch meat smaller than two
10 per pound uncleaned or three per pound cleaned; no disposal of
11 shell at sea before landing; taking conch to offshore islands
12 for the purpose of removing the meat from the shell is
13 prohibited; transport of conch meat out of shell over open water
14 is prohibited; no sale of undersized conch shell or meat from
15 undersized conch; no sale of imported conch meats unless
16 shipment is accompanied by a CITES export permit and shipment
17 has cleared U.S. customs at an official port of entry; no
18 possession or sale of fresh or preserved, frozen, salted,
19 treated in a chemical solution conch fifteen days after the
20 start of the closed season.

21
22 The St. Croix conch harvest has exceeded the 50,000 pound quota
23 and the season will be closed for six months in territorial
24 waters, from May 1 to October 31. However, under present conch
25 regulations for federal waters off of Lang Bank, east of St.
26 Croix, fishers may continue to harvest conch until the seasonal
27 closure of June 1 to August 31.

28
29 Enforcement of fisheries regulations in territorial and federal
30 waters is limited at best and the lack of compatible regulations
31 further complicates resource protection. To ensure the
32 protection of this valuable resource, I wish to request an
33 emergency fisheries closure be enacted for the federal waters of
34 Lang Bank that would establish a closure of the conch harvest
35 from May 1 to October 31, compatible to the closure in
36 territorial waters.

37
38 Thank you for your attention to this important matter and I look
39 forward to your response. Should you need additional
40 information, please contact William Tobias, Division of Fish and
41 Wildlife, at (340) 713-2415, Sincerely, Robert S. Mathes,
42 Commissioner."

43
44 **ROY CRABTREE:** The specific request here was to close federal
45 waters when the quota was caught and so I'm going to make a
46 motion that Alternative 2 be modified to only enact the
47 compatible quota closure. **My motion is that Action 1,**
48 **Alternative 2 be modified to only include a closure of the EEZ**

1 once territorial waters are closed because the quota has been
2 caught.

3

4 **EUGENIO PIÑEIRO:** We have a motion.

5

6 **ROY CRABTREE:** Did I get a second?

7

8 **AIDA ROSARIO:** Second.

9

10 **ROY CRABTREE:** I'll explain why. What we're trying to do here
11 is reduce fishing mortality on queen conch and I just don't see
12 how we have any justification for increasing the boat limit or
13 increasing the recreational bag limit.

14

15 As far as I understand, I don't know that that's counted against
16 the quota and I'm not sure there's any recreational estimates of
17 it. My fear is that some of these things -- I think closing the
18 fishery when the quota is caught would reduce fishing mortality,
19 but these other things I'm afraid go the opposite direction and
20 certainly it was never my intent to do these other things and so
21 that's my rationale for it.

22

23 If we want to move this quickly, I think we need to stay focused
24 on the compatible quota closure and then we can do the
25 framework. I don't have a problem with that, but I think these
26 other things ought to come out.

27

28 **EUGENIO PIÑEIRO:** Is there further discussion?

29

30 **MIGUEL ROLON:** After we've finished this motion, then, again,
31 the question is what would be the next step for the council?

32

33 **BEULAH DALMIDA-SMITH:** I think we still have some questions, if
34 we can continue with the discussion. Mr. Farchette brought a
35 point to me in terms of having seen reflected on the screen the
36 three to six conch per day for personal use and that's already
37 listed in our regulations, but do I understand that it's going
38 to be three instead of six that we already have within the
39 territorial waters?

40

41 **ROY CRABTREE:** The territorial waters will be whatever the
42 territory says, but right now, in the EEZ, it's three conch per
43 day and not to exceed twelve per boat and so what I'm objecting
44 to is increasing the EEZ limit. I understand the need for
45 compatible regulations, but I just don't think we have any basis
46 to allow us to increase the limits out there at this point.

47

48 I guess I have a problem and we can talk about changing the

1 closed season. I guess the Virgin Islands closed season is June
2 1 to October 31? I would be willing to modify the motion then.
3 **I would like to modify the motion to also include the extension**
4 **of the closed season to June 1 through October 31, if that's**
5 **okay with my seconder.** Aida, are you okay with that?
6

7 **AIDA ROSARIO:** Yes.

8
9 **ROY CRABTREE:** That, I think, would help reduce fishing
10 mortality and so I guess my only problems were I don't see how
11 we can increase those boat limits in the EEZ. We just don't
12 have any rationale for it. That doesn't mean I'm asking you to
13 change yours. That's up to you folks what you want to do, but -
14 -
15

16 **BEULAH DALMIDA-SMITH:** -- particularly with the 50,000 pounds.
17 There are folks who figure and who feel strongly that the conch
18 population is regenerating in St. Croix and it's much more than
19 actually seen, based on that quota that was given to us several
20 years ago.
21

22 I really would like to have more data and information before we
23 make a decision, because if we go back to the fact that 50,000
24 pounds plus on the ACLs, multiplied by the uncertainty factor,
25 it's going to reduce that and I can't see taking 40,000 pounds
26 to the people of St. Croix and saying hey, this is what you're
27 going to be limited to. It's going to really cause an outcry.
28

29 **ROY CRABTREE:** I understand that and I guess the SSC is going to
30 look at that, but this amendment doesn't actually set the quota.
31 It only establishes that when you close that we'll close too and
32 the quota would be set in the ACL Amendment and if the SSC comes
33 back and says you can harvest more than that and if the Science
34 Center agrees with that, then that's what we'll do.
35

36 **AIDA ROSARIO:** Yes.

37
38 **BEULAH DALMIDA-SMITH:** Yes.

39
40 **WINSTON LEDEE:** Yes.

41
42 **ROY CRABTREE:** Yes.

43
44 **CARLOS FARCHETTE:** Yes.

45
46 **EUGENIO PIÑEIRO:** Yes. **The motion carries.**

47
48 **MIGUEL ROLON:** Graciela and Joe, what would be the next step?

1 This is an amendment so we can compatible and it's affecting
2 only St. Croix. If we want to expedite the process, what would
3 be the best way of doing this?

4

5 **ROY CRABTREE:** Where is our next meeting in March?

6

7 **MIGUEL ROLON:** It's supposed to be in St. Thomas, but we can
8 have it somewhere else if you want to.

9

10 **ROY CRABTREE:** I'm not suggesting that. I was just asking, but
11 obviously we need to do a hearing in St. Croix. Our next
12 meeting, if it's in St. Thomas, then we could take public
13 testimony at our next meeting and so the question would be
14 whether you feel like you need to have a hearing somewhere in
15 Puerto Rico between here and there.

16

17 There's no legal requirement, Shepherd, that you do that. So
18 that would be up to you folks. The only thing in here that
19 potentially affects other areas is I guess we're going to add a
20 framework in, which if we open the EEZ up some day, we could
21 then use that framework, but I suspect most fishermen aren't
22 going to really pick up on exactly what a framework is and I
23 doubt you'll get much interest in it.

24

25 It seems to me if you did a hearing in St. Croix and then we
26 meet in St. Thomas and did a hearing there that we would be good
27 and my goal would be to -- If Joe and company can go back and
28 make these revisions to the document, then we would have this
29 available as a public hearing draft and then we need to get
30 folks to review it and everything, but I would put this on the
31 agenda for the March meeting as final action and hope that we
32 can vote it up at the March meeting and submit it, if that
33 works.

34

35 **MIGUEL ROLON:** For final action, we have to advertise it in the
36 Federal Register and that's okay. We asked the SSC to review
37 the 50,000 pounds level and they may reaffirm on the 50,000, but
38 we don't know.

39

40 **ROY CRABTREE:** Remember this amendment doesn't set the quota.
41 It just says we're going to have a compatible closure and so
42 that's really separate. That's going to be set in the ACL, but
43 right now, we're going to close when the territorial quota is
44 reached.

45

46 **MIGUEL ROLON:** In that case, I would propose to -- We will
47 discuss it with Joe and company and then have the hearing in St.
48 Croix as soon as we can and have the meeting of the council in

1 March for final action and that will take place in St. Thomas.

2
3 **ROY CRABTREE:** Then we can, in March, talk about the timing of
4 all this and we're willing to contemplate an interim rule if it
5 looks like we're going to have to do it, which I think we
6 probably would to try and get something done for this year.
7 We'll talk about that when we get back and if that looks like
8 what we need to do, the council could talk about that at the
9 March meeting as well.

10
11 **MIGUEL ROLON:** The preferred alternative is just that, the one
12 that you --

13
14 **ROY CRABTREE:** I think we need to pick a preferred alternative.
15 We probably should. I don't know, Beulah, if you would like to
16 make the motion for a preferred alternative, for Alternative 2,
17 for the compatible closure, since we're really doing this at the
18 VI request.

19
20 **BEULAH DALMIDA-SMITH:** Is that on page 6 that we're looking at,
21 Alternative 2, the compatible regulations with the U.S. Virgin
22 Islands?

23
24 **SHEPHERD GRIMES:** I would just like to point out a couple of
25 things. We'll probably have to add more alternatives to this,
26 so that we have a reasonable range of alternatives that we've
27 analyzed sufficiently, but after Dr. Crabtree's motion, his
28 change to Alternative 2 was to establish the compatible closure
29 provisions and not entirely compatible regulations.

30
31 As he gave you when he made the motion, the rationale behind
32 that is this is a stock that's currently listed as overfished
33 and undergoing overfishing. I know that last assessment was
34 inconclusive, but that's the status of it.

35
36 The intent of this action is to reduce fishing mortality on the
37 species and given its current status, you are going to have a
38 difficult, if not impossible, time implementing measures that
39 will potentially result in increased harvest of queen conch, but
40 at the same time, this has nothing to do directly with that
41 50,000 pound catch quota, because that has been reviewed by the
42 SSC and I guess that will be revisited by the SSC and this is
43 not an endorsement of that level. It's merely a compatible
44 provision that will prevent additional harvest in federal waters
45 once the territory closes its waters.

46
47 **ROY CRABTREE:** Shepherd, do you think maybe since we've made
48 changes to this the best thing for right now would just be not

1 to choose a preferred? Let's come back in March and choose it
2 then.

3
4 **MIGUEL ROLON:** If we do that, can it still go to the hearing in
5 St. Croix without a preferred alternative?

6
7 **ROY CRABTREE:** Okay.

8
9 **MIGUEL ROLON:** Okay. So long as you are happy with it, okay.

10
11 **EUGENIO PIÑEIRO:** I've got some news. Marcos Hanke's wife just
12 had a baby, a baby girl. Let's drink some coffee and be back in
13 five.

14
15 (Whereupon, a brief recess was taken.)

16
17 **EUGENIO PIÑEIRO:** Next is Meetings Attended by Council Members.
18 The first one was Marco Hanke to the HMS meeting in Silver
19 Spring. Marcos, as you know, is not here. He told me that he
20 would give me a written report for the next meeting, but I spoke
21 to the people up there and gave a great impression about HMS
22 issues.

23
24 The second one was the ICCAT meeting. As you know, we went to
25 the meeting and Brazil and the results were very good as far as
26 the U.S. allocation, but for the resource in general. At that
27 meeting, the dolphin/tuna --

28
29 (The rest of the comment is not audible on the recording.)

30
31 **CARLOS FARCHETTE:** During the two-day training in Silver Spring,
32 Maryland, we were introduced to Roberts Rules, MSA, MMPA,
33 fisheries enforcement structure, National Standards, stock
34 assessments, socioeconomic overview, travel responsibilities,
35 and ACL mandates.

36
37 We went through parliamentary procedure and all that business,
38 how to make motions and how to present it and voting on motions.
39 We were also introduced to the Magnuson-Stevens Act and the
40 background and history and the structure of the MSA to include
41 council structure, fisheries management, and special provisions.

42
43 We were also introduced to NOAA fisheries enforcement structure
44 and JEA functions, roles, and missions. There was a point made
45 that we needed to -- to make them enforceable. We were also
46 introduced to the National Standards. I don't know if you want
47 me to go through all the National Standards that we went through
48 or should I just -- Okay.

1 We were also introduced to the MMPA for marine mammals. It was
2 also extended to any marine mammal in the waters. We also
3 discussed the council version of threatened and endangered
4 species. We were introduced to the importance of NEPA and the
5 policy of requiring federal agencies, in cooperation with state
6 and local, to use all means to create a condition under which
7 man and nature can exist in productive harmony and to fulfill
8 the socioeconomic and other requirements of present and future
9 generations.

10
11 Discussions were presented on disclosure statements and they're
12 required even if you have no conflict of interest. There was a
13 presentation on catch shares. (Part of the comment is inaudible
14 on the recording.)

15
16 We were also introduced to the eight regional council membership
17 structure and their functions, MSA mandates, and relationships.
18 International affairs was discussed and implementation of
19 legislation and the role of the councils in IA and international
20 actions to end overfishing and rebuild the affected stocks and
21 address bycatch.

22
23 Also discussed was the ecosystem-based management approach and
24 its affect on fisheries management by minimizing bycatch and
25 consider habitat impact on species interactions. We also
26 discussed stock assessment mandates, data requirements,
27 assessment methods, rebuilding stocks, and data-poor situations.
28 The training provided new council members with a better
29 understanding of the goals and missions of the Magnuson-Stevens
30 Act.

31
32 **BEULAH DALMIDA-SMITH:** Just to compliment Carlos's very
33 comprehensive and in-depth overview of the training, I must say
34 it was indeed quite a success. I'm very happy that the council
35 allowed me to attend and I walked away with in-depth knowledge,
36 based on what Carlos just presented to us.

37
38 We met council members and it wasn't only for new, but the new
39 members got quite an earful, in addition to all the members that
40 have been there for many, many years and they spoke and the
41 information that they imparted to the group was really awesome.

42
43 They talked about their particular councils and the problems and
44 issues that they had. We had breakout sessions and we discussed
45 matters and we saw data that was placed before us based on
46 particular fisheries in other councils and once again, we saw
47 that the U.S. Virgin Islands and Puerto Rico were zero. I think
48 at some point we will be able to share particular data with the

1 rest of the councils and I look forward to that time that we get
2 there.

3
4 As I said before, it was very informative and I would hope that
5 every council member, whether new or ongoing, existing, council
6 members have an opportunity to attend, because it refreshes
7 one's memory and it also gives you information that you need to
8 be a good member.

9
10 Another part of it was the ethical aspect of being a council
11 member and what is required of you legally and what can happen
12 to you if you do not follow suit and so I think we're quite
13 versed on that and we know what we need to do and what not to do
14 as a council member in terms of abiding with the regulations
15 pertaining to council members. Thanks for the opportunity, once
16 again, the CFMC, and we truly appreciated this exposure to the
17 council meeting.

18
19 **MIGUEL ROLON:** Aida, I know that Miguel had to excuse himself
20 from this meeting, but in order to comply, we will need a report
21 from him on the two meetings that he attended, the American
22 Fisheries Society and this one. For the next meeting, give us a
23 small presentation of what he did.

24
25 **AIDA ROSARIO:** I will point out to him that he needs to submit a
26 report to you.

27
28 **EUGENIO PIÑEIRO:** I thank Carlos for that comprehensive report.
29 Next in line, we have two meetings attended both by Graciela
30 Garcia Moliner. One was GCFI and the other was the ACL meeting.

31
32 **GRACIELA GARCIA-MOLINER:** I was not able to attend the GCFI this
33 year in Venezuela, although my name was there, but Virdin Brown
34 was in attendance. Daniel Matos was not able to attend either
35 and Virdin Brown was selected chairman of the GCFI Board of
36 Directors and so I don't have anything else to report on it.

37
38 The ACL meeting and ecosystem workshop, I was at a meeting with
39 the region with Joe Kimmel and Bill Arnold and then Bill and I
40 attended the ecosystem workshop regarding the IOOS, the
41 Integrated Ocean Observing Systems, and most of the participants
42 were there.

43
44 The main focus of the meeting was to do with basically how to
45 use all the technology that we have in place to deal with the
46 ecosystem-based management approaches and how to best implement
47 this technology in the daily use and so most of the regions have
48 an IOOS. They do have one in the Caribbean. It's called the

1 Caribbean Regional Association and so they are also integrated
2 among themselves. There's a report that's available on the
3 Internet at the IOOS website and I think that's all I have for
4 those two meetings.

5
6 **EUGENIO PIÑEIRO:** We have the U.S. Caribbean data and Marcos is
7 excused, but Aida told me that Daniel Matos was present. He's a
8 fisherman from Puerto Rico and I'm going to email him and ask
9 him for a written report. (The rest of the comment is not
10 audible on the recording.)

11
12 **WINSTON LEDEE:** I missed the first day because of rain. The
13 planes weren't flying, but I was there the evening when they had
14 the fishermen there and it was a huge turnout. There were quite
15 a bit of fishermen from St. Croix and they all disagreed with
16 reducing the grid. They all wanted to stay ten-by-ten and the
17 next day, we mainly were talking about how to improve the boat
18 sampling. That's really what it was about and Bob Trumble got
19 an earful from all the fishermen.

20
21 **EUGENIO PIÑEIRO:** Thank you, Winston.

22
23 **CARLOS FARCHETTE:** I believe that it was a great meeting that
24 Bob Trumble held there. I was the mediator for Fish and
25 Wildlife. We had about seventeen fishermen show up at the night
26 meeting and after -- (The rest of the comment is not audible on
27 the recording.)

28
29 They agreed on quite a bit of things that we had discussed the
30 day before and in trying to present to the fishermen. They
31 agreed on trap considerations for the data improvement workshop
32 and number of traps hauled and soak time, and Trumble can
33 correct me if I'm making any mistakes there.

34
35 They also agreed on disclosing the type of nets, whether it's
36 umbrella, castnet, or surface gillnet. They agreed on mesh
37 size. They agreed with hook and line to provide the method that
38 will -- bottom fishing, the type it could be, hand line or
39 power, the type of hook, whether circle or J or a mix, the
40 number of hooks per line, and the number of lines and the type
41 of bait used, whether it's fish, squid, artificial, or a
42 combination of.

43
44 They agreed to disclose information on the number of divers,
45 whether it's scuba or no scuba, whether it encompasses spear
46 fishing. When it comes to hand collection, which is lobster or
47 conch, they agreed to disclose the number of divers used and
48 whether or not they used scuba.

1
2 They agreed to disclose information on the time for trip start
3 of the fishing and the trip end and soak and fishing time for
4 each gear, the days, the hours, or minutes. They also agreed on
5 the depth for each gear and instead of the grid -- They
6 adamantly refused to agree with the grid system or make the grid
7 smaller, but they agreed to zone contour, which works by depth,
8 which I think is better for habitat information, habitat
9 contours.

10
11 They agreed on providing the information on the various species
12 that were selected to be reported on and they also agreed on the
13 two-week reporting period instead of monthly reporting. They
14 also agreed on catch validation and estimate number of trips and
15 estimate catch by trip by species and by gear. That's the St.
16 Croix fishermen.

17
18 **GRACIELA GARCIA-MOLINER:** The invitation came to the council to
19 have someone come to their data workshop in the Western Pacific,
20 at the Western Pacific Council, because they are preparing their
21 documents for the ACLs for the reef fish fishery and since they
22 were -- Right at the beginning, our presentation mostly had to
23 do with all the mistakes and things that we had made along the
24 way, so that they would not be repeating the process.

25
26 We talked extensively about the data, the SEDAR data workshop
27 that we held, the bringing to the table of all the data that's
28 available, both fishery dependent and fishery independent, to
29 include in the meetings that they will be hosting the
30 stakeholders.

31
32 They are a little bit different from us, because they do have
33 more islands, and it was interesting to see the different
34 datasets that were collected from the different areas. The
35 Science Center from the Western Pacific was also present and so
36 one of the recommendations that actually was made by the panel
37 was to emulate the Caribbean Fishery Management Council and the
38 Southeast Region in evaluating all catch, fishing effort, and
39 life history data which would be used for estimating MSYs and
40 then consequently the ACLs, et cetera.

41
42 Our contribution was, I believe, valuable and basically talking
43 about what we did wrong and what we did right. That's my
44 report.

45
46 **WINSTON LEDEE:** The next thing in line is Administrative
47 Committee Recommendations.

48

1 **ADMINISTRATIVE COMMITTEE RECOMMENDATIONS**

2
3 **MIGUEL ROLON:** Thank you, Mr. De Facto Chairman. The
4 Administrative Committee considered and recommends to the
5 council the following -- You can do this by a block of motions
6 or one at a time, but the first recommendation by the council
7 was to appoint Todd Gedamke to the SSC. We need a motion for
8 that.

9
10 **AIDA ROSARIO:** So moved.

11
12 **BEULAH DALMIDA-SMITH:** Second.

13
14 **AIDA ROSARIO:** Yes.

15
16 **BEULAH DALMIDA-SMITH:** Yes.

17
18 **WINSTON LEDEE:** Yes.

19
20 **ROY CRABTREE:** Yes.

21
22 **CARLOS FARCHETTE:** Yes.

23
24 **EUGENIO PIÑEIRO:** Yes. **The motion carries.**

25
26 **MIGUEL ROLON:** The second recommendation by the Administrative
27 Committee was to appoint Virdin Brown to the AP.

28
29 **BEULAH DALMIDA-SMITH:** **I so move.**

30
31 **CARLOS FARCHETTE:** Second.

32
33 **EUGENIO PIÑEIRO:** We'll vote.

34
35 **CARLOS FARCHETTE:** Yes.

36
37 **ROY CRABTREE:** Yes.

38
39 **WINSTON LEDEE:** Yes.

40
41 **BEULAH DALMIDA-SMITH:** Yes.

42
43 **AIDA ROSARIO:** Yes.

44
45 **EUGENIO PIÑEIRO:** Yes. **The motion is unanimous and it carries.**

46
47 **MIGUEL ROLON:** The other recommendation by the council is to
48 contact Tony Iarocci to assist the council with the possible

1 trap reduction program in the U.S. Virgin Islands and Puerto
2 Rico.
3
4 **AIDA ROSARIO:** I so move.
5
6 **BEULAH DALMIDA-SMITH:** Second.
7
8 **EUGENIO PIÑEIRO:** Let's vote.
9
10 **AIDA ROSARIO:** Yes.
11
12 **BEULAH DALMIDA-SMITH:** Yes.
13
14 **WINSTON LEDEE:** Yes.
15
16 **ROY CRABTREE:** Yes.
17
18 **CARLOS FARCHETTE:** Yes.
19
20 **EUGENIO PIÑEIRO:** Yes. **The motion carries.**
21
22 **MIGUEL ROLON:** I don't think that we need a motion for this one,
23 but it's to ask the Chair to present to Dr. Dave Witherell a
24 plaque or similar in recognition of his excellent work in
25 coordinating and creating all the agenda for the SSC National
26 Workshop II and actually I. The council chair will do so. We
27 will give a token of appreciation to Dr. Dave Witherell. He's
28 the Assistant Director of the North Pacific Fishery Management
29 Council.
30
31 (Tape change)
32
33 **MIGUEL ROLON:** -- in recognition for the outstanding work in the
34 coordination and preparation of the Second National Meeting of
35 the Regional Fishery Management Councils SSC.
36
37 First, Iris Oliveras and Livia Montalvo, a cash award of \$200.
38 They participated at the office, but they did an excellent job
39 also in contribution to this meeting. To Natalia Perdomo, María
40 de los A. Irizarry, and Diana Martino, a cash award of \$300.
41 They were present at the meeting and did all the logistics for
42 the meeting. Somebody say "so move" and we can be happy.
43
44 **AIDA ROSARIO:** So moved.
45
46 **BEULAH DALMIDA-SMITH:** Second.
47
48 **EUGENIO PIÑEIRO:** We have a motion and we'll vote.

1 **AIDA ROSARIO:** Yes.

2

3 **BEULAH DALMIDA-SMITH:** Yes.

4

5 **WINSTON LEDEE:** Yes.

6

7 **ROY CRABTREE:** Yes.

8

9 **CARLOS FARCHETTE:** Yes.

10

11 **EUGENIO PIÑEIRO:** Yes. **The motion carries.**

12

13 (There is a gap in the audio recording.)

14

15 **EUGENIO PIÑEIRO:** There is only one person who wishes to address
16 the council today and that is our friend Sera Drevanak.

17

18

PUBLIC COMMENT PERIOD

19

20 **SERA DREVANAK:** Good afternoon. My name is Sera Drevanak and
21 I'm here representing the Pew Environment Group. First, I want
22 to commend the council for taking the first steps toward relying
23 heavily on the science when you're making these decisions for
24 the ACL Amendment.

25

26 I know that the council took some of the options out of the
27 amendment that were beyond what the SSC had recommended and I
28 think these are not only necessary to comply with the law, but
29 it also gets us in the direction of having sustainable fisheries
30 that are based on the best science that we have. I'm also very
31 impressed with the territorial governments for their work
32 towards the data improvement and the enforcement and monitoring
33 that have been going on.

34

35 There are a couple of places in the amendment where it still
36 seems that the science is not yet the basis for fishing level
37 recommendations, specifically with conch and parrotfish. There
38 need to be very, very clear scientific justifications for
39 whatever limits are set.

40

41 I'm very glad that the council is talking about the uncertainty
42 and the incorporation of that into the amendment. It's crucial
43 to the idea of the reauthorization of the Magnuson Act and I
44 like to think of it as a cliff and so if at the bottom of the
45 cliff is a crashed fishery that provides little recreation and
46 more jobs and at the top of the cliff is a sustainable fishery
47 that we all need to get to, uncertainty means that it's dark
48 outside or it's foggy and how close to the edge of that cliff

1 are you willing to walk or to let your kids walk, given the
2 circumstances that surround you?

3
4 If it's bright outside and if you remembered your eyeglasses and
5 if it's not foggy, maybe you could walk right along the edge of
6 that cliff, but if you left your contacts at home and it's dark
7 outside, you have to step a few steps away from the edge to make
8 sure you don't fall over and it's the same thing with the
9 uncertainty.

10
11 There are other councils that have used more strict uncertainty
12 buffers than this council is thinking about for species with
13 better data and so I strongly, strongly urge the council to take
14 the advice of the Science Center. This is the best scientific
15 advice that is available, to use 75 percent at the minimum
16 uncertainty scaler, and that is consistent with the use of that
17 scaler in other councils and I believe that it's appropriate
18 here.

19
20 The choice of the years on which to base the MSY is a separate
21 decision, but we do strongly urge the council to rely on the
22 scientific advice. As the data collection improves, which it
23 clearly will improve, the uncertainty will decrease. That's
24 part of the incentive of better data collection and better
25 reporting, is that as you get better at those things, the
26 uncertainty decreases and we would advise the council to revisit
27 its uncertainty regularly, as the data continues to improve.

28
29 Finally, I think that even though clearly in the Caribbean the
30 data is incomplete, the law still applies and deals in depth
31 with low data situations and so these situations where the data
32 is incomplete or lacking have been considered and the law does
33 talk about how to deal with those situations and I urge the
34 council to continue on the path that you're on. Thank you.

35
36 **OTHER BUSINESS**

37
38 **EUGENIO PIÑEIRO:** The next item of the agenda is Other Business
39 and other business is the next council meeting will be in St.
40 Thomas the last week of March 2010. The actual days of the
41 meeting are going to be March 30th and March 31st. Before we
42 adjourn this meeting, I want to express my thanks to the council
43 staff and Bill Arnold and Roy and Shep. (The rest of the
44 comment is not audible on the recording.)

45
46 (Whereupon, the meeting adjourned on December 16, 2009.)

47
48 - - -