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2 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**  
3 **134<sup>TH</sup> REGULAR COUNCIL MEETING**  
4 **Marriott Frenchman's Reef Hotel**  
5 **St. Thomas, USVI**  
6

7 **APRIL 7-8, 2010**  
8

9 The Caribbean Fishery Management Council convened at the  
10 Marriott Frenchman's Reef Hotel, St. Thomas, USVI, Wednesday  
11 morning, April 7, 2010, and was called to order at 9:00 o'clock  
12 a.m. by Chairman Eugenio Piñeiro.  
13

14 **EUGENIO PIÑEIRO:** Good morning, everyone. It's nine o'clock in  
15 the morning on April 7, 2010. Welcome to the regular 134<sup>th</sup>  
16 Caribbean Fishery Management Council meeting. We're going to  
17 start with the roll call  
18

19 (Whereupon, the roll call was conducted.)  
20

21 **EUGENIO PIÑEIRO:** First, I would like to have a moment of  
22 silence. As you know, Mr. Joseph Ledee, Winston's father,  
23 passed away last week and I would like to have a moment of  
24 silence in his memory before we start.  
25

26 (Whereupon, a moment of silence was held.)  
27

28 **EUGENIO PIÑEIRO:** Thank you very much. Before we go into  
29 today's work, Shepherd, you want to introduce something?  
30

31 **SHEPHERD GRIMES:** I just wanted to take a minute to introduce  
32 Mara Levy. She's with our office, working in St. Petersburg,  
33 and I think she's going to be transitioning into covering the  
34 Caribbean Council in lieu of me. Apparently Dr. Crabtree wasn't  
35 happy with the job I was doing. Thank you.  
36

37 **ADOPTION OF THE AGENDA**  
38

39 **EUGENIO PIÑEIRO:** Moving to the Adoption of the Agenda, any  
40 comments regarding the agenda? Is there a motion?  
41

42 **ROY CRABTREE:** I think we need to have some discussion of the  
43 regulatory amendment for queen conch under Other Business.  
44

45 **EUGENIO PIÑEIRO:** Any other changes?  
46

47 **WINSTON LEDEE:** I make the motion for the consideration of the  
48 adoption of the agenda.

1  
2 **EUGENIO PIÑEIRO:** Is there a second?  
3  
4 **CARLOS FARCHETTE:** Second.  
5  
6 **EUGENIO PIÑEIRO:** All those in favor say aye. With no  
7 opposition, the motion carries.  
8  
9 **CONSIDERATION OF THE 133<sup>RD</sup> COUNCIL MEETING VERBATIM TRANSCRIPTION**  
10  
11 Regarding the council meeting transcription, the consideration,  
12 there are some mistakes that I want to point out. On page 72,  
13 it should read "red grouper" and not "read grouper". On page  
14 101, where we have "Julian Magras" and "not Julie Magras".  
15  
16 I would like to please point out that we have some interruptions  
17 when the tape is about to finish. When you realize it's about  
18 to end, make me a signal so I can stop, because it doesn't  
19 matter if it's me or - Microphones, we have agreed that you're  
20 going to check them before every afternoon, because on page 119,  
21 121, and 126, and my fabulous closing remarks on page 189 were  
22 erased from the record. They were not audible and so I  
23 apologize for that, because that's the second time it has  
24 happened, but I know it's not going to happen again. Any other  
25 changes?  
26  
27 **SHEPHERD GRIMES:** Page 112, line 31, insert the word "than"  
28 between "more" and "a" and I was going to make the same comment  
29 about there being a lot of inaudible portions in the minutes.  
30 Let's everybody do our best to make sure when we say something  
31 that the microphone is on and we enunciate properly and  
32 hopefully we can get everything recorded in the record. Thank  
33 you.  
34  
35 **EUGENIO PIÑEIRO:** Thank you, Counselor. Do I have a motion for  
36 the adoption of the consideration of the transcription?  
37  
38 **WINSTON LEDEE:** I make the motion for the consideration of the  
39 133<sup>rd</sup> council meeting verbatim transcription.  
40  
41 **BEULAH DALMIDA-SMITH:** Seconded.  
42  
43 **EUGENIO PIÑEIRO:** All in favor say aye. With no opposition, the  
44 motion carries. Thank you. Before we start the Executive  
45 Director's Report, Miguel has reminded me that every time you  
46 talk, at least for the first morning's session, tell your name,  
47 so that we don't have problems when we do the transcriptions.  
48 Let's go with the Executive Director's Report. Good morning,

1 Miguel.

2

3

### EXECUTIVE DIRECTOR'S REPORT

4

5 **MIGUEL ROLON:** Thank you, Mr. Chairman. Given that the ACLs  
6 will take most of this morning, the discussion, I'll keep it  
7 very brief and short. The activity that you have been hearing  
8 about, the steering committee for the possible limited entry  
9 management plan for traps, it's being discussed with the local  
10 authorities, especially with Beulah Dalmida-Smith, and we have  
11 Tony Iarocci who has been doing an excellent job working with  
12 the fishers and discussing issues related to this project.

13

14 We had two meetings, one in St. Thomas and one in St. Croix, and  
15 it seems that the idea is welcomed by the fishers, if and when  
16 they are involved from the beginning to the end of the process.  
17 In the case of St. Thomas/St. John, the fishers would like to  
18 invite not only the fishermen that belong to the association,  
19 but also fishermen from outside the association that fish with  
20 traps.

21

22 So far, we have some names and Beulah will work with Tony and  
23 the fishers to put together the steering committee and then when  
24 we move to St. Croix, we will discuss it with the fishermen in  
25 St. Croix.

26

27 St. Croix is a little bit different because, for example, one or  
28 two fishermen dominate the number of traps used in the fishery,  
29 but they are all interested and they have also some names that  
30 they will give to Beulah and Tony will be contacting not only  
31 the fishers, but also you, Beulah, on this project, so we get  
32 the ball rolling.

33

34 We would like to do this as quick as possible so the fishermen  
35 will be able to work on the steering committee. They will have  
36 members with voting capacity in both committees and non-voting  
37 members. Non-voting members could be probably technical people  
38 who can support the work of the steering committee and hopefully  
39 by the end of year we want to be able to report to the council  
40 on what the U.S. Virgin Islands government decided with the  
41 fishers to do regarding the trap fishing program.

42

43 We discussed also with Beulah at the office and with Miguel some  
44 activities that the council, in partnership with the local  
45 governments, are conducting. One is the famous lionfish. This  
46 invasion is here to stay. Some people thought that they could  
47 kill the fish get rid of it, but as the oceanographers are  
48 telling us, it will be impossible to get rid of a species that

1 travel far distances from island to island.

2  
3 What the two local governments are doing is they are preparing  
4 management plans and they are preparing outreach and education  
5 programs and the council will support those activities with some  
6 funding.

7  
8 We also discussed the possibility with Beulah and her office of  
9 us working together with the datasets that you have with the  
10 local fishers and in this case, something that -- David Olsen  
11 offered to assist in exchange for being able to look at the data  
12 that is being collected for the last three years. The fishers  
13 off of St. Thomas, especially the trap fishermen, are willing to  
14 provide a waiver to the local governments so that they can use  
15 the data that they produce or they submit for this study. We  
16 believe that these three projects probably will do a lot of good  
17 to the area.

18  
19 In addition, we were working with Nancie Cummings from the  
20 Southeast Fisheries Science Center in support of the data. We  
21 call it data workshops and I believe that the last one of the  
22 series is in Puerto Rico and we will have a presentation from  
23 the council.

24  
25 You have Carlos Farchette, Winston Ledee, and Marcos Hanke  
26 participating and representing the sectors from the U.S. Virgin  
27 Islands and Puerto Rico and I believe that Nancie told me that  
28 this is an important meeting because they're going to be  
29 presenting to you all the input that they received from the  
30 previous meeting and then after this meeting hopefully they will  
31 be able to give some guidance as to where and how we can collect  
32 the information for better management.

33  
34 I received an email from Daniel Matos in Puerto Rico. The trip  
35 ticket system form is already final and Daniel believes that  
36 it's ready now for going to the outreach and education program  
37 for the fishers of Puerto Rico and he asked me to thank  
38 everybody who participated, Genio and the others, in modifying  
39 the trip ticket system to reflect the realities of Puerto Rico  
40 and also to see if we can connect the trip ticket system to the  
41 data workshop findings and the ACL monitoring that we need to  
42 undertake in the next ten years.

43  
44 Just for the record, Mr. Chairman, when we finish the  
45 presentations and if you look at the agenda, we have the ACL  
46 discussion and Graciela gave me the names of the participants.  
47 When we open the discussion for the ACLs, we will have a  
48 presentation of the document that all of you received on your

1 CDs, but from the time that the CD was produced until today, the  
2 task team has been working very hard and fast on the document,  
3 so we have the best document for public hearings and I believe  
4 that Bill Arnold, Heather Blough, Denise Johnson, and Todd  
5 Gedamke, they're all here and they are part of the task team who  
6 worked.

7  
8 As we get into the discussion of each one of the items that you  
9 need to address today regarding the ACLs for public hearings,  
10 they might ask for help of the explanation of a section or two  
11 or whatever you need to discuss.

12  
13 We would like to have the best discussion possible, so all the  
14 council members will participate and you will have a clear  
15 picture of where we're going with this and then the schedule of  
16 events. As you all recall, Congress requires that by the end of  
17 this year we need to have the ACLs and the rest of the  
18 documentation established for the overfished species and the  
19 species that are suffering overfishing and then we'll jump  
20 immediately to the other species groups to comply with the  
21 mandate of the MSA.

22  
23 Graciela told me that the group prepared an example of the  
24 process and this is important for the council to know. At the  
25 end of this process if you select a management measure or select  
26 a group of years, then we will -- The group will walk you  
27 through the process so you will see how this ends up at the end  
28 of the process with accountability measures, the triggering  
29 mechanism for the accountability measures.

30  
31 At this time, probably with that example, you may be able to  
32 exchange questions and answers, so you will have a better  
33 understanding of the process. With that, Mr. Chairman, I  
34 believe that -- We will have a meeting in May of the chairs and  
35 executive directors and everybody is hoping to receive some  
36 answers regarding some questions that the council has made in  
37 the past regarding the SOPPs, Standard Operating Procedures,  
38 that we have, the budget for the next years.

39  
40 We are now in a five-year budget and it seems that we will have  
41 enough money to undertake what we are supposed to do under the  
42 Magnuson Act for the next two or three years. There's some  
43 question about the outer years, but it seems that the budget is  
44 healthy for the councils, but at the same time, at this meeting,  
45 the chair and the vice chair and myself will be discussing this  
46 with the other council members and with the National Marine  
47 Fisheries Service headquarters.

48

1 In addition, this year, the administrative officers and the  
2 fiscal officers will meet to go through all the discussions  
3 regarding the administration of funding in all councils, so we  
4 can copy the best ways and approaches to handling the grants  
5 from area to area and also to explain the differences that we  
6 have.

7  
8 Then we need to, once we finish the discussions with the ACLs,  
9 we also need to schedule the public hearings and given the time  
10 that we have, we will have probably parallel public hearings.  
11 We will have at the same time that the USVI has public hearings,  
12 we will have the ones in Puerto Rico.

13  
14 That way, we will cover the ground faster and maybe come back as  
15 a council in July, so you will be able to receive the input of  
16 the comments from the public comment period and then make the  
17 final adjustments to the ACL document. Remember the goal is to  
18 submit it as soon as possible during this year so the Secretary  
19 will have a chance to review it and approve or disapprove or  
20 whatever. That's it, Mr. Chairman.

21  
22 **EUGENIO PIÑEIRO:** Miguel, if I may, regarding the data workshop  
23 and the products made by the Science Center, I want to point out  
24 that the fishermen of St. Thomas and the fishermen of Puerto  
25 Rico have been very well represented as well as the fishermen of  
26 St. Croix.

27  
28 Marcos Hanke is not only a commercial fisherman, but a  
29 charterboat operator and Winston is not only a council member,  
30 but he is also a member of the STFA. The fact that I have heard  
31 people complaining that there has been no representation, that's  
32 not correct, because the idea would be to send as many people as  
33 we can, but the money cannot do so.

34  
35 I'm very comfortable with the representation both from Marcos  
36 and from Winston and I'm pretty sure that the fishermen have to  
37 be accordance with me, because the fact that they don't express  
38 themselves in a belligerent state of mind doesn't mean that they  
39 don't know what they are doing and it doesn't mean that they  
40 don't love what they're doing. They're locals and I think that  
41 the Science Center has done a great, great job and the states by  
42 appointing and sending such a group of good people to represent  
43 the council.

44  
45 I forgot -- He's very quiet down there, but I would like to  
46 welcome to the council Ken Henline. That is him back there  
47 quiet as his computer. Welcome, Ken, from the enforcement  
48 office. According to the agenda, the next presentation will be

1 from the Office of Protected Resources. Jennifer is not here at  
2 the moment? Okay. Can we move on? Then we'll go into the SSC  
3 Recommendations and that's going to be done by Walter Keithly.

4  
5 **SCIENTIFIC AND STATISTICAL COMMITTEE MEETING REPORT**  
6

7 **WALTER KEITHLY:** I was tasked with giving this report about ten  
8 minutes ago and I'm going to have to read it. The SSC held a  
9 three-day meeting in Miami in early March, March 2<sup>nd</sup> through the  
10 4<sup>th</sup>.

11  
12 Much of the meeting focused on how we can improve data, fishery-  
13 related data, for the Caribbean. As most of you know, data in  
14 the Caribbean could use some improvements. We do have a  
15 significant amount of data. Much of it is patchwork in nature  
16 and we have both fishery-dependent data and fishery-independent  
17 data, but, again, with respect to fishery-dependent data,  
18 fishermen typically fill out a report and we do not have a  
19 complete census. Many fishermen do not fill it out routinely  
20 and so forth.

21  
22 With the independent data, again, much of it is patchwork data,  
23 a study here and a study there. Our three-day meeting, to a  
24 large extent, focused on methods for improving the data  
25 collection process. As this body clearly recognizes, good  
26 management requires good data and so both the fishery-dependent  
27 data and fishery-independent data are clearly needed in the  
28 management process.

29  
30 With respect to the fishery-dependent data system, specifically  
31 with respect to the commercial sector, MRAG is currently  
32 conducting a study entitled "The Caribbean Commercial Data  
33 Improvement Project". The SSC strongly recommends that this  
34 study be carried out to completion and that upon completion that  
35 the results be looked at carefully as a possible method for  
36 improving the fishery-dependent and independent data collection  
37 systems in the U.S. Caribbean.

38  
39 We'll come back later to some general comments, but as you can  
40 see in the report, the SSC, with respect to fishery-dependent  
41 data, made several specific comments. I'm not going to cover  
42 them all. You have the report in front of you, but as I  
43 mentioned with respect to fishery-dependent data, there is a  
44 large amount of underreporting or potentially underreporting on  
45 the Puerto Rico trip ticket data system.

46  
47 Not everyone fills out the reports and with respect to the  
48 Virgin Islands, the data for species are lumped by different

1 groups of species and as such, the first specific recommendation  
2 made by the Caribbean SSC is that we believe that being the SSC,  
3 that for adequately determining the status and trends of U.S.  
4 Caribbean fish stocks, it is necessary for the data reports,  
5 trip ticket data, for both Puerto Rico and the USVI be improved  
6 to include the necessary additional biological and physical data  
7 components.

8  
9 With respect to the biological data, we're talking mainly about  
10 the USVI and having some more species-specific detail in the  
11 reporting system. With respect to Puerto Rico, again, it's to  
12 increase the participation in filling out the forms and the SSC  
13 recommends that in selecting the species that priority should be  
14 given to species of commercial importance, ecological  
15 importance, and representation by gear.

16  
17 A second specific recommendation is that, as you all know,  
18 there's very little recreational data collected throughout the  
19 U.S. Caribbean and any attempt to do a good stock assessment is,  
20 of course, based on the data that are available and if the  
21 recreational sector is an important component with respect to F,  
22 or catch, certainly some data on the recreational sector is  
23 needed.

24  
25 As such, the SSC recommends that recreational data are critical  
26 to stock assessments and efforts should be made to develop an  
27 appropriate recreational data collection system. Again, as is  
28 somewhat logical, efforts should be commensurate with the catch  
29 by the recreational sector.

30  
31 If there's very low catch for a given fishery, effort in that  
32 recreational component needed to collect data may be relatively  
33 low, but if the recreational sector accounts for a large  
34 proportion of the catch, then certainly the amount of effort in  
35 collecting that data should be increased.

36  
37 Also, in general, we believe that there's significantly  
38 different forms for Puerto Rico and the USVI in terms of the  
39 trip ticket system. To the extent possible, the SSC recommends  
40 that a common template be used to assist in the data collection  
41 process.

42  
43 Fourth, again, all this, of course, is based on budgets. One  
44 thing that the SSC recognizes is that we have a sample of trip  
45 tickets for Puerto Rico and the USVI and so how do we know what  
46 proportion of the fishermen are in fact -- Fishermen with  
47 licenses, are in fact fishing and what days are they fishing and  
48 who is filling out the forms?



1  
2 The SSC believes, and I'm up to Number 4 here, that aerial  
3 surveys can help identify the fishermen and help determine who  
4 is filling out the reports and so forth and so in other words,  
5 aerial surveys counting the number of fishermen and so forth  
6 will help validate port sampling efforts and can be used in  
7 conjunction with port sampling efforts.

8  
9 Certainly nowadays, with GPS and so forth, we can use GPS to  
10 coordinate activities and look at whether fishing activities are  
11 occurring within spawning aggregation areas and so forth and so  
12 basically, a recommendation is that GPS be enhanced in  
13 collecting this data or the data that are collected.

14  
15 Just a few other things and I won't go into detail on  
16 everything, but, again, as I mentioned -- Well, I have not  
17 mentioned this yet, but the TIP data or what's collected by port  
18 samplers is relatively low.

19  
20 Under Number 7, it says that for Puerto Rico only about 3 to 5  
21 percent of the catch is assessed and 1 to 2 percent in the USVI.  
22 Certainly this is a very low percentage and calls into question  
23 the reliability of using that data in different assessments.

24  
25 It's not to say that it does not have use, but certainly the  
26 smaller the sample relative to the population, the wider the  
27 confidence interval and the less you want to use such a dataset  
28 and so certainly the SSC strongly recommends that the sampling  
29 process be enhanced and should be increased and fishers, as well  
30 as the buyers, should be adequately trained in taxonomy and  
31 metrics to increase the accuracy and reliability of commercial  
32 reports.

33  
34 Finally, there may be ways, incentives, that can be given to  
35 fishermen to encourage them to complete or fill out the  
36 requested information on the trip tickets. This information can  
37 be collected for the education of the fishermen in terms of what  
38 the role of these trip tickets are used for and so forth.  
39 Number 9 says photo documentation of catch and boats and so  
40 forth.

41  
42 That completes the fishery-dependent phase of the SSC meeting.  
43 Moving down to the second part, the fishery-independent surveys,  
44 Todd, a member of the SSC now, gave a very fine presentation on  
45 a project that he has outlined for St. Croix to collect fishery-  
46 independent data.

47  
48 The project is meant simply at this stage to be a concept

1 project, proof of concept, to see how much effort will be  
2 required to collect independent data in a given area. Again, he  
3 has proposed St. Croix and depending upon the success, it could  
4 be expanded to other regions, St. Thomas and Puerto Rico, and  
5 using fish traps as a sampling unit and collecting the data with  
6 the cooperation of fishermen in the area.

7  
8 The SSC found his proposal to be well justified and well  
9 planned, though they did have certain questions, but in short,  
10 the SSC recommends and supports Todd's efforts and recommends  
11 the agency provide adequate support to field such a study.

12  
13 I'll let you read the rest of the details on the fishery-  
14 independent survey, other than to mention, again, that the  
15 purpose of it is to see whether a fish trap sampling program can  
16 provide reliable fishery-independent estimates in a given area  
17 and if so, to expand it to other areas of the U.S. Caribbean  
18 and, again, on the basis that any good stock assessment will  
19 require both good fishery-independent data as well as the  
20 fishery-dependent data that is largely collected through the  
21 trip ticket system.

22  
23 I'll just mention, once again, that in general the trip ticket  
24 system can be improved in terms of increasing the sample size  
25 and encouraging the fishermen to fill those forms out. The  
26 fishery-independent data, as I mentioned, is somewhat patchwork  
27 in nature. There has been quite a bit conducted through the  
28 years in the Caribbean, but Todd's idea is to synthesize that  
29 and look in a more systematic manner at collecting fishery-  
30 independent data.

31  
32 The third topic that the SSC briefly discussed was the use of  
33 marine reserves for assessment and a number of presentations  
34 were given on marine reserves and as you can see in your notes,  
35 the SSC minutes, Todd gave another review of Alec McCall's  
36 presentation and the SSC saw promise in this approach, but  
37 identified several constraints.

38  
39 I won't get into that other than to say that the main aspect is  
40 that certainly the SSC -- There's a number of marine reserves  
41 now throughout the U.S. Caribbean. Everybody at the table  
42 realizes just how many reserves there are now and the point I  
43 want to stress more than anything else with respect to this  
44 section is that the SSC strongly recommends that the status of  
45 these reserves, relative to fish densities and size structures,  
46 be reviewed and presented to the council at a two-day meeting,  
47 specifically -- I'm going to interject my own thoughts here of  
48 what I recall from the SSC meeting.

1  
2 Given the large number of reserves and still just a limited  
3 amount of information and studies, routine monitoring to see if  
4 these reserves are working and so forth, the SSC believes that  
5 we need to begin to look in a more systematic manner as to the  
6 effectiveness of these marine reserves and how marine reserves  
7 can be better designed to achieve the goal set forth in  
8 development of the marine reserves.

9  
10 Finally, in terms of other research and monitoring -- First of  
11 all, with respect to life history studies, the SSC recommends  
12 that more emphasis be given to basic life history studies,  
13 especially focusing on longevity, growth, and maturation.

14  
15 Socioeconomic information, certainly the SSC recommends that  
16 analysis be considered that begins to look at the behavioral  
17 analysis of fishermen and how do fishermen change behavior with  
18 respect to say regulation? As certain factors change, how does  
19 the behavior of fishermen change?

20  
21 Second, in terms of prices, what determines the price structures  
22 of products throughout the U.S. Caribbean? Are they set outside  
23 the region or do changes in landings affect prices in the  
24 region?

25  
26 Finally, spawning aggregations and, again, continued work  
27 looking at spawning aggregations and capacity building. The SSC  
28 recommends development of a broader conceptual approach for  
29 capacity building based on the 2007 ocean studies report and  
30 honestly, somebody else would have to explain that that was at  
31 the meeting, because I don't remember that.

32  
33 Integration of fishery monitoring programs, again, the SSC noted  
34 that there are ongoing projects to improve monitoring of the  
35 U.S. Caribbean commercial fisheries, recreational fisheries, and  
36 highly migratory species. Again, it appears that many of these  
37 studies are being carried out independently of each other and  
38 the SSC felt that there could be some benefits of combining  
39 efforts and just by simply combining efforts, you could collect  
40 more data at a reasonable cost.

41  
42 The SSC recommends that the organizations responsible for  
43 monitoring Caribbean fisheries work together to integrate  
44 monitoring programs.

45  
46 Finally, the Office of Protected Resources gave a presentation  
47 on parrotfish and, again, the parrotfish in terms of grazing and  
48 that the concern was that the SSC's recommendation may differ

1 than what would be optimal, given the relationship between the  
2 parrotfish and grazing activities.

3  
4 In short though, the SSC offers the following comments and I'm  
5 just going to read them directly. First, the indirect impact of  
6 fisheries on corals is a much broader issue than the ACL on  
7 parrotfish currently under consideration. There are many other  
8 grazers and fisheries on all trophic levels that are potentially  
9 important because of trophic cascades.

10  
11 With respect to coral reefs under more stress and showing signs  
12 of deterioration worldwide, the indirect impact of fisheries on  
13 today's and potentially future endangered coral species is  
14 certain to be an increasing serious issue for fisheries  
15 management. Taking account of indirect trophic impacts of  
16 fisheries is more complex scientifically than the more common  
17 direct impacts that have been addressed in other fisheries.  
18 Stellar sea lions are a notable example of the complexity of  
19 taking into account the trophic relationship between fisheries  
20 and endangered species.

21  
22 Third, the SSC cannot be expected to assemble and analyze all  
23 the relevant scientific literature on the relationship between  
24 fisheries and coral health. The agency should be responsible  
25 for this task, using its own scientists or through arrangements  
26 with non-agency experts.

27  
28 Fourth, a critical question that must be addressed is how much  
29 fishing is okay? The literature highlights potential problems  
30 of overfishing. The MSFCMA already forbids overfishing. If  
31 fisheries management complies with MSFCMA, is the impact on  
32 healthy corals acceptable? Is this level of fishing acceptable  
33 for endangered species of corals or is even less fishing  
34 necessary? These are complex scientific issues and it is  
35 unreasonable to expect fishery management councils to know the  
36 answers without an objective, authoritative, scientific  
37 synthesis that gives practical guidance.

38  
39 Finally, Number 5, a scientific basis for decisions on fisheries  
40 should be managed to comply with endangered coral considerations  
41 should be subject to the same type of scientific transparency,  
42 inclusiveness, and peer review as other science that is  
43 considered in the support of fisheries management. The science  
44 that supports fisheries management is usually assembled by open  
45 workshops that have direct access to data. It is reviewed by  
46 the SSCs.

47  
48 Just to summarize that, basically the SSC simply, I think, is

1 asking NMFS to conduct the research or have the appropriate  
2 research conducted as to the relationship between parrotfish and  
3 grazing activities on coral and report the findings back to the  
4 SSC on the expected impact and the parrotfish harvest that would  
5 be permissible under considerations being given by the Protected  
6 Resources Division. With that, Mr. Chairman, that will conclude  
7 my presentation and I'll be glad to answer any questions that I  
8 can.

9  
10 **MIGUEL ROLON:** This was an extraordinary SSC meeting. We need  
11 to thank also the Southeast Fisheries Science Center for  
12 plugging in key personnel that participated, Steve and others  
13 and Todd was there. Now the council needs to respond to the  
14 SSC. We need to know how you want to proceed.

15  
16 I asked Livia to have the SSC report ready and we can project  
17 the SSC report on the screen and you may want to address the  
18 recommendations one-by-one or in blocks or the whole thing, but  
19 we need to have some feedback from the council and reaction of  
20 if you want to adopt any of the recommendations or all or none.  
21 We need to do that so we can proceed with those recommendations.

22  
23 Also, I believe that you should hear from the advisory panel.  
24 They went over this report and they have some recommendations  
25 also to give to the council. For example, they endorsed the  
26 idea of using reserves for this kind of study, but they have  
27 some caveats and when we hear the report from Eddie, you will  
28 notice how they reacted to this. We need to know how you want  
29 to proceed. Do you want to see the report on the screen or  
30 postpone the discussion until you hear from the AP?

31  
32 **EUGENIO PIÑEIRO:** What would be the wish of the council?

33  
34 **MARCOS HANKE:** Because we have to respond to the SSC and the AP,  
35 it's like a related report and I would like to hear the AP  
36 first, in my opinion, and once we have it, we can discuss the  
37 recommendations and go one-by-one, because this is -- We're  
38 going to decide over this, the council, over all the  
39 recommendations and I would like to see a discussion in detail  
40 one-by-one, if it's possible.

41  
42 **MIGUEL ROLON:** The AP has other recommendations. Probably we  
43 can ask Eddie to address those sections. You have the report  
44 with you and we'll address those sections of the SSC report that  
45 the AP would like to also make some suggestions and then you go  
46 into the full discussion.

47  
48 **EUGENIO PIÑEIRO:** Before we go with Eddie, I would like to point

1 out that Todd Gedamke from the Science Center is here with us.  
2 Welcome aboard, Todd. Eddie, now you're going to talk about the  
3 SSC report regarding the AP, the things that are in common?

4  
5 **ADVISORY PANEL MEETING REPORT**  
6

7 **EDWARD SCHUSTER:** Good morning. I'm Edward Schuster, the  
8 Advisory Panel Chairman. We had our meeting on the 24<sup>th</sup> of  
9 March, 2010. The AP meeting was held on St. Croix on March 24,  
10 2010. Nine members out of the fifteen were present,  
11 constituting a quorum for voting purposes.

12  
13 The topics discussed and the recommendations are as follows.  
14 Regarding the SSC meeting report, the AP concurs with the SSC  
15 that reserve areas could be used for studies to determine if  
16 these can be used for stock assessments. However, there are  
17 three conditions the AP has for the studies.

18  
19 No more additional reserves should be established. Local  
20 fishers should be hired to do the fishing in these areas and  
21 locating the healthy habitats. Fishers should be fairly  
22 compensated as they do with scientists.

23  
24 The CFMC should recognize that fisher impacts to corals are less  
25 than one percent according the scientific literature. Fishers  
26 have mechanisms to retrieve the anchor with no harm to the coral  
27 reefs. Nets, hook and line, and scuba do not harm the reefs and  
28 fishers in general, protect the coral reefs because from it we  
29 depend our livelihood. Actual impacts to coral reefs come from  
30 hurricanes, global warming, anchoring by large commercial  
31 vessels, sewage, tourists, and costal runoff, lionfish, et  
32 cetera.

33  
34 Queen conch quotas should be reviewed by the local government  
35 and the federal government should adopt these in the EEZ, rather  
36 than closing the EEZ off of St. Croix.

37  
38 Trap reduction program steering committees should be established  
39 as soon as possible to determine the best way to implement such  
40 programs. The steering committees will be composed of nine  
41 voting members and two or three non-voting members for St.  
42 Thomas/St. John, and five voting members with the same number of  
43 non-voting members for St. Croix. Members should be from  
44 associations and independent fishers. All forms of trap  
45 fisheries should be represented.

46  
47 The AP is expected to meet after public hearings on ACLs to  
48 review and make recommendations before the council meeting in

1 which these will be discussed.

2  
3 Regarding Other Business in the agenda, the AP recommends the  
4 following. There should be at least three meetings before  
5 council meetings a year for the AP to provide the necessary  
6 advice to the council. The meetings should be conducted in all  
7 three islands to facilitate the familiarization of members with  
8 the different fishing sectors of the U.S. Caribbean. Members  
9 should be compensated \$100 daily. The CFMC should make sure to  
10 appoint members that are really interested and able to  
11 contribute to the AP deliberations. The CFMC should express its  
12 concerns via a letter to appropriate authorities regarding  
13 proposed new reserves in the USVI. That concludes the summary  
14 of the report.

#### 15 16 **DISCUSSION OF SSC AND AP REPORTS**

17  
18 **MIGUEL ROLON:** Those three recommendations, we can take those  
19 three as a block or you can take it one-by-one and then we can  
20 follow the rest of the recommendations that you have. The  
21 council members will have an opportunity to refresh your  
22 memories after the report.

23  
24 The first one is improving the quality of the trip ticket system  
25 and the second one is the use of recreational fishing data and  
26 that's a critical issue, because we don't have that much  
27 information. The other one is that the commercial process for  
28 both Puerto Rico and the USVI should consist of the same  
29 template and probably you can have those three discussed at this  
30 time and then we can go into the others and if you have any  
31 questions, we have Walter and Todd and some of the other members  
32 and Graciela, who was present at the meeting, who can shed some  
33 more light into the reasons behind the recommendations.

34  
35 Then for those that were responded to by the Advisory Panel, we  
36 can also read what the Advisory Panel decided. If you look at  
37 it, the Advisory Panel -- The most important recommendation is  
38 the one regarding the use of marine reserves for stock  
39 assessment purposes.

40  
41 **MARCOS HANKE:** Do you want now if you agree with what is in  
42 there and we accept them? **I will make a motion to accept the**  
43 **recommendations that are listed on the projection.**

44  
45 **EUGENIO PIÑEIRO:** We have a motion by Marcos Hanke. Do I have a  
46 second for that motion?

47  
48 **MARCOS HANKE:** **It's to accept the recommendations of the SSC**

1 listed on the projection, Number 1 to 3.

2  
3 **EUGENIO PIÑEIRO:** Marcos, is that your motion? We need a second  
4 for that motion. Is there a second in that house for that  
5 motion?

6  
7 **CARLOS FARCHETTE:** Second.

8  
9 **EUGENIO PIÑEIRO:** Carlos Farchette seconds the motion.

10  
11 **MIGUEL ROLON:** In essence, and for the record to make it clear,  
12 the first one, the SSC recommends that priority of species be  
13 based on commercial importance, ecological importance, and  
14 representation by gear. Although this looks like motherhood and  
15 apple pie, the idea is to look at what we have and especially at  
16 the meeting -- Those of you council members who are going to  
17 this meeting, to stress these three points that they have  
18 regarding recreational data. That's important always. If the  
19 council, for example, endorses this recommendation, then we  
20 carry the ball further at the appropriate places.

21  
22 The second one is that effort should be made commensurate with  
23 catch by the recreational sector, what they mean is -- Remember  
24 we have the ACL sectors, commercial and recreational, and for  
25 most of the species, in the commercial sector we may have some  
26 data. We are not making any illusions here. We know that we  
27 have a lot of problems with the data.

28  
29 We have a very difficult time collecting the data that we have  
30 to use for ACLs, but this is what the SSC is doing. If you can  
31 identify commercial species that you can identify as a priority  
32 for collecting the data, the same should be done with the  
33 recreational sector.

34  
35 Then the third one is probably one of the difficult parts. It's  
36 that we should have some kind of uniformity and consistency in  
37 the U.S. Caribbean, meaning Puerto Rico and the USVI, in the way  
38 that we collect the data. When they say the same template,  
39 understand that it will be variations in language, species  
40 composition, and location. It's to look at a form that can be  
41 used by both local governments and jurisdictions that can be  
42 translated into a common format.

43  
44 If you collect the species information on the blue species here  
45 in St. Thomas and you have length and weight by trap, then in  
46 Puerto Rico it should also be the same, length and weight by  
47 trap. That's a simple example of what they're trying to do  
48 here.



1  
2 These three, especially for Carlos, Winston, and Marco, will be  
3 important so you make that point at this data workshop, because  
4 although they look kind of innocent, it's very difficult to do.  
5 It has taken in Puerto Rico, sometimes, a couple of years to  
6 change the way that they present the template to the fishers and  
7 the way they use it and also in the case of the Virgin Islands,  
8 they are working on it right now. That's the essence of the  
9 three motions.

10  
11 **MARCOS HANKE:** Thank you, Miguel, for the explanation and I want  
12 just to highlight with the recreational sector we are pretty  
13 much starting to build up a framework or a way to collect this  
14 data.

15  
16 It's very important, and this is for the local governments, to  
17 keep in touch and try to make it in coordination, because once  
18 we sit down here and discuss these issues -- For the fishermen  
19 to understand what is going on in Puerto Rico and vice versa and  
20 for those meetings to take place in a very clear manner, it's  
21 very important that you guys coordinate and that once you  
22 collect the recreational data that they're in the same language  
23 and we can understand very clear where the species names are and  
24 where they are coming from and the structure of that.

25  
26 I have another comment about the SSC report. As a fisherman,  
27 for me it's very important some way somehow during the process  
28 of collecting data -- For example, I know there is one study  
29 being done in Puerto Rico and adopted in Puerto Rico right now  
30 fishing -- There is a methodology around it, but when the people  
31 from the scientific world sit down and make a methodology, they  
32 make a simple, scientific way of designing that will a lot of  
33 times not reflect the reality on the fishing and attached to  
34 what Ed said, the fishermen should be included at some point  
35 during those methodologies to be like a control boat fishing the  
36 same area and the same day with the technique that they use.

37  
38 These are going to reflect what the capability and the species  
39 composition that the fishermen are going to catch on that day  
40 and the specifics, but if you restrict on your methodologies too  
41 much because you're trying to make it simpler or whatever, I  
42 feel, and I spoke to many fishermen, that the information that  
43 is coming out from those studies are not reflecting the reality.

44  
45 **EUGENIO PIÑEIRO:** Well put, Marcos, and to that point,  
46 Copernicus said 300 years ago that science needs to make models  
47 more pleasing to the minds of the users.

48

1 **MIGUEL ROLON:** For discussion, Mr. Chairman, we don't want to  
2 clog the system here, but 7, 8, and 9, the following  
3 recommendations, are tied to these first three. In between, you  
4 have other kind of esoteric kind of recommendations, a GIS  
5 system and all that, but 7, 8, and 9, you have port samplers,  
6 you increase the percentage that they have. Those three there  
7 are related to the ones that we're discussing it here.  
8

9 **STEVE TURNER:** In Number 1, it says CDRs and what does that  
10 mean, is that commercial data reports or is that commercial  
11 dealer reports or what is that? Is it data reports?  
12

13 **WALTER KEITHLY:** Yes, I believe it's data reports. Reports  
14 turned in by the fishermen.  
15

16 **STEVE TURNER:** In the third one, I believe it's the third one --  
17 In the last sentence of the first recommendation, the SSC  
18 recommends priority of species based on commercial importance,  
19 ecological importance, and representation by gear, it may be  
20 important to the council to have species undergoing overfishing  
21 to be concentrated on as well. They may be not the highest rank  
22 of commercial importance, but you may want a little flexibility  
23 in there.  
24

25 **BEULAH DALMIDA-SMITH:** I first wanted to tell Marcos that his  
26 point was well taken and both governments do agree that if  
27 indeed these recommendations are accepted by the council that we  
28 will ensure that we do keep the communication going in terms of  
29 making sure that the uniformity exists to the best extent  
30 possible.  
31

32 We do have different contractors working on the process, MRAG  
33 Americas for the U.S. Virgin Islands and I think there's a  
34 different one for the Puerto Rican government, but the key would  
35 be to make sure that they both are on the same wavelength in  
36 terms of seeing this process through. I think that's all for  
37 now.  
38

39 **EUGENIO PIÑEIRO:** Is there any further discussion? Can we vote  
40 on the first motion by Marcos? We'll vote.  
41

42 **MARCOS HANKE:** Yes.  
43

44 **ROY CRABTREE:** Yes.  
45

46 **WINSTON LEDEE:** Yes.  
47

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

1  
2 **MIGUEL GARCIA:** Yes.  
3  
4 **CARLOS FARCHETTE:** Yes.  
5  
6 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
7 Let's go to Number 4, 5, and 6.  
8  
9 **MIGUEL ROLON:** Mr. Chairman, these three are related to the  
10 first three that you just approved and perhaps you should take  
11 these first and then go on to the other ones. The key here is  
12 that the SSC feels that the port samplers should work a little  
13 bit more and also, in the case of Puerto Rico, the port samplers  
14 used to visit every fishing village and the SSC believes that we  
15 should do that and if you look at it, they are even giving you  
16 that specific -- Port samplers should include the percentage of  
17 the catch and it says 3 to 5 percent in Puerto Rico and from 1  
18 to 2 percent in the USVI. We should look at the data from  
19 fishers and also from pertinent buyers.  
20  
21 Biological sampling should be enhanced to obtain adequate data  
22 on maturity and length and age and harvest. Some of you are not  
23 acquainted with this. The way that we collect the data in  
24 Puerto Rico and the USVI is we have -- In this case, in Puerto  
25 Rico, you collect the data from the landings as they come.  
26 Also, you have fishery-independent surveys, and you will address  
27 this later, and the Puerto Rico Fishery Research Laboratory  
28 collects information regarding the age at maturity, length of  
29 the fish and so forth. The SSC believes that this data should  
30 be captured to enhance the way that we do the stock assessment.  
31  
32 In the case of Number 8, it's to consider incentives to  
33 encourage or coerce fishermen to, and I don't like the word  
34 coerce, fishermen to provide the requested information on the  
35 trip ticket in the most accurate way. This is what Daniel told  
36 me that Puerto Rico is trying to improve this. They may send  
37 back the port agents and Beulah may address what they're doing  
38 in the case of the U.S. Virgin Islands, but this is important.  
39  
40 If we are going to collect information, landings data, from the  
41 trip ticket system to monitor the ACL and what have you, we need  
42 to improve that system and have one-on-one contact probably as  
43 much as possible with the fishers.  
44  
45 Then photo documentation of catch, boat, gear, and other  
46 relevant information by port agents should be considered,  
47 because as you all know, most of the species have different  
48 names. Even in Puerto Rico, for example, there's a place on the

1 west coast of Puerto Rico that there's only one rock that  
2 divides one from another one. The fish go around the rock and  
3 they change names.

4  
5 The SSC believed that that will improve and also, some of the  
6 species, you really need good utilities at your back to tell you  
7 what species we're talking about. We did a survey and I didn't  
8 participate, but just the people at SEDAR, but they had some  
9 experts there and they had some photograph slides and the  
10 scientists asked everybody present to identify the fish and most  
11 of us, we missed the fish. The fishermen got all of them right.

12  
13 Most of the fish were the same, just different stages of  
14 maturity and other different sizes. The SSC believed this is  
15 important. It may seem like a minor point, but if you are going  
16 to monitor some of the species, even if you're going to lump  
17 some into groups, at a point in time you really need to identify  
18 what you're talking about and especially some of the species can  
19 be confused.

20  
21 If you have a species that is overfished or suffering  
22 overfishing and then you have the other one that you can catch  
23 whatever you want of it, it is important that you identify it.  
24 That, in essence, is what the SSC discussed at the meeting in  
25 Miami. It could be to consider 7, 8, and 9 and look for  
26 positive encouragement to the fishers to participate. In Puerto  
27 Rico, if you want to have a fishing license, you have to submit  
28 your data. If you don't do it, you're out of the question.

29  
30 **BEULAH DALMIDA-SMITH:** Just a comment in 7 and 8 and 9. It is  
31 my assumption that with the onset of the new data collection  
32 reports that we have discussed that we will have to increase the  
33 port sampling and I think we're aware of that, but it's good to  
34 have as many plans as you want, but if one doesn't include  
35 monies, then none is worth considering.

36  
37 I just wanted to put it on the record that in order for us to do  
38 so that we may make a request to the appropriate agencies to  
39 request increased funding in order for the U.S. Virgin Islands  
40 to increase the port samplers that we have on staff in order to  
41 meet this particular recommendation.

42  
43 Number 8, in particular, we have been communicating with the  
44 fishers. They do know, as Miguel just made very clear, that if  
45 they do not turn in their trip reports and so forth that they  
46 will not be able to register or to redo their commercial license  
47 and so that's an incentive, but education is key and it's very,  
48 very key.

1  
2 For me in particular, I would love to see, and I have tasked my  
3 staff, to increase that and especially with the unsettled and  
4 new data collection reports. We will have to educate the  
5 fishers in addition to staff as to the new process, but species  
6 identification, since that's going to be a part of the  
7 reporting, is essential and that takes education. These are  
8 things that we will do. These are things that we have  
9 considered.

10  
11 Number 9, for the documentation of catch, boat, gear, and other  
12 relevant information, that has not been brought to my attention  
13 thus far. It is something that we can definitely consider. If  
14 this is adopted by the council, we will ensure that we meet that  
15 requirement.

16  
17 **MARCOS HANKE:** I don't understand on the Number 8 and incentives  
18 related to the increased education of the fishing community and  
19 the language and the idea behind it. I don't understand it and  
20 can anybody help me with that?

21  
22 **WALTER KEITHLY:** Again, as has been discussed, the completion of  
23 trip reports is relatively low, or lower than you would like it  
24 to be in Puerto Rico. As Miguel mentioned, in order to renew a  
25 license, you must turn in trip tickets, but that's an incentive.  
26 It's a carrot and a stick type of thing and in this case, you're  
27 going to be using a stick. If you don't turn in your reports,  
28 you will be penalized accordingly.

29  
30 The purpose of including Number 8 was simply to have the council  
31 begin looking at means of either penalizing fishermen who do not  
32 turn it in or in other ways encouraging them. In the best of  
33 all worlds, possibly provide monetary incentives for fishermen  
34 to turn in reports. Obviously in the budgetary conditions, it's  
35 something that probably won't happen, but you can generally  
36 achieve a given goal either through the carrot or the stick  
37 approach and in this case, it would be penalizing fishermen who  
38 do not turn in reports on a timely basis.

39  
40 **MARCOS HANKE:** In accord to that, in order to bring the  
41 fishermen to the table and the word "incentive", to me, means  
42 the overall spectrum, instead of just penalizing and making sure  
43 that if you don't comply you cannot fish and keep hammering  
44 them.

45  
46 There is other ways that we can sit down at the table and make  
47 sure that they feel part of the process and they feel  
48 responsible for the idea of having good data and feel part of

1 this in a good way. There is many ways that you can encourage  
2 them to comply with this that so far is not taken into  
3 consideration at all.

4  
5 That's why there's distance in some fishing communities to this  
6 process and I'm here to try to create like a buffer zone or a  
7 channel of communication for the fishermen to get even more  
8 involved in the process and I want it to be a real incentive and  
9 not a penalization or not a hammering hand on the head.

10  
11 **MIGUEL ROLON:** That's okay, but the reality of life is you  
12 already have laws and regulations for doing that and perhaps a  
13 more positive way -- Let me tell you what happens with this.  
14 It's not a matter of approving this and then going home. After  
15 you guys approve this, we have to send letters signed by the  
16 Chair to the appropriate authorities and we need to make sure  
17 that we have the collective minds here that we need.

18  
19 I believe that what Marcos is saying is that rather than -- We  
20 should have more emphasis on positive approaches to the fishers  
21 to collect this information. Ways that we can do that is by  
22 having better meetings, more meetings in the field with the  
23 fishers, explaining the outreach and education that we do, keep  
24 doing that, with the council facilitating that. Sending council  
25 members, like this meeting in Ponce, to make sure that we have  
26 that information there, but also one of the key issues is that  
27 we have lost contact with the fishers.

28  
29 In the case of Puerto Rico, when you pulled out the port agents,  
30 that was a big mistake. In the case of the Virgin Islands, they  
31 have some port agents, but not enough and I don't know the  
32 situation now, but you need to keep in contact with the  
33 community to get this information and the buy-in of the fishers  
34 is important, because you won't be able to enforce this 100  
35 percent of the time. There's no way. I don't know, but,  
36 Marcos, do you have anything to add to that point and specific,  
37 also, if you have some recommendations on how to be more  
38 positive.

39  
40 **MARCOS HANKE:** There is many ways to do this and the fishermen  
41 can be very creative, much more than me, but, for example, if  
42 people comply with the trip tickets and whatever, you can give -  
43 - It's not more like education, but just give them information  
44 on how to use GPS or making, through the government, a project  
45 in which -- In Puerto Rico, most of them don't have the  
46 knowledge to really use them and maybe to facilitate, to buy  
47 some GPS and not to give it away, but give for less money and to  
48 keep helping the fishermen to use it.

1  
2 Just with technology, with things that are going to make their  
3 lives safer and more effective, and in the long run, once that  
4 technology is built into the community, the data you're going to  
5 get out of them is going to be better too and that's an  
6 incentive for them, because they are getting safety issues and  
7 they're going to be more productive and they're going to have  
8 depth sounders. Some of them don't have it.

9  
10 I'm not talking about all of them, but there is many ways in  
11 which the educated, scientific community can help those guys and  
12 not just hammering them. There is an economic importance behind  
13 this, because all of this costs a little money.

14  
15 **EDWARD SCHUSTER:** Just a couple of things I wanted to touch  
16 bases on here was there's a couple of things you're not bearing  
17 in mind here and remember that our fishery is market-driven. A  
18 lot of the times that you may see underreporting on the  
19 commercial catch reports, it may be that some of the fishers  
20 have gone into construction or the economy is not actually  
21 providing them with the incentive to go fishing.

22  
23 I think exactly what Marcos said is an excellent idea. This  
24 information that you're obtaining from the fishermen for free is  
25 actually a privilege that the fishermen have, but compensating  
26 them in some way, not in a monetary aspect, but maybe by a GPS  
27 or something, might give them an incentive to report on time.

28  
29 As being the chair of the FAC, which means the Fish Advisory  
30 Committee, for St. Croix, we went through this and prepared a  
31 document which we revised and it went to public comment, which  
32 we had both joint FACs meet on this Number 8, with actually  
33 penalizing the fishermen on not reporting or not turning in the  
34 catch reports on time. I'll tell you this really caused some  
35 people to really get upset.

36  
37 I think what needs to happen is first, talking on the local  
38 side, because we duplicate what the federal government does or  
39 vice versa. We need to actually get the duplications out of the  
40 system and when I say this, you have people that have commercial  
41 fishing licenses that use the industry as a scapegoat actually  
42 as fishermen and what they're doing is they're duplicating.  
43 These are buyers that buy from fishermen and just to maintain  
44 their commercial license as a benefit, they report what has been  
45 caught from another fisherman as they're actually catching it.

46  
47 You might see this happen in exactly what the conch and whatever  
48 quotas is set from here forward and so that's something to look

1 into and maybe address to the Department of Fish and Wildlife  
2 and go from there, but it's a stepping stone for that.  
3  
4 **EUGENIO PIÑEIRO:** Thank you, Ed. I think we've had a good look  
5 at this alternative and do we have a motion to approve them?  
6  
7 **MARCOS HANKE:** I so move to adopt the Motions 7, 8, and 9 as  
8 projected on the screen.  
9  
10 **EUGENIO PIÑEIRO:** Thank you. Is that correct, Marcos? Do I  
11 have a second for that motion?  
12  
13 **MIGUEL GARCIA:** Second.  
14  
15 **EUGENIO PIÑEIRO:** Miguel Garcia from Puerto Rico seconds the  
16 motion. Let's vote.  
17  
18 **MARCOS HANKE:** Yes.  
19  
20 **ROY CRABTREE:** Yes.  
21  
22 **WINSTON LEDEE:** Yes.  
23  
24 **BEULAH DALMIDA-SMITH:** Yes.  
25  
26 **MIGUEL GARCIA:** Yes.  
27  
28 **CARLOS FARCHETTE:** Yes.  
29  
30 **EUGENIO PIÑEIRO:** Yes. We have a unanimous motion and the  
31 motion carries. Thank you. Can we project now the missing  
32 link, Number 4, 5, and 6?  
33  
34 **MIGUEL ROLON:** These three, if you look at them, are kind of  
35 interesting. The detailed aerial survey and if Beulah was  
36 complaining about not having money, now you have to buy a plane.  
37 Number 5, GPS location data and correlate over spawning grounds,  
38 this is very important, because, as you know, one of the most  
39 effective ways of protecting, especially the snapper grouper  
40 complex that aggregate for spawning, is to identify those areas  
41 so we will be able to protect those areas and then monitor the  
42 species and their behavior in those areas.  
43  
44 GIS layer of fishing vessels locations over NOAA's  
45 Biogeographical Maps for habitat type over Environmental  
46 Sensitivity Index Map for relationship between wildlife and  
47 protected resources -- That's why I saved these three for the  
48 last and then GPS and GIS. As you know, this is the future.



1  
2 In most areas what they're doing now, especially for  
3 recreational in fresh water, is that they do the surveys, point  
4 intercept surveys, and they overlay, using GIS systems, they  
5 overlay the different datasets and you can follow the way that  
6 the fishery behaves through time and through areas.

7  
8 In this case, this is a little bit more ambitious, but these are  
9 things that the SSC considered for this area and are here for  
10 you to decide how to approach this. I said before that we  
11 should send a letter to the appropriate agencies or people after  
12 this meeting and probably it should be one or two letters and  
13 not the same letter, because some of them address a particular  
14 issue of the SSC recommendations and some of them are more down  
15 to earth than others and more practical than others. Here, Mr.  
16 Chairman, are the three other related recommendations from the  
17 SSC.

18  
19 **GRACIELA GARCIA MOLINER:** I'll give you a little bit more  
20 information. Things that can be done refer to requesting that  
21 when a call for proposals come out that they address some of  
22 these issues and so as we speak, there are some people looking  
23 into how much it would cost to have these aerial photographs.

24  
25 The U.S. Coast Guard has been looking and actually responded to  
26 our request to see if VMS was a possibility here, which it's  
27 not, but to see if they have any access to radar images that you  
28 can actually see the boats on the water. Their efforts are  
29 ongoing regarding the obtaining additional information for  
30 aerial photographs and satellite information, et cetera.

31  
32 **MIGUEL ROLON:** Graciela, you responded a little bit because the  
33 recommendation from the SSC came from Jim Berkson, Todd and I  
34 sitting at lunch and we were a little bit ambitious. We thought  
35 that we could create kind of a catalog of needs, data needs that  
36 we have, some if somebody comes with some pile of money and says  
37 what can I do for you then we can say this is what you can do  
38 with \$5,000 and this is what you can do with \$1 million.

39  
40 Not only is this ongoing, and I asked Graciela, but some of the  
41 NGOs also have requested some information from us, because the  
42 importance of this is -- I was going to save this to the end,  
43 but anyway, I'm glad that Graciela brought it up now.

44  
45 When I said the letter, there's some of these people that  
46 request letters of recommendation from us regarding proposals  
47 that they submit to NOAA and to other agencies and neither the  
48 chair nor myself can write a letter to anybody without your

1 concurrence and so what we're doing really here is if you as a  
2 council adopt these recommendations, then we can pull out those  
3 as prepared recommendations and include it in those letters of  
4 recommendations. Anyway, Graciela, did you have any other --

5  
6 **GRACIELA GARCIA MOLINER:** There are actually people who do this  
7 kind of work locally and so we put them in contact with the  
8 people who are interested in developing these kinds of  
9 proposals. In addition to that, yesterday I just received an  
10 email, because there is new technology, these torpedo-like  
11 robots that go all over the place.

12  
13 There is one that was launched here in St. Thomas a couple of  
14 days ago that's traveling over to the south coast of Puerto Rico  
15 and they were just interested in spawning aggregation sites, so  
16 that they could detect from the sensors that they have anything  
17 that could be useful to us.

18  
19 There is actually great interest in doing a lot of remote  
20 technology type of work here and that's what we're trying to put  
21 people in contact with, so that they can go ahead and do the  
22 work. For the aerial photographs specifically, there are two  
23 groups in Puerto Rico that do that and I've put them in contact  
24 with MRAG and with Aida Rosario at the PRDNR to specifically  
25 work on that.

26  
27 **MIGUEL ROLON:** Mr. Chairman, if the council members understand  
28 what is behind this and you believe it has some merits to  
29 follow, then it would be appropriate to have another motion  
30 similar to the two other ones, with the understanding that the  
31 staff and the council be in constant communication in case we  
32 need to enhance our letters or beef up any letter of  
33 recommendation to whomever approaches the council for support.

34  
35 Also, this also serves as kind of a blueprint, for lack of  
36 another word, for the council to allocate some funding.  
37 Sometimes the council has discretionary funding for some issues  
38 that are of importance, pressuring needs, and this could be used  
39 to facilitate that process.

40  
41 **EUGENIO PIÑEIRO:** Thank you, Miguel. Do I have a motion from  
42 council members?

43  
44 **CARLOS FARCHETTE:** On Number 4, this is just to get a general  
45 picture of effort, because you cannot separate commercial from  
46 recreational by aerial. Then on Sundays, the effort for  
47 recreational might be higher and then what happens at night for  
48 effort for commercial or recreational with aerial photographs?

1 I'm not sure what they're trying to get here.

2  
3 **MIGUEL ROLON:** That's precisely it and in the case of  
4 recreational, we will know -- These people are basically from  
5 Monday to Friday, but they increase their activity from Friday  
6 to Sunday and you could demonstrate by aerial photographs not  
7 only the areas, but how they concentrate their fishing effort  
8 and then in the future if you have let's say somebody that  
9 you're sending a boat to interview the fishermen that are  
10 actually fishing or just floating around and asking them what  
11 are the intents and what species they're after and then you can  
12 collect that information there and non-parametric methodology to  
13 assess that and put it in a model.

14  
15 Of course, in the case of the commercial fishing, Puerto Rico  
16 has done this before and the Virgin Islands. You collect  
17 information from all the fishers, but also in the case of Puerto  
18 Rico, they have areas where they already know the commercial  
19 fishermen concentrate.

20  
21 In the case of St. Thomas/St. Croix, it's a famous area where  
22 they fish on the mutton snapper banks. These aerial photographs  
23 will serve to collect information and also an important key part  
24 of all of this is that we will be able then to have some of this  
25 report as a feedback to the fishers.

26  
27 Most of the time you go to the fishers asking them to give you  
28 information and sometimes they think it's a waste of time, but  
29 it is important to go back to the communities and then present  
30 this project in a way that people will understand what this is  
31 all about and also provide them information that they might like  
32 to hear about.

33  
34 **STEVE TURNER:** Concerning the question of night fishing, the  
35 proposal for the aerial surveys indicated that -- The  
36 understanding was that the night fishers wanted to be on the  
37 grounds before dark and anchored up and so the proposal was that  
38 the aerial survey would be conducted prior to dusk or at dusk,  
39 so that the night fishery could be counted.

40  
41 **EUGENIO PIÑEIRO:** That's enough discussion. I need a motion.

42  
43 **MARCOS HANKE:** The same motion as before, but with the Numbers  
44 4, 5, and 6.

45  
46 **MIGUEL ROLON:** Now that you have read the whole thing, you may  
47 have a motion just to encompass all of them and approve them  
48 from 1 through 9. The only way to force you guys to really look

1 at this is by breaking the whole thing apart, but now you can --  
2  
3 **BEULAH DALMIDA-SMITH:** Second.  
4  
5 **EUGENIO PIÑEIRO:** Let's vote on it.  
6  
7 **MARCOS HANKE:** Yes.  
8  
9 **ROY CRABTREE:** Yes.  
10  
11 **WINSTON LEDEE:** Yes.  
12  
13 **BEULAH DALMIDA-SMITH:** Yes.  
14  
15 **MIGUEL GARCIA:** Yes.  
16  
17 **CARLOS FARCHETTE:** Yes.  
18  
19 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
20  
21 **MIGUEL ROLON:** Then the rest of the report has other important  
22 things that you should look at. Todd Gedamke presented a plan  
23 for a fishery-independent survey to be conducted in St. Croix  
24 and he may add some to that information.  
25  
26 The SSC found the initiative well justified and well planned,  
27 although some aspects, such as trap design and deployment, have  
28 not been finalized. The important part is that the SSC's report  
29 recommends the agency to provide adequate support to field  
30 implementation of this project to completion.  
31  
32 The SSC recommends that some thought be given to technical  
33 issues of how this approach might be scaled for practical  
34 applications elsewhere and so I don't know here specifically  
35 what kind of motion you can make or how to construct your  
36 support of this, but you can say you support this or we can  
37 respond to a little bit.  
38  
39 At this time, Mr. Chairman, we need to hear from the council any  
40 questions you may have on the clarification and Todd here can  
41 give us some light as to what they are after and the importance  
42 of this project. In the case of the SSC, they spell out the  
43 recommendation right there and you can see it. Basically, here,  
44 what the SSC is doing is to support the project that Dr. Gedamke  
45 presented and with some fine tuning and here, you may just  
46 support the SSC recommendation as spelled out.  
47  
48 **BEULAH DALMIDA-SMITH:** I move that we support the SSC

1 recommendation as listed in its report regarding the fishery-  
2 independent survey.  
3  
4 **MARCOS HANKE:** Second.  
5 **EUGENIO PIÑEIRO:** Thank you, Beulah. It's seconded by Marcos  
6 Hanke. Any discussion regarding this motion?  
7  
8 **BEULAH DALMIDA-SMITH:** Very quickly, I just wanted to say that I  
9 did meet with Todd on several occasions in regards to this  
10 independent survey and I highly support it as the Director of  
11 the Division of Fish and Wildlife and anything that he may need,  
12 we have offered our assistance and it is very, very well  
13 justified and very well planned and so, Todd, you do have my  
14 support.  
15  
16 **EUGENIO PIÑEIRO:** Thank you, Beulah, and thank you, Todd. I  
17 think we are then ready to go ahead and vote on this motion.  
18  
19 **MARCOS HANKE:** Yes.  
20  
21 **ROY CRABTREE:** Yes.  
22  
23 **WINSTON LEDEE:** Yes.  
24  
25 **BEULAH DALMIDA-SMITH:** Yes.  
26  
27 **MIGUEL GARCIA:** Yes.  
28  
29 **CARLOS FARCHETTE:** Yes.  
30  
31 **EUGENIO PIÑEIRO:** Yes. **The motion is unanimous and the motion**  
32 **carries.**  
33  
34 **MIGUEL ROLON:** Mr. Chairman, in the case of marine reserves, the  
35 SSC discussed the possibility of using marine reserves, closed  
36 areas, for further studies that will enhance the way that we  
37 manage the fishery and here, the AP also has a recommendation  
38 and specifically, they would like to see this being undertaken  
39 by the appropriate scientists, but they would like to make the  
40 point they already did in their presentation by Eddie Schuster  
41 that no more marine reserves. We have enough marine reserve  
42 monuments and closed areas that can be used by the scientists.  
43  
44 They also believe that if you are going to collect or remove any  
45 species from those areas that fishermen should be involved and  
46 also they should be paid appropriately, the same way that they  
47 do with the fishers. The important part here is that you have a  
48 myriad of closed areas around Puerto Rico and the Virgin Islands

1 without much monitoring.

2  
3 Here, you have an opportunity to study the areas that are closed  
4 and the areas that are open and see if there is any impact or if  
5 they can be used as a tool for fishery management. For example,  
6 you have closed areas for the protection of the spawning grounds  
7 of some key species and there are some indications, especially  
8 with the red hind, that they work. We have an increase in the  
9 mean size of the red hind after the closed areas were  
10 implemented.

11  
12 On the west coast of Puerto Rico, you have some areas to protect  
13 the spawning grounds and for other purposes, but we should look  
14 at these areas in more detail, because maybe you would be  
15 closing the wrong areas for other species. Maybe you have areas  
16 where once the fish spawn the larvae goes somewhere else and you  
17 don't have any local recruits. What the SSC is looking at is  
18 looking very carefully and concentrating their efforts on this  
19 issue.

20  
21 Alec McCall is a scientist who is known among the people who  
22 work marine reserves and what he is doing is looking at let's  
23 say the yields that you can get within a closed area versus the  
24 surrounding areas and compare the two, to assess the  
25 effectiveness of that closed area.

26  
27 The SSC saw promise in this approach, but identified several  
28 constraints and you will see those there. This included  
29 effectiveness of enforcement of closed areas, because you may  
30 have closed areas on paper, as you do now, but that's it.  
31 They're just closed areas on paper.

32  
33 Then you have other areas where the fishers participated since  
34 the beginning and those areas have been more effective. For  
35 example, in the case of the Grammanik Bank, when we talking  
36 about closing a big square, the fishermen all told us that  
37 there's only one rectangle important in that area where the fish  
38 aggregate to spawn.

39  
40 What happened is one scientist, Dr. Nemeth, found that that was  
41 true. He did monitoring using scientific approaches and he used  
42 track devices and he found that the fishermen were right. The  
43 area that is important in the Grammanik Bank is a rectangle  
44 there and so that's one of the examples that the SSC discussed.  
45 We have areas like this at Desecheo, for example, Mona Island,  
46 Tres Palmas, and red hind off of the Virgin Islands, the Buck  
47 Island, et cetera, that could be used for these studies.

48

1 Also, in the case of those areas, remember some of these areas  
2 are under other jurisdiction and you cannot go there and fish  
3 with a permit, because you have to ask permission from the  
4 Department of the Interior and other people. The local  
5 government, of course, if you fish in the area of jurisdiction  
6 of Puerto Rico or the Virgin Islands, into any of those parks,  
7 you need to have that permission, too.

8  
9 The important part here is that this could be used to enhance  
10 the way that we study these fisheries and at this time, that's  
11 the recommendation of the SSC. At the end of the discussion,  
12 they have other monitoring that the SSC would like to be  
13 conducted in these areas, but the important part at this time is  
14 the use of closed areas. They spent a lot of time discussing  
15 this.

16  
17 **GRACIELA GARCIA MOLINER:** Just a brief update on the issues.  
18 Number one, the coral grant that the council has submitted for  
19 next year will look at the comparison between closed areas and  
20 open fishing areas at the depths of thirty to fifteen meters.  
21 If that gets approved, then that would be one step closer to  
22 making that comparison.

23  
24 Number two, the Nancy Foster was also here in St. Thomas these  
25 past weeks and they are doing high-resolution mapping of the  
26 areas that are open to fishing south of St. John and St. Thomas  
27 and we will have the map available to then start comparing to  
28 the MCD areas that are already closed and under management.  
29 Basically, we will have the complete bathymetry for the Virgin  
30 passage to east Puerto Rico all the way to the BVI frontier.

31  
32 Number three, we are trying to get people involved in looking at  
33 the connectivity of the spawning aggregation sites and where the  
34 larvae will actually end up and maybe perhaps the recruitment  
35 will take place and so that's ongoing through the Caribbean  
36 Regional Association and the group of scientists there to start  
37 using the model that are available for the area in terms of the  
38 physical oceanography and the areas that we have closed both in  
39 federal and state waters to see how these area connect. That's  
40 just an update on the research that's already underway.

41  
42 **MIGUEL ROLON:** I believe that probably what the council must be  
43 interested in is that there's a specific recommendation within  
44 those three paragraphs. The SSC strongly recommends that the  
45 status of these reserves relative -- The specific recommendation  
46 of the SSC to the council is that the status of these reserves  
47 relative to fish densities and size structure, relative to  
48 reserve purpose, be reviewed and presented to the council at a

1 two-day meeting.

2  
3 The SSC recognizes that it was impossible for them to go through  
4 all these marine reserves and make a solid judgment on all of  
5 them. There's a need to address this issue further and perhaps  
6 a recommendation here will have to be to have that two-day  
7 meeting and they will look at all the status of these reserves  
8 and then invite some key speakers to address the status of these  
9 areas.

10  
11 If you look at them, we will need to have people from the Puerto  
12 Rico local government, the U.S. Virgin Islands local government,  
13 the Department of Interior, whoever has any information from  
14 these areas, and then we could prepare a report for the council  
15 to look at in some other future -- For that, we need a motion.

16  
17 **JORGE GARCIA:** I have two inconvenient truth remarks to say  
18 about these marine reserves. One of them is I've been working  
19 on most of them and particularly Desecheo and Tres Palmas and  
20 most of the red hind closures off of western Puerto Rico,  
21 including Bajo de Sico and Tourmaline and Abrir la Sierra.

22  
23 Unfortunately, we did not have a baseline study previous to the  
24 closures so that we can make a real, effective assessment of  
25 before and after closure conditions. Second, we have clear  
26 evidence, unfortunately, to say this, but these areas are  
27 consistently being fished out.

28  
29 We still see the lines entangled on the bottom and we have  
30 monitored these areas and some of them -- For example, Desecheo  
31 and Tres Palmas, we have been monitoring them now every year for  
32 six, seven, eight or sometimes ten years and we can see  
33 differences on the fish community structure and not necessarily  
34 on the increase, but rather on the other direction by the  
35 consistent fishing effort that these areas receive and the lack  
36 of surveillance, unfortunately, that these marine reserves still  
37 have.

38  
39 They are protected in name, but they are not -- An effective  
40 surveillance of them is not actually taking place and so I just  
41 want to throw this in so that we don't go and take the risk of  
42 going into incorrect conclusions about the effectiveness of  
43 these reserves without the proper surveillance and quantitative  
44 baseline background. That's just food for thought there.

45  
46 **MIGUEL ROLON:** Dr. Garcia, for the record, that's exactly the  
47 kind of comments that we need to address at this two-day  
48 meeting. That's what the SSC discussed at the meeting. We need



1 to really assess the status of all these marine reserves in  
2 order to move forward.

3  
4 In some areas, we are just kidding ourselves and so you might as  
5 well open it and others, like the monument, there's no way you  
6 can open any of those areas. When those areas go to Congress,  
7 that's it. They are treated like the redwoods in California,  
8 but at least look at them.

9  
10 Maybe you may link those areas to a network of areas or whatever  
11 that will be more positive than we have now. The ever present  
12 problem of the issue of enforcement is the key to all of these  
13 marine reserves and believe me, there are hundreds of thousands  
14 of papers on marine reserves and they say you have to work from  
15 the bottom up and you have to have this and that, but they all  
16 like them for some reason. Some people, they like to have a  
17 marine reserve just because they look good on paper.

18  
19 What Dr. Garcia is saying is exactly the kind of discussion that  
20 the SSC would like to see in this two-day meeting and probably  
21 we'll call you to give us some presentations on these areas,  
22 because we need key scientists like you and others and fishers  
23 to participate in this two-day workshop.

24  
25 **GRACIELA GARCIA MOLINER:** Two things. One is that an additional  
26 problem in the marine reserves is that lionfish have already  
27 been sighted in areas that we're trying to protect and it's  
28 probably a very big potential problem.

29  
30 Number two, that I did take the opportunity to the people from  
31 the Department of the Interior and the Biogeography Group from  
32 NOS and Coastal Zone Management -- They were all present at the  
33 Nancy Foster event and everyone is extremely interested in  
34 getting together and participating in this kind of meeting,  
35 where the presentations from the reserve areas can be made from  
36 the very basic areas that we've covered and what we haven't  
37 covered to what actually have been found in the years that the  
38 few of them have been monitored. There is great interest from  
39 the other agencies, local and federal, and scientists to  
40 participate in a meeting like that.

41  
42 **MIGUEL ROLON:** If you all like this idea, the motion I need is  
43 for the staff to put together the two-day meeting. Remember our  
44 ACL issue is the most important part and so don't expect to have  
45 this two-day meeting by August, but as soon as we can, because  
46 if we're going to have a good product, we need to have good  
47 planning behind the meeting.

48

1 **MARCOS HANKE:** I have one deep worry with this evaluation on  
2 marine reserves and I'll give an example here. There is areas  
3 where the fish aggregate on the spawning aggregation that are  
4 very thick and they are protected now that otherwise, for many  
5 commercial species, if it's not the season, the fishing is bad.

6  
7 What I'm trying to say is that if you go diving there and try to  
8 see how effective the marine reserves are on other species, it's  
9 not relevant, because the fishermen, if it was open anyway, they  
10 would not go there, because the fish are not there, other  
11 species, let's say yellowtail or whatever else.

12  
13 You have to really take into consideration that because the  
14 marine reserve is protecting one species, it doesn't mean that  
15 all the information for the other species they're going to get  
16 there throughout the year, out of season or whatever, will  
17 reflect the reality on the fishing. That's something that we  
18 really need to take into consideration.

19  
20 **CARLOS FARCHETTE:** I do agree with Hanke and this is where the  
21 fishermen come in, because working with the fishermen, they know  
22 when the fish are going to be there, what moon phase, what  
23 currents to look for, and I think that in coordination with them  
24 the scientists can then go out and do their study at the peak  
25 time when they know these fish that you want to study are going  
26 to be there.

27  
28 Overall, I know that this is something that the Fisheries  
29 Advisory Committee for St. Croix has been asking for year, the  
30 status of the health of the fishery of the 18,000-plus acres of  
31 Buck Island that has been closed for years and we have had no  
32 one give us any report as to the status. I think that this SSC  
33 recommendation is very important.

34  
35 **EUGENIO PIÑEIRO:** We need a motion to have this two-day meeting.  
36 Can I get a motion from one of the council members?

37  
38 **CARLOS FARCHETTE:** I make a motion to have the two-day meeting  
39 to assess the status of the marine reserves.

40  
41 **MARCOS HANKE:** Second.

42  
43 **EUGENIO PIÑEIRO:** Second by Marcos Hanke. Are you guys ready to  
44 vote? Okay.

45  
46 **CARLOS FARCHETTE:** Yes.

47  
48 **MIGUEL GARCIA:** Yes.

1  
2 **BEULAH DALMIDA-SMITH:** Yes.  
3  
4 **WINSTON LEDEE:** Yes.  
5  
6 **ROY CRABTREE:** Yes.  
7  
8 **MARCOS HANKE:** Yes.  
9  
10 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
11  
12 **MIGUEL ROLON:** The other research and monitoring recommendations  
13 are there, but I propose that we can take all of this in a  
14 block. We need discussion on the Office of Protected Resources  
15 presentation and maybe, Mr. Chairman, you can revisit the other  
16 areas. It's not that they are not that important, but in view  
17 of the fact that we need to address the issue of the Office of  
18 Protected Resources under the ACL --  
19  
20 The SSC discussed and we need to thank Jason and Joe Kimmel from  
21 the Office. They came at the last minute and they gave a good  
22 presentation on the Office of Protected Resources report and  
23 issues regarding -- The issue here is that our members of the  
24 SSC have extensive knowledge of scientific literature, et  
25 cetera, but what I believe is more important here is that -- The  
26 preamble is -- You all read that, but in this case, the SSC  
27 offered the following comments.  
28  
29 The indirect impact on fisheries on coral is a much broader  
30 issue than the ACL on parrotfish currently under consideration.  
31 There are many other grazers and fisheries on all trophic levels  
32 that are potentially important because of trophic cascades.  
33 Somebody can explain trophic cascades later.  
34  
35 Number two, with coral reefs under more stress and showing signs  
36 of deterioration worldwide, the indirect impact of fisheries on  
37 today's and potentially future endangered coral species is  
38 certain to be an increasingly serious issue for fisheries  
39 management. Taking account of indirect trophic impacts of  
40 fisheries is more complex scientifically, et cetera, et cetera.  
41  
42 The reason I stop here, Mr. Chairman, is that we have a  
43 presentation that was supposed to be before this one from the  
44 Office of Protected Resources that addresses all of this and  
45 perhaps you can revisit this.  
46  
47 Here, what you're doing is take a leap of faith that the SSC  
48 looked at this and, of course, you have to obey what the SSC has

1 done nowadays, but you will be better informed if you wait until  
2 the presentation of the Office of Protected Resources, so you  
3 will receive the same input as the SSC did.

4  
5 The SSC cannot be expected to assemble and analyze all of the  
6 relevant scientific literature, et cetera, et cetera. My point  
7 is, Mr. Chairman, that perhaps we can wait until the Office of  
8 Protected Resources presentation and maybe you can go back to  
9 this recommendation from the SSC.

10  
11 To me, this SSC meeting has been one of the best meetings ever,  
12 because we were able to have people from the Regional Office and  
13 the Science Center interacting with the SSC and it was a lot of  
14 discussion around a lot of brain power looking at these issues  
15 and this recommendation, plus what the Regional Office is going  
16 to present to you, is important for the ACLs and all that.

17  
18 One part here for you to think about is that there's a proposal  
19 for a lot of corals to be candidates for Endangered Species Act  
20 considerations. You have three species of parrotfish that are  
21 important here and are linked to the ACLs. My point, Mr.  
22 Chairman, is perhaps we can look at the other research and  
23 monitoring and then postpone a final decision on this one until  
24 you hear from the Regional Office.

25  
26 This other research and monitoring, the same way as we discussed  
27 before, if we have these recommendations on paper, then we can  
28 support research and also enhance the way that we are going to  
29 monitor the fisheries in the future.

30  
31 The SSC recommends that more emphasis be given to basic life  
32 history studies, especially focusing on longevity, growth, and  
33 maturation of the fish. We collect a lot of length and weight  
34 of fish, but if you don't know when that weight is critical and  
35 when that length is critical in terms of the life history of the  
36 fish, you're lacking a key part of your tools of information  
37 that you need for fisheries management.

38  
39 This other thing that the SSC recommends to look at is the  
40 socioeconomic information, because we are tasked to protect the  
41 fishery and most of the time, we emphasize the issue of the  
42 biological aspect of the fishery, but we need to look at the  
43 socioeconomic also.

44  
45 The SSC identified the need for more socioeconomic data and it  
46 specifically recommends two studies, a behavioral analysis to  
47 determine the factors affecting catch levels by fishermen and a  
48 study of the factors determining price structure of the fishery.

1  
2 This goes to the issue of, and you have heard this before, a  
3 market-driven fishery. If a fisherman is not going to sell a  
4 fish, he's not going to go after it. It's not necessarily the  
5 fish is not there or is dwindling or is decreasing, but there's  
6 just not a market for them and so there's a choice by the  
7 fishermen, the fishers of the community, not to go after them.

8  
9 Usually in many areas, tropical area, you go after everything.  
10 If you go to the Pacific, anything that moves is collected, but  
11 here, we have examples of fish that are -- In the case of St.  
12 Thomas and St. John, for example, the fishermen, they all say  
13 that it's market-driven and so these two studies address those  
14 issues.

15  
16 Spawning aggregations, snappers and groupers, were identified  
17 areas of specific interest and you can read that and then the  
18 capacity building and integration of fishery monitoring. These  
19 are all the other research things that you have for your  
20 discussion.

21  
22 You may have a motion just to approve all of them or you may go  
23 to discuss each one of them, but it's eleven o'clock and I don't  
24 think that you guys will be happy to go through each one-by-one,  
25 but believe me, they are all important one way or the other and  
26 if we go back to what I discussed before, this may have some  
27 bearing on the future and maybe in the present.

28  
29 **EUGENIO PIÑEIRO:** I think it's a good idea to leave the Office  
30 of Protected Resources part until after Jennifer gives her  
31 presentation, but I think we can handle all this in a block.  
32 Can I get a motion?

33  
34 **MARCOS HANKE:** Before my motion, just to straighten out the  
35 record, I seconded the previous motion and not Miguel Garcia,  
36 just in case it may differ. **So moved a motion to incorporate**  
37 **all the --**

38  
39 **MIGUEL ROLON:** If I may offer some language.

40  
41 **MARCOS HANKE:** Please.

42  
43 **MIGUEL ROLON:** The motion will be to accept the recommendations  
44 of the SSC regarding other research and monitoring as presented  
45 in the report.

46  
47 **EUGENIO PIÑEIRO:** I need a second for that motion.

48

1 **CARLOS FARCHETTE:** Second.  
2  
3 **EUGENIO PIÑEIRO:** Thank you, Carlos. I think we've had a fair  
4 amount of discussion and so I think we can vote on that.  
5  
6 **CARLOS FARCHETTE:** Yes.  
7  
8 **MIGUEL GARCIA:** Yes.  
9  
10 **BEULAH DALMIDA-SMITH:** Yes.  
11  
12 **WINSTON LEDEE:** Yes.  
13  
14 **MARCOS HANKE:** Yes.  
15  
16 **ROY CRABTREE:** Yes.  
17  
18 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
19 Let's have a short break, a five-minute break.  
20  
21 (Whereupon, a brief recess was taken.)  
22  
23 **EUGENIO PIÑEIRO:** Thank you. We're going to move on now to the  
24 AP recommendations.  
25  
26 **MIGUEL ROLON:** I believe that you already went through the  
27 recommendations of the SSC regarding this issue. Some of these  
28 recommendations you may need to have motions to concur with the  
29 AP or adopt the recommendations and in others, you'll have to  
30 postpone the discussion until we are ready for it, for example,  
31 the issue of compensation and so forth.  
32  
33 The first one is regarding the SSC report on areas that are  
34 closed and how to proceed and so if you agree with the AP that  
35 more additional reserves should be established and that fishers  
36 should be hired to do the fishing in this area as much as  
37 possible and they should be compensated as they do with the  
38 scientists, then you can adopt that separate or in a block.  
39  
40 Item B is the CFMC should recognize that fisher impacts to  
41 corals are less than 1 percent, according to the SSC. This may  
42 have some discussion probably after you hear Jennifer's  
43 presentation.  
44  
45 Then I believe that the queen conch quotas -- You will discuss  
46 that in Other Business and so I suggest that you postpone any  
47 reaction to this until you hear Joe Kimmel's presentation.  
48

1 The trap steering committee -- As you all know, Dr. Roy Crabtree  
2 suggested a way of assisting the local governments with these  
3 issues and we are fortunate enough to have Tony Iarocci  
4 accepting the invitation by Dr. Roy Crabtree and so we have Dr.  
5 Roy Crabtree and Tony Iarocci and the staff working together  
6 with Genio on this one.

7  
8 Basically, what we have done is we are going to have two  
9 steering committees. The council will support the participation  
10 of Tony Iarocci and through the Division of Fish and Wildlife,  
11 the council will facilitate some funding. The Division of Fish  
12 and Wildlife will establish these two steering committees.

13  
14 The steering committee will be composed of nine voting members  
15 from St. Thomas and three non-voting members. In the case of  
16 St. Croix, and this is what they discussed, five voting members  
17 with the same number of non-voting members. Members should be  
18 from the association and independent fishers and all forms of  
19 trap fishers should be represented.

20  
21 What they mean by this is you have the traditional pot fishery  
22 for lobster and you have the fish traps and the modified trap  
23 for lobster and fish. Those sectors should be represented. The  
24 voting members so far, some of the names that the St. Thomas  
25 Fishermen's Association and St. John mentioned and the other  
26 members who participated in the first workshop are Claude Berry,  
27 Tony Blanchard, Winston Ledee, Daryl Brian, and Julian Magras.  
28 Those will be the five member candidates to the steering  
29 committee. Again, this has to be submitted to Beulah and then  
30 they will take it from there.

31  
32 The non-voting members could be Jed Brown and Tony Iarocci and  
33 David Olsen. It is important to have these three non-voting  
34 members, because they are in charge of collecting the data and  
35 analyzing the data from the trap fishery sector.

36  
37 We mention Tony a lot, but Tony has been a member of the AP of  
38 other councils, has been a fisherman, trap fisherman, throughout  
39 his life and has international experience and national and he  
40 knows the area. He knows fishermen by name in the U.S. Virgin  
41 Islands and not only that, but he can talk to people no matter  
42 if it's the king or the queen or a fisherman. It's the same way  
43 to everybody.

44  
45 This is important, because at the first meeting, the fishermen  
46 thought he was another scientist sent by Roy Crabtree and he  
47 said wait, wait, I'm not a scientist and I'm a guy like you and  
48 I'm a fisherman. The point is that it's very important to have

1 that kind of rapport with the fishers and be able to sit down  
2 and talk one-on-one or as a group.

3

4 I believe that we are on the right track. The council has set  
5 aside \$10,000 initially for the Division of Fish and Wildlife to  
6 conduct these meetings. We need to appoint the members as soon  
7 as possible.

8

9 If you go to St. Croix, the group is suggesting Jose Sanchez,  
10 Tom Daley, Edward Schuster, Gerston Martinez and we are missing  
11 one more. These steering committees will have a chair and the  
12 chair will be from the Division of Fish and Wildlife and the  
13 group of fishers and the council and in due time when they  
14 finish this, you will have a report from the two groups to the  
15 council and to the local authorities as to how they would like  
16 to see a trap fishery limited entry program or even catch shares  
17 established for these areas.

18

19 There's a lot of pressure by people from inside and outside  
20 these areas to ban traps as a fishing gear from the EEZ and the  
21 local governments and it's an ongoing discussion. There's a lot  
22 of interest and there's been a lot of discussion.

23

24 For the record, one of the first times I 100 percent agreed with  
25 David Olsen is when he sent a note stating that there's a lot of  
26 people giving opinions based on opinions and not facts and on  
27 this area, there was a piece wrote by Barbara Kojis explaining  
28 what we do here for managing the trap fishery and it was very  
29 well documented that she sent to this group.

30

31 The point is there's a lot of interest from outside and inside  
32 regarding the trap fishery and the fishermen who met with Tony  
33 Iarocci and the people who were present all agreed that probably  
34 this is the best way to go. In the case of St. Thomas and St.  
35 John, they already have a moratorium in place and they're  
36 working on a project, especially the St. Thomas Fishermen's  
37 Association, to see if this can be adopted.

38

39 If we move to Puerto Rico, we haven't heard anything from Puerto  
40 Rico regarding any interest on a trap fishery program. We have  
41 what they call the Junta de Pesca in Puerto Rico and Genio and  
42 Marcus and I, we are members of that Junta de Pesca and they may  
43 have a subcommittee in due time to address the trap reduction  
44 program, if any, for Puerto Rico.

45

46 The emphasis at this time is for the U.S. Virgin Islands. The  
47 next steps will be that Tony will meet with key fishers from St.  
48 Croix and he will meet again with the fishermen from St.



1 Thomas/St. John and we will keep that ball rolling.  
2  
3 I am waiting for Beulah Dalmida-Smith to send me a written  
4 request on how they're going to do it so we can send the monies  
5 and help her put together the steering committees and then I  
6 hope that after the end of the month we have a schedule of the  
7 first meetings of the steering committees and probably if not by  
8 the next meeting, but the meeting after that, we may have a  
9 report by the chair of each one of those steering committees to  
10 the council as to the status of this effort.  
11  
12 The AP believed that this is a good way to address the issues  
13 and that's why they would like the council to consider a  
14 recommendation to support this.  
15  
16 The AP also heard a presentation regarding ACLs and I told them  
17 that it wasn't fair for them to make any decision on something  
18 that they had just seen for the first time and so the idea was  
19 just to present the ACL draft recommendations as they were being  
20 developed. When we come back from public hearings, the advisory  
21 panel will have another meeting so they can discuss this and  
22 give you their advice.  
23  
24 This is what I mentioned before regarding Other Business. They  
25 would like to have at least three meetings and they would like  
26 to rotate the meetings around the three islands, the same way  
27 that we do in the council. That would facilitate the  
28 familiarization of members with the different fisheries.  
29  
30 Members should be compensated and the CFMC should make sure to  
31 appoint members that are really interested and able to  
32 contribute to the AP. This is important, because, as you all  
33 know, we need to have a quorum of the fifteen members. All of  
34 the members who attended the meeting are really, really  
35 interested and they would like this to continue.  
36  
37 Then there was an issue regarding some proposals. That issue  
38 was presented by Virden Brown, now a member of the AP, to close  
39 some areas and we have a general idea of what we're talking  
40 about, but, in essence, what we are going to do is to ask for  
41 Virden Brown to send us a couple of paragraphs specifying this.  
42  
43 We can pull it from the meeting notes anyway, but he was willing  
44 to send this to the chair and by the way, the chair was present  
45 at this meeting.  
46  
47 We can address the letter to whomever is the appropriate person  
48 and really, what we are doing is trying to follow the policy of

1 the council to defend the habitat as much as possible, to make  
2 sure that whether it's considering a closed area or any other  
3 similar project that we should incorporate into the decision  
4 making process the concerns expressed by the council through the  
5 SFA Amendment and this process now. In essence, what we do is  
6 we would like to protect as much as possible the essential fish  
7 habitat for the fisheries of the U.S. Caribbean and that's it,  
8 Mr. Chairman.

9  
10 **EUGENIO PIÑEIRO:** Thank you, Miguel, and regarding that you  
11 mentioned about the trap reduction and the dialogue that took  
12 place, I want to point out that Dr. Barbara Kojis also made a  
13 big effort in there and she put out some comments, a statement,  
14 that's very eloquent and very elegant, as usual.

15  
16 I want to concur with you that for the first time in my life I  
17 have to concur with what David Olsen said for recommendations.  
18 I think what he said and the way that he defended the trap  
19 fishery and the studies and I think we should move on with the  
20 AP recommendations. If that is the wish of the group, then we  
21 should -- I think we should leave some of the recommendations  
22 until after Jennifer Lee provides us with her presentation.

23  
24 **MIGUEL ROLON:** There are some of them that you should -- A, you  
25 already discussed it more or less. Here, you concur, I believe,  
26 with the AP already. In the case of B, it's spelled out. The  
27 actual impacts on coral reefs, according to the AP, mostly come  
28 from hurricanes, global warming, et cetera.

29  
30 The queen conch, that's the one that I believe should be  
31 reserved until tomorrow. The trap reduction program, we've  
32 already discussed it. You don't need a motion here, just to  
33 accept the report as presented and then if you need a motion for  
34 any of the specifics, you can do it. The issue of compensation  
35 to the AP should be reserved until after we get all of the  
36 elements of judgment from the lawyers and so forth and we can  
37 discuss it at the Administrative Committee meeting.

38  
39 **ROY CRABTREE:** I guess my question is what we need to do with  
40 the steering committees. I'm really glad to hear they're making  
41 progress and I appreciate the territory's willingness to work  
42 with us and the Association and Tony coming down, but are we  
43 going to today actually establish these steering committees as  
44 ad hoc advisory panels to the council or what exactly  
45 procedurally do we need to do with it?

46  
47 **MIGUEL ROLON:** The way that Tony and the -- Tony is here and so  
48 he can react. Rather than having a steering committee of the

1 council, it will be a USVI steering committee, similar to the  
2 others, supported by the council, with the participation of Tony  
3 and others.

4

5 **ROY CRABTREE:** So it's going to advise the territory?

6

7 **MIGUEL ROLON:** And the council after they finish. This is what  
8 they came up with. The steering committees will be supported by  
9 the council. We'll just give them money. Beulah Dalmida-  
10 Smith's office will prepare the schedule for the steering  
11 committees and appoint the members to the steering committees.

12

13 They will meet and the first thing that they will do at the  
14 first meeting is to appoint a chair, a liaison between the local  
15 government and us, and then set a schedule and the topics that  
16 they are going to be addressing during 2010. After that, the  
17 steering committees could address other issues, but at this  
18 time, they just want to concentrate on traps only.

19

20 **SHEPHERD GRIMES:** The committee or this panel is going to advise  
21 the territory and then anything that's developed from that that  
22 would come to the council would come from the territory? If  
23 it's not an advisory panel for you, then you have Federal  
24 Advisory Committee Act implications and so if it's going to be  
25 providing advice to the council, then my recommendation would be  
26 that you set it up as an AP, which is therefore going to exempt  
27 it from the FACA requirements, but if it's just going to be the  
28 territory coming back and providing you information from a  
29 process they conducted, you're okay.

30

31 **MIGUEL ROLON:** That's exactly the consideration that we have,  
32 Shepherd. The idea is that this facilitates the process and we  
33 stay away from all the complications with FACA. We just provide  
34 the money for the local governments. The recommendations will  
35 come through the U.S. Virgin Islands government to the council.

36

37 **ROY CRABTREE:** One other thing and I think maybe Tony should  
38 think about this, but as the steering committees work, I would  
39 advise you at some point to have Shepherd or NOAA GC involved,  
40 because we want to make sure when they come up with a plan that  
41 they've considered all the Magnuson legalities and that we have  
42 something that's workable. I think that needs to happen early  
43 on and not too late, so that they understand what the Magnuson  
44 Act requires and what things we have to comply with.

45

46 **MIGUEL ROLON:** That's a key point. Probably what we could do is  
47 at the first meeting of these two committees, once they are  
48 formed, we will have a meeting to receive input from the NOAA

1 legal counsel as to what are the implications maybe if we go  
2 into the EEZ. From the scientists, they are going to give them  
3 information regarding the traps and all that.

4  
5 **SHEPHERD GRIMES:** I guess I would note that there are some  
6 potential concerns. They're ethical implications with NOAA  
7 Office of General Counsel, who has an ethical obligation to the  
8 agency and a lawyer/client relationship with the agency,  
9 providing advice to a territorial government or a territorial  
10 panel who is not its client.

11  
12 If we do it, it will have to be more in the context of let's say  
13 a presentation on what the legal requirements are, rather than a  
14 back and forth and providing legal guidance, because that is  
15 something we won't be able to do to a territorial body.

16  
17 **MIGUEL ROLON:** If I may say so, the fishermen don't like to have  
18 lawyers around. I'm serious about it. What we were envisioning  
19 is to have a presentation. Let me say this and I can say this  
20 on the record. This is what the fishermen in and out of the  
21 discussion we had -- They would like to concentrate on the trap  
22 reduction program only and when they ask me, Miguel, what will  
23 happen if we come with a recommendation through the Division of  
24 Fish and Wildlife to the local government to the Magnuson Act?

25  
26 I said at that time the council must consider all the elements  
27 regarding the Magnuson Act and they will then decide how to best  
28 incorporate whatever decision you have. For example, and this  
29 is me talking to the fishermen, you say that the traps should be  
30 twenty per fisherman or 200 per fisherman and then in the EEZ,  
31 we have to discuss all this and determine whether under the  
32 Magnuson Act, under the guidance that we have, that's an  
33 acceptable management measure, because that's something that's  
34 not a done deal and we have to follow the process. Perhaps that  
35 could be the presentation, in terms of the process, and then we  
36 will --

37  
38 **ROY CRABTREE:** I think we can work all this out. It's just  
39 something we need to bear in mind as we move forward, because we  
40 want to make sure that whatever plan the territory comes up with  
41 is something that we'll be able to do and just the territory is  
42 a member of the council and I think you can provide legal  
43 guidance to council members and so I think that as a member of  
44 the council we can make all that work out.

45  
46 **MIGUEL ROLON:** My word of advice is let's keep it simple and lay  
47 out everything on the table with the fishermen. They don't  
48 trust us that well, as you all know, and so if we concentrate on

1 the trap reduction program and have an agenda for the first  
2 meeting to lay out these are the ways that we can do this and  
3 then in due time the fishers will come up with a recommendation  
4 through the local government for this. Let's concentrate on  
5 that.

6  
7 It's something that is their livelihood and I know there's a lot  
8 of people from outside who would like to see fishing traps  
9 banned from the area, but we have to be mindful that there are a  
10 lot of socioeconomic issues involved and in all fairness, I  
11 believe that this plan, if it's going to work, if it's going to  
12 fly, it has to be something coming from the fishers to the local  
13 government. Otherwise, forget about it. It won't work.

14  
15 **EUGENIO PIÑEIRO:** Thank you, Miguel. Going back to what we  
16 have, the council would accept the recommendations and we will  
17 leave then Part C and Part F --

18  
19 **MIGUEL ROLON:** Mr. Chairman, I propose, in view of the closeness  
20 to lunch, let's have a motion to accept the AP report as  
21 presented and then leave the details for whenever it's  
22 appropriate for you to make a motion on the specifics.

23  
24 **EUGENIO PIÑEIRO:** That's fair.

25  
26 **MARCOS HANKE:** I so move a motion to accept the document as  
27 presented, the AP report document.

28  
29 **MIGUEL GARCIA:** Second.

30  
31 **EUGENIO PIÑEIRO:** Let's vote.

32  
33 **MARCOS HANKE:** Yes.

34  
35 **ROY CRABTREE:** Yes.

36  
37 **WINSTON LEDEE:** Yes.

38  
39 **MIGUEL GARCIA:** Yes.

40  
41 **CARLOS FARCHETTE:** Yes.

42  
43 **EUGENIO PIÑEIRO:** Yes. Beulah Dalmida-Smith is not present at  
44 the time and so that's an abstention. **The motion carries six to**  
45 **one.** The next item on the agenda -- I know we are all hungry,  
46 but -- For the record, we accepted all the reports from the  
47 panels and we're going to at some time during the day give the  
48 reports to the council members and then tomorrow we're going to

1 go into details. As I was saying, we are all hungry, but we  
2 have a report by Jennifer Lee from the Office of Protected  
3 Resources. She is here now.

4  
5 **OFFICE OF PROTECTED RESOURCES REPORT**  
6

7 **JENNIFER LEE:** For those of you who don't me, my name is  
8 Jennifer Lee and I work in the Southeast Regional Office's  
9 Protected Resources Division on implementing aspects of the  
10 Endangered Species Act. I've worked there for about ten years,  
11 the last five of which I've primarily focused on fishery bycatch  
12 of listed species and serving as the liaison to councils, but I  
13 haven't made it down here in quite a while and so it's nice to  
14 be here.

15  
16 The purpose of this presentation is to get you thinking about  
17 how the Caribbean reef fish fishery that you manage affects  
18 threatened Acropora corals and their designated critical habitat  
19 and what could be done to alleviate effects. While your ACL  
20 Amendment is driven, of course, by the new Magnuson Act  
21 requirements, it also has to comply with a number of other  
22 applicable laws, one being the ESA. I'm here to talk a little  
23 bit about that.

24  
25 In order to meet the presentation objective, here's what I'm  
26 going to present to you. First, it's important you know the ESA  
27 legal and regulatory framework or in other words, specifically  
28 how the ESA requirements apply to you as federal fishery  
29 managers. I'll review your ESA consultation history on what's  
30 been done thus far down here.

31  
32 Next, I'll go over some key facts about listed Acropora species  
33 and their designated critical habitat. You're probably more  
34 familiar with the Acropora species itself and so I'll focus a  
35 little bit more on the designated critical habitat and what that  
36 means.

37  
38 I'll also focus in on Acropora critical habitat and the role of  
39 parrotfish and then once you have all of that information from  
40 the ESA perspective, I'll provide some input on the draft ACL  
41 Amendment and additional alternatives to consider.

42  
43 First, Section 7(a)(1) imposes an affirmative mandate that all  
44 federal agencies use their authorities to carry out programs for  
45 the conservation of endangered and threatened species and so  
46 whether you're the Army Corps responsible for maintaining the  
47 nation's waterways or whatever your main authority is, we all  
48 have this overarching obligation to conserve endangered and

1 threatened species.

2

3 The second requirement you may be more familiar with. Under  
4 Section 7(a)(2) of the statute, NOAA Fisheries, as a federal  
5 action agency, must ensure that fishery management actions are  
6 not likely to jeopardize the continued existence of any listed  
7 species. A consultation is really just a document and an  
8 exchange of information about the information, the impacts, and  
9 it has substantial substantive procedural and timing  
10 requirements all spelled out in the statute and regulations and  
11 policies.

12

13 The consultation process is required when one or more threatened  
14 or endangered species or designated critical habitat are likely  
15 to be adversely affected or may be affected.

16

17 Now, in addition to the jeopardy standard for listed species,  
18 there's also a requirement under Section 7 for critical habitat.  
19 That standard is each federal agency, again in consultation with  
20 the Secretary, and that just means NOAA Fisheries or Fish and  
21 Wildlife Service, depending on the species, must ensure that any  
22 action authorized, funded, or carried out by them is not likely  
23 to result in the destruction or adverse modification, or we just  
24 call it DAM, of critical habitat.

25

26 One important distinction I want to make is that unlike the  
27 jeopardy standard, where so long as you are not likely to  
28 jeopardize species, we provide an incidental take statement,  
29 which authorizes incidental take as long as you follow certain  
30 requirements, et cetera. Under the destruction or adverse  
31 modification standard, there's no such thing as an incidental  
32 adverse modification.

33

34 In addition to the Section 7 requirements I've discussed, the  
35 Section 7 also states that at the conclusion of the formal  
36 consultation process that a written statement, or a biological  
37 opinion, in other words, details how the action will affect  
38 threatened or endangered species.

39

40 A biological opinion is an analytical tool to evaluate the  
41 effectiveness of actions for species conservation, which is the  
42 ultimate goal of the ESA. It identifies whether or not the  
43 action is likely to jeopardize the continued existence of a  
44 listed species or result in destruction or adverse modification  
45 of critical habitat. It's the product of a formal consultation  
46 process and it's required when an action is likely to adversely  
47 affect listed species or critical habitat.

48

1 The 2005 biological opinion, back when you did the Caribbean SFA  
2 Amendment, we went ahead and analyzed the impacts of all federal  
3 fisheries managed by the council and NOAA Fisheries here in the  
4 Caribbean. We anticipated that there were adverse affects for  
5 hook and line gear on sea turtles, but we concluded it was not  
6 likely to jeopardize.

7  
8 We issued an incidental take statement, which authorized  
9 incidental take on sea turtles and included reasonable and  
10 prudent measures and terms and conditions to minimize post-  
11 release mortality and monitor take.

12  
13 Reinitiation of formal consultation, it's necessary if you  
14 either exceed your incidental take statement, new information  
15 reveals facts not considered, the action is modified in a way  
16 that cause and effect that wasn't analyzed in the biological  
17 opinion, or a new species is listed or critical habitat  
18 designated that may be affected by the action.

19  
20 In this case, because of our newly listed coral species and  
21 their critical habitat, on March 30, 2010, Sustainable Fisheries  
22 requested reinitiation of consultation on the Reef Fish FMP to  
23 address Acropora and Acropora critical habitat.

24  
25 The formal consultation timeline is 135 days once all necessary  
26 information is received and I added including a description of  
27 the proposed action, since you do have an amendment in the works  
28 right now. We'll want to look at what you're doing.

29  
30 Biological opinions must be based on the best available  
31 scientific and commercial information. They also must err on  
32 the side of conservation for the species, but, again, we are  
33 dealing with listed species and so in the absence of  
34 information, we have to make sure we're making conservative  
35 decisions.

36  
37 Now I'm going to move into a little bit about Acropora and our  
38 designated critical habitat. Just real brief, but so you have  
39 the background when you're thinking about these species and how  
40 you're affected.

41  
42 Acropora are branching corals, colonial corals. They're  
43 historically very abundant and important reef builders. They're  
44 found in less than thirty meters in tropical reefs throughout  
45 the Bahamas, Florida, and the Caribbean. Elkhorn prefer the  
46 more turbulent shallow water, where Staghorn prefer more  
47 protected deeper water.

48



1 They require relatively clear, well-circulated water and are  
2 almost entirely dependent on sunlight for nourishment. They  
3 can't compensate for food sources like some other coral species.  
4 They both have sexual and asexual reproduction. They're  
5 broadcast spawners.

6  
7 NOAA Fisheries, we listed Elkhorn and Staghorn corals as  
8 threatened species under the ESA on May 9, 2006. A status  
9 review was done. The Acropora status review revealed that  
10 abundances of Elkhorn and Staghorn corals have been dramatically  
11 reduced, to less than 3 percent of their former abundances.

12  
13 We determined that although these corals are not currently  
14 endangered, they are likely to become so within the foreseeable  
15 future and the status is not being ameliorated by current  
16 regulatory efforts to protect the species. The top threats  
17 facing Elkhorn and Staghorn corals were determined to be  
18 disease, temperature-inducing bleaching, physical damage from  
19 hurricanes, but there are a number of other threats, including  
20 physical damage from human activities, increased nutrients,  
21 sediments, and contaminants from land-based sources, and several  
22 other factors.

23  
24 Now, because NOAA Fisheries Service listed these corals as  
25 threatened, the prohibitions that apply to endangered species  
26 don't automatically apply. However, in order to provide for the  
27 conservation of threatened species, after reviewing the  
28 biological status of the species, the potential impacts of  
29 various activities and other factors, such as the existence of  
30 other conservation activities, NOAA Fisheries Service did  
31 determine that all the ESA Section 9 prohibitions are necessary  
32 and advisable and so you can see them all listed there.

33  
34 There are some exceptions specified in the rule and I'm not  
35 going to take the time to get into them, just because I want to  
36 spend more time talking about critical habitat, which is next.

37  
38 The ESA requires the federal government to designate critical  
39 habitat for any species it lists under the ESA when there are  
40 areas of habitat we believe are essential to the species  
41 conservation. On November 26, 2008, the final critical habitat  
42 designation for Acropora was published in the Federal Register.

43  
44 Critical habitat essentially identifies where conservation will  
45 be most effective and helps ensure federal activities or plans  
46 such that they do not adversely modify or destroy critical  
47 habitat.

48

1 The rule identifies four specific areas essential for  
2 conservation. They are areas in Florida and Puerto Rico and the  
3 associated islands in St. John, St. Thomas, the USVI, and St.  
4 Croix and I'll show you detailed maps later and so that's why  
5 I'm kind of skipping over that.

6  
7 For those of you who aren't really clear on what critical  
8 habitat is, I do want to take the time to explain that. It's  
9 the specific areas within the geographic area occupied by the  
10 species, or in other words the range, on which are found those  
11 physical or biological features essential to the conservation of  
12 the species and which may require special management  
13 considerations or protection.

14  
15 The definition -- I don't know how many of you went to when we  
16 were doing proposed hearings and things like that, but the  
17 definition provides a step-wise approach to identifying areas  
18 that may be designated. We identify first the geographical area  
19 occupied by the species and then the physical or biological  
20 features essential to the conservation. Next, you look at those  
21 specific areas within that range that contain that feature and  
22 then, finally, whether or not within those areas special  
23 management is needed.

24  
25 For Acropora critical habitat designation, the key conservation  
26 objective that was determined is to facilitate increased  
27 incidence of successful sexual and asexual reproduction and in  
28 particular, increased incidence of larval sediment and  
29 recruitment and reattachment and recruitment of asexual  
30 fragments. This objective is based in part on the extremely  
31 limited recruitment currently being observed.

32  
33 Based on the key conservation objective of facilitating  
34 increased incidence of sexual and asexual reproduction and the  
35 natural history of Elkhorn and Staghorn corals and their habitat  
36 needs, the feature essential to their conservation is substrate  
37 of suitable quality and availability in water depths of zero to  
38 thirty meters to support successful larval settlement,  
39 recruitment, and reattachment of sexual and asexual fragments.

40  
41 Substrate of suitable quality and availability sounds a little  
42 vague and so you'll see that the rule defines suitable substrate  
43 as natural consolidated hard substrate or dead coral skeleton  
44 that is free from fleshy or turf macroalgae cover or sediment  
45 cover in waters thirty meters or less in depth and so this is  
46 the feature that we're talking about that we're saying is  
47 essential to conservation and that's due, in part, to the  
48 extremely limited recruitment currently being observed.

1  
2 I just wanted to show you -- These are obviously areas where the  
3 feature is not present. Critical habitat is only the areas  
4 containing the consolidated hard bottom and dead coral skeleton  
5 we were talking about. The essential feature is not likely to  
6 be present in natural sites covered with loose sediment, fleshy  
7 macroalgae covered hard bottom, or seagrasses.

8  
9 Here are just some of the general activities that may affect  
10 critical habitat and that we may conduct or do conduct Section 7  
11 consultations on. For example, the Protected Resources Division  
12 drafted a -- This was actually a jeopardy opinion on the  
13 proposed development of Thatch Cay in the USVI, which resulted  
14 in a major reduction in the scope.

15  
16 I know there's some watershed stabilization projects going on in  
17 St. Croix and also St. John which are focusing on sediment. We  
18 certainly have a lot of other consultations going on and are  
19 addressing these other factors as much as we can.

20  
21 What I'm here, of course, to talk to you about is how U.S.  
22 Caribbean reef fish fisheries may be affected and we believe  
23 that measures may need to be implemented to reduce harvest of  
24 herbivore fishes in the U.S. Caribbean reef fish fishery to  
25 ensure no damage or adverse modifications are occurring to  
26 Acropora critical habitat through the removal of key grazing  
27 species or species groups.

28  
29 The Acropora critical habitat final rule -- In particular, I  
30 wanted to point out that it did state that overfishing of  
31 herbivorous fishes and the mass die off of long-spined sea  
32 urchins are considered two of the primary contributing factors  
33 to the recent shift in benthic community structure from the  
34 dominance of stony corals to that of fleshy macroalgae on  
35 Caribbean coral reefs.

36  
37 Right now, a literature review is underway and there is a  
38 substantial body of literature that details the importance of  
39 grazing by herbivorous fishes in reducing the density and  
40 biomass of fleshy macroalgae, thereby making the substrate not  
41 suitable for coral recruitment, growth, and reproduction.

42  
43 In the absence of Diadema, parrotfish have become the dominant  
44 grazer on most Caribbean reefs. Grazers perform several  
45 critical functions in this ecosystem, including the conservation  
46 of primary production to fish-based trophic pathways, the  
47 provision of suitable settlement substrata for new corals, and  
48 the mediation of competition between corals and macroalgae.

1  
2 Reduced grazing intensity leads to an increase of macroalgae  
3 cover and therefore, an increase in the mortality rate of  
4 juvenile corals. The mortality rates of corals will then  
5 continue to increase, as coral cover falls and is replaced by  
6 macroalgae, thus reinforcing the decline. Also, space  
7 limitation compounds this mechanism, because macroalgae prevent  
8 the settlement of new corals and therefore the overall level of  
9 replenishment.

10  
11 Of grazing fish, published literature indicates parrotfish may  
12 serve as a keystone species and that fishing effects on  
13 parrotfish and grazing may profoundly influence coral dynamics.  
14 I've cited Mumby et al. 2007 as an example, but, again, a full  
15 literature review is in process and there are quite a number of  
16 publications out there that discuss this.

17  
18 Here you can see only a small proportion of the 1,217 kilometers  
19 squared of the Caribbean EEZ is within the depth range of listed  
20 Acropora species and is designated as critical habitat, again,  
21 where those features occur that we talked about.

22  
23 The Caribbean EEZ waters with depths thirty meters or shallower  
24 include an approximately 113 kilometer squared area off of west  
25 Puerto Rico, a fifty-five kilometer squared area off of east of  
26 St. Croix and less than a kilometer squared in the area kind of  
27 south of St. Thomas.

28  
29 Again, here I just wanted to show you what we did is on this map  
30 -- You can see that the dotted line there is the thirty-meter  
31 line and so the blue area is the area basically that's within  
32 the federal EEZ in which critical habitat can occur and the  
33 species is expected and I did go ahead and put a couple of your  
34 closed areas on there. Those areas, you know better than me  
35 what the specific regulations are of them, but I believe they're  
36 closed to trap fishing anyway.

37  
38 This is the area -- I guess I probably should mention the blue  
39 is the hard bottom that -- This is one of our GIS layers that we  
40 have that I put on the slide here, but, again, you can see where  
41 the striped lines are and that's the overlap area which is  
42 within the council's jurisdiction. That's the area there that's  
43 within your area of jurisdiction here.

44  
45 Of course, we're not saying that this is the only area we're  
46 concerned about, but when it comes to the biological opinion for  
47 federal fisheries, we are looking only at that federal area and  
48 that doesn't mean that we aren't concerned about areas outside

1 of that in territorial waters.

2  
3 Here you can see St. Thomas and St. John, USVI. Really, the  
4 only area that's in federal waters in less than thirty meters is  
5 actually down here.

6  
7 Now that I've given you that background and hopefully you have a  
8 better understanding of where we're talking about and what we're  
9 talking about, I just wanted to provide a little input on the  
10 draft ACL Amendment. We would like the council to consider  
11 additional alternatives to protect parrotfish.

12  
13 I know right now you do have a prohibition on the three large  
14 parrotfish, but we are concerned that perhaps more still needs  
15 to be done and the alternatives we're asking that you consider  
16 are, one, to set the parrotfish ACL conservatively, improve  
17 cooperation and enforcement of the net ban, consider further  
18 gear restrictions on directed harvest of parrotfish, and reduce  
19 traps through a trap reduction program, which I know you all  
20 have been talking about just a little bit ago.

21  
22 Again, like I said, at this point we have reinitiated  
23 consultation and we are in the process of analyzing the effects.  
24 Because you do have an action going on, you are already looking  
25 at changes to your management and certainly the biological  
26 opinion will look at those changes when we factor in the effects  
27 and so that's why we thought it was important to give you this  
28 heads up that this process is underway and kind of our  
29 preliminary look at what we think the effects might be and that  
30 concludes my report.

31  
32 **MARCOS HANKE:** I have a question and a couple of clarifications.  
33 First of all, this has an implication on state waters  
34 automatically, right, because it's endangered species?

35  
36 **JENNIFER LEE:** I'm here talking to you as the council because of  
37 the federal fishery management plan that we have to do this  
38 consultation process that I explained about. That said, as we  
39 work on this consultation, there are other parts of the Act that  
40 give us authority to do things.

41  
42 For example, the (4)(d) rule that I mentioned that prohibits  
43 take, it's possible that at some point the (4)(d) rule could be  
44 used to deal with this issue in state waters and so there are  
45 other avenues, but in particular -- Today, I guess I just wanted  
46 to, one, raise the awareness of the issue and then tell you kind  
47 of how it fits into the federal fishery management process, but  
48 that's not to say that, again, as we do that analysis that there

1 could be other implications.

2  
3 **MARCOS HANKE:** For me, it's very important to know those  
4 borderlines and the real effect on the state and federal,  
5 because the fishermen use both and it's different if you just  
6 manage the federal or if you include both, in our opinion.  
7 That's why I'm trying to get your opinion on the record here,  
8 before, for me, that's important.

9  
10 Because I understand the implication would be throughout the  
11 critical area like you described on endangered species managing  
12 in some point somehow and can you please clarify that for me  
13 later?

14  
15 Another comment I want to do is you're coming here to a fishery  
16 management council and we manage the fishery pretty much and the  
17 things around it and it's well recognized in the literature that  
18 those corals are endangered and we as fishermen know there is  
19 the sewage and the contamination and the things that you briefly  
20 listed there and they have maybe a severe impact on them, more  
21 than what the fishermen do to the corals. You guys have been to  
22 other forums and tried to encourage those guys to jump in or we  
23 are going to respond, because we are in the water, for all the  
24 responsibility of this?

25  
26 **JENNIFER LEE:** Like I said, when it comes to the critical  
27 habitat designation, it's all federal agencies and not just NOAA  
28 Fisheries Service that manages fisheries. There is EPA permits  
29 that are involved and a lot of the other federal agencies,  
30 there's permits needed from them for development projects and  
31 things like that.

32  
33 They have the same obligations and so that's where I was -- I  
34 wasn't trying to downplay at all that side of things, but I'm  
35 just trying to kind of use your time and what you're here to do  
36 to help out.

37  
38 **ROY CRABTREE:** This is an issue we get into all the time,  
39 because obviously there are a lot of other things besides  
40 fisheries that are affecting these corals and turtles and all  
41 kinds of protected resources issues. We do thousands of  
42 consultations every year and most of them are not on fisheries.  
43 The vast majority of them are on other types of activities and  
44 other types of projects.

45  
46 When we do a consultation, it's a project that has some sort of  
47 federal permit involved, the Army Corps of Engineers or  
48 something like that. Then they're required to consult and we

1 often require modifications to projects to reduce the impacts on  
2 sea turtles, corals, and those kinds of things. That's commonly  
3 done.

4  
5 In this case though, because the federal action here is this  
6 fishery and it's going to be the ACL Amendment we're doing, this  
7 biological opinion will look at the impacts of the reef fish  
8 fishery on these corals and that's what it will focus on and  
9 that's what we have to deal with.

10  
11 We've had a number of protected resources issues come up. The  
12 last big one we had had to do with turtle takes in the Gulf of  
13 Mexico in the grouper longline fishery. They were catching too  
14 many turtles.

15  
16 The way we like to try and deal with these is to work with the  
17 council, because that gives the territories and everybody a  
18 chance to have input on how we deal with things and so that's  
19 how we dealt with that issue in the Gulf of Mexico and that's  
20 why we're coming to you with these issues with respect to the  
21 corals and other things that may affect it, like parrotfish  
22 take. It's to bring this to your attention to try and do what  
23 you feel like you can do to address these issues in the  
24 amendment that you're working on now and then the biological  
25 opinion will be written and we'll go from there, I guess, at  
26 that point.

27  
28 **MARCOS HANKE:** Another thing is can we go back to the first  
29 photos that you have of between different years? This is  
30 exactly the same angle and photo area?

31  
32 **JENNIFER LEE:** Yes. I have to double check my notes, because I  
33 did write down exactly what these photos were, but to be honest,  
34 I'm not sure if I put that in my notes right in my slide. This  
35 was information that we've presented as part of our listing  
36 presentations and so I can get back to you on that, but  
37 basically those are -- You didn't have many pictures and so I  
38 wanted to at least give you some pictures, but those were used  
39 in some other presentations. I'll just follow up with you and  
40 give you the specifics.

41  
42 **MARCOS HANKE:** The reason why I'm asking is because for me as a  
43 fisherman and as a diver and being in the water for so long, it  
44 doesn't look like it and a lot of the structure -- If those  
45 corals die, there's going to be some erosion and some  
46 modification, but for me to interpret this and to really see the  
47 reality of what is going on, if that is the idea of the slide,  
48 it gives me a lot of doubts and I feel uncomfortable with this,

1 even though I recognize they are in trouble and everything.

2  
3 **JENNIFER LEE:** There's a complete status review and actually  
4 that very last slide, where I recommended -- I guess I didn't  
5 actually say that, but my last slide, I had a link to our  
6 website and we have all the background information and the  
7 status review that explains the detailed information that it was  
8 all based on and so there's a lot more here. Again, I was just  
9 basically trying to give you a little bit of information that we  
10 listed it and this is the basic premise, but please -- There's  
11 tons more information that was based on that decision and  
12 detailed information that's available to you that I can provide.

13  
14 **MIGUEL ROLON:** The point is, Jennifer, even if these pictures  
15 are not from the same, the key issue is the progressive  
16 deterioration of the Acropora everywhere and I have seen this  
17 many times in many areas.

18  
19 The south coast of Puerto Rico, I can tell you exactly how it  
20 progressed from one to the other, because I was fortunate enough  
21 to dive before the hurricanes and after that and that's exactly  
22 what you see. In 1975, you have Staghorn corals that are  
23 healthy and in 1985, they are not that healthy, because they  
24 collapse under different pressures, hurricanes and what have  
25 you.

26  
27 On any weekend now, you have hundreds of people per square any  
28 measure that you want to take it and then the algae takes over  
29 and so for the other council members -- Hanke is a biologist  
30 too, but the whole idea here is, although it's not exactly the  
31 same place, but this is occurring in many areas and that's why  
32 they are trying to protect those. Also, if you notice, there's  
33 not a trap there in any place.

34  
35 **MIGUEL GARCIA:** Just a point of information. Under Commonwealth  
36 regulations, any species listed in the federal ESA is  
37 automatically listed in our local regulations for endangered  
38 species, just in case.

39  
40 **CARLOS FARCHETTE:** I've just got a question for my education  
41 here. I know that parrotfish eat macroalgae, but don't they  
42 also eat live coral? I need to find that out.

43  
44 **JENNIFER LEE:** There are some papers on them biting coral, but  
45 it's not -- Again, I can actually look the specifics up of that  
46 for you, but the macroalgae aspect of it overweighs that.

47  
48 **ROY CRABTREE:** By and large, if you look through the papers that



1 have been done, the conclusion is that having lots of parrotfish  
2 is good for the reefs and it's healthy for the reefs and not the  
3 other way around, but that is addressed in some of the papers.

4  
5 **JENNIFER LEE:** There's even some that look at not just the large  
6 parrotfish, but they look at some of the middle-sized  
7 parrotfish. There's a study that shows the importance of them  
8 and there's some various studies out there looking at the  
9 different levels in species.

10  
11 **MARCOS HANKE:** A follow-up on your question, if I may. The  
12 commercial parrotfish in the U.S. Caribbean, on what do they  
13 focus in terms of eating? Is it macroalgae or some elements of  
14 coral? This is the question that he made that I think is not  
15 clear.

16  
17 **ROY CRABTREE:** My understanding, at least, is the parrotfish are  
18 mainly eating the macroalgae and things on the reefs. Some of  
19 them do eat some corals, but it's mostly the algae and things  
20 like that. Maybe Miguel knows more than me.

21  
22 **MIGUEL ROLON:** The issue with the parrotfish is not that. It's  
23 that the parrotfish transport the material for the growth of the  
24 reef. There's other species of grazers that are the ones who  
25 clean the reefs. Very simply, if you don't have the fauna  
26 needed for keeping the algae in check, then the algae will grow  
27 over the reef and kill it.

28  
29 Don't get entangled with these little things. We can give you  
30 the reports and everything after that. The main point here is  
31 that the SSC couldn't make a specific recommendation, given the  
32 type of problems that was presented to them, but we have a  
33 series of comments that they made and I believe at this time you  
34 don't need to have a motion to go one-by-one, but just to submit  
35 to Jennifer and the appropriate officials in NMFS their  
36 concerns, so they can incorporate that into the decision making  
37 process.

38  
39 There was also an issue related to this that the fishermen were  
40 a little bit uneasy with Number 82 or 84 candidates of corals  
41 for the Endangered Species Act. The Staghorn and the others are  
42 -- We are all happy with them and so we would like them to come  
43 back, because as Shep corrected me, you don't see any fish  
44 either. No traps, no fish.

45  
46 That's a concern for everybody, the fishers and scientists and  
47 the general community. Jennifer, do you think that we are on  
48 time to submit comments to you or do you need them or anything,

1 the comments that the SSC gave to us?

2  
3 **ROY CRABTREE:** We have the SSC's comments and we've got the  
4 minutes and all of that and so we're looking for your input, but  
5 we're also looking for you to talk about what can we do to help  
6 mitigate some of this as we go through the ACL Amendment.

7  
8 Let me just kind of wind this up with a couple of things. One,  
9 we do have a petition to list I think it's seventy other species  
10 of corals, some of which occur in the Caribbean.

11  
12 **JENNIFER LEE:** There's seven.

13  
14 **ROY CRABTREE:** These problems with corals are elevating and not  
15 going the other way. We also have a petition to list the  
16 bumphead parrotfish, which is in the Pacific Ocean and not in  
17 the Caribbean, but we've got a petition to actually list that  
18 species of parrotfish under the Endangered Species Act, because  
19 it's fished so far down.

20  
21 We're, in the ACL Amendment, considering prohibiting the take of  
22 blue parrotfish, midnight parrotfish, and one other one right  
23 now because we think they've been fished so far down and then  
24 the last thing I'll leave with you, and this is to me, at least  
25 personally, one of the most difficult parts of the Endangered  
26 Species Act, but you read through the SSC comments and they  
27 point out all of the uncertainties and the things we don't  
28 really now and that's true. There's loads of uncertainties in  
29 everything we do down here.

30  
31 The history of the Endangered Species Act and the results of a  
32 lot of litigation and court decisions is that when we're faced  
33 with uncertainty, we have to make very conservative decisions  
34 and so if you think something has happened but you're not sure  
35 about it, then you have to make decisions that benefit the  
36 endangered species and that often puts you in a very difficult  
37 situation on some of these things and it puts you in a position  
38 that it's hard for fishermen to deal with and understand,  
39 because they don't like -- Obviously nobody wants to be  
40 regulated based on uncertain information. I wouldn't want to be  
41 and I understand that, but that's the history of what you end up  
42 with in the Endangered Species Act.

43  
44 This is a tough issue, but I think as we go through our  
45 deliberations this afternoon and tomorrow with the ACL  
46 Amendment, we need to bear in mind that parrotfish have a larger  
47 significance than just fisheries. They're important to the  
48 whole ecosystem and the health of the ecosystem and you really

1 need to bear that in mind as we think about how we're going to  
2 handle those in terms of management.

3  
4 You ought to think some about are there some other things we  
5 could look at doing in terms of conserving parrotfish that we  
6 could maybe put in this amendment and I think that's pretty much  
7 where we are right now.

8  
9 **EUGENIO PIÑEIRO:** Thank you, Jennifer, for your presentation.  
10 Thank you very much. We are going to do lunch now and we'll be  
11 back by 1:30 and then we'll have a fifteen-minute break around  
12 3:00 and then break at quarter to five for the public comment.  
13 So far, we have for public comment --

14  
15 **WINSTON LEDEE:** We have Donna Christensen, David Olsen, Tiffany  
16 Cummings, and Holly Binns.

17  
18 **EUGENIO PIÑEIRO:** We have a full agenda this afternoon and so  
19 we'll go to lunch and be back here by 1:30 please.

20  
21 (Whereupon, the meeting recessed for lunch on April 7, 2010.)

22  
23 - - -

24  
25 April 7, 2010

26  
27 WEDNESDAY AFTERNOON SESSION

28  
29 - - -

30  
31 The Caribbean Fishery Management Council reconvened at the  
32 Marriott Frenchman's Reef Hotel, St. Thomas, USVI, Wednesday  
33 afternoon, April 7, 2010, and was called to order at 1:30  
34 o'clock p.m. by Chairman Eugenio Piñeiro.

35  
36 **EUGENIO PIÑEIRO:** We are going to start now with the ACL Report  
37 Discussion with Graciela Garcia Moliner and Bill Arnold, but  
38 before, I would like to recognize the presence in the room of  
39 the Honorable Donna Christensen, the Congresswoman for the  
40 District of St. Thomas and St. Croix. Welcome.

41  
42 **ACLs/AMS REPORT AND DISCUSSION**

43  
44 **MIGUEL ROLON:** What we propose to do is that Graciela and Bill  
45 will guide us through the discussion of the ACL and as I said  
46 this morning, there's a team of people who worked on this  
47 project and in the room, we have Heather Blough, Denise Johnson,  
48 and Todd Gedamke in addition to Graciela and Bill.

1  
2 What we propose to do is to go one-by-one and then you may want  
3 to take your preferred alternative at this time or not. It's up  
4 to you, but remember what we are doing now is not looking at  
5 what possible alternatives you can include, but we're looking at  
6 the alternatives that you're going to take to public hearing now  
7 and those public hearings should be between here and maybe July  
8 and so it's important that you have a thorough discussion of  
9 each one of the alternatives as much as possible so every  
10 council member will understand the meaning of what you're going  
11 to take to public hearings.

12  
13 Between the time that we sent you a CD and today, Graciela  
14 informed me that the task team has added some fine tuning and  
15 added more information and what they are going to do is Graciela  
16 and Bill will sit there and Graciela will modify the slides, the  
17 narrative, as you decide with any information that they have.

18  
19 If we could not finish today, tomorrow in the agenda is a  
20 continuation of this discussion. The most important part of  
21 this meeting is to discuss and prepare for public hearings and  
22 for the ACLs. Graciela will start off and coordinate the  
23 discussion and then it will be up to you to discuss each one of  
24 the alternatives.

25  
26 **GRACIELA GARCIA MOLINER:** Miguel mentioned the public hearing  
27 draft that you received. What we are going to present is the  
28 actions as they are in the public hearing draft that you  
29 received with the briefing book. There have been minor changes  
30 and some editing has already taken place. It is a continuous  
31 process and it will continue to evolve by the time we go to  
32 public hearings and come back to the council.

33  
34 The actions that you have in the document respond to the changes  
35 that the council had requested at the last council meeting. The  
36 document itself includes all the previous alternatives that had  
37 been considered and so they are there at the end of the document  
38 if anyone has any questions regarding those.

39  
40 The way we have it set up is that the actions are as per the  
41 book and what we are going to do is we're going to go action-by-  
42 action and the council will have discussion on each of them.  
43 It's only six actions this time. The council has requested to  
44 remove a number of actions from the previous documents because  
45 they were moving in a separate and parallel line to this. It  
46 makes for a more concise document, although it keeps increasing  
47 in size because of all the documentation that has gone into it.

48

1 We're going to go over the actions as of March 24, 2010 and any  
2 changes that we have will take place during the discussion of  
3 the council as a whole.

4  
5 The one that still remains the same is the Action Number 1,  
6 which deals with amending the stock complexes of the Reef Fish  
7 FMU and this responds to the need for changes of the FMUs for  
8 the groupers and for the snappers more than anything else. One  
9 of them, it's a change in just the species that need to be added  
10 and included in the FMU.

11  
12 I'm going to read, for the record, the way the actions are set  
13 up and then open the floor for discussion and for the council to  
14 decide on whether we want a preferred alternative in any of  
15 these to be taken to public hearings. Each action has as the  
16 Number 1 alternative a no action and so the status quo, whatever  
17 it is, is the no action alternative. They're all set up in the  
18 same way.

19  
20 For Action Number 1, Action 1(a) for the grouper unit,  
21 Alternative 1 is the no action, do not change the species  
22 groupings within the grouper FMU. Alternative 2 reads to  
23 separate Grouper Unit 4 into Grouper Unit 4, yellowfin, red,  
24 tiger, and black grouper, and Grouper Unit 5, the yellowedge and  
25 the misty grouper and move creole fish from Grouper Unit 3 into  
26 the data collection only.

27  
28 Probably it would be easier if we deal with each of these  
29 actions separately and so this is what we have for amending the  
30 FMU for the groupers and what does the council wish to do?

31  
32 **MARCOS HANKE:** I agree with the Alternative 2 and we are not  
33 deciding preferred alternatives yet? I agree with that.

34  
35 **ROY CRABTREE:** We should be deciding preferred alternatives at  
36 this meeting to the extent that we can. Now, you will have  
37 opportunities to change them, because we're still probably a  
38 couple of meetings away from taking final action, but we should,  
39 to the extent we can, go ahead and choose preferred  
40 alternatives.

41  
42 **MARCOS HANKE:** I recommend then the Alternative 2 as is stated  
43 in the projection to be the preferred alternative.

44  
45 **EUGENIO PIÑEIRO:** That's a motion?

46  
47 **MARCOS HANKE:** That's a motion.

48

1 **EUGENIO PIÑEIRO:** That's a motion. Is there a second?  
2  
3 **BEULAH DALMIDA-SMITH:** Seconded.  
4  
5 **EUGENIO PIÑEIRO:** Is there a need for any further discussion?  
6  
7 **SHEPHERD GRIMES:** I just have a question. I have yet to go back  
8 and review the SFA Amendment or the original FMP, but the  
9 language in here creates fishery management units and I guess  
10 I'm not clear whether the existing FMP and amendments refer to  
11 them as stock complexes or fishery management units and National  
12 Standard 3 talks about, or at least envisions for an FMP, that  
13 there is one fishery management unit for the FMP and that we  
14 have these stock complexes within it.  
15  
16 I think it's possible to set up different fishery management  
17 units within the larger FMP, but I don't think our language is  
18 consistent within here and it just occurred to me flying down  
19 here that I don't know how it is set up in the existing SFA  
20 Amendment, et cetera.  
21  
22 **BILL ARNOLD:** Shep, you'll find that on that point and a lot of  
23 others that we are still in the correction and modification  
24 process and so that is a perfectly good example of what we've  
25 been going through and what we've actually titled them in the  
26 most recent version is Action 1(a) would be the Grouper Complex  
27 and then we would be addressing Grouper Unit 4 and Grouper Unit  
28 3 or Grouper Unit 5.  
29  
30 **SHEPHERD GRIMES:** Just for clarification, it is my  
31 understanding, based on what I believe was in the SFA, is we  
32 have these stock complexes within the larger fishery management  
33 unit, even though each one of those complexes actually has the  
34 terminology "unit" in the name. Unit 1 and Unit 2 and Unit 3,  
35 but they are all different complexes within the larger Reef Fish  
36 Fishery Management unit, correct?  
37  
38 **BILL ARNOLD:** Yes and I wouldn't argue that point, but I would  
39 make the point that we probably today should not spend a lot of  
40 time on these sorts of details, but it's a good point and it's a  
41 point that's going to apply throughout this afternoon's  
42 conversation on a lot of different items.  
43  
44 **GRACIELA GARCIA MOLINER:** What I'm going to do is I'm going to  
45 be addressing each of these point and annotating the  
46 alternatives as we move along, because that way, we will keep  
47 track of everything that we are discussing, but at this time,  
48 would it be okay to select Alternative 2 as the preferred

1 alternative, the motion that's on the table, because it  
2 addresses specifically Grouper Unit 4 the way that it's  
3 addressed in the SFA.  
4  
5 **ROY CRABTREE:** I think it's fine and then staff will get the  
6 terminology straight when we see it again.  
7  
8 **EUGENIO PIÑEIRO:** That's fair. Let's vote.  
9  
10 **MARCOS HANKE:** Yes.  
11  
12 **ROY CRABTREE:** Yes.  
13  
14 **WINSTON LEDEE:** Yes.  
15  
16 **BEULAH DALMIDA-SMITH:** Yes.  
17  
18 **MIGUEL GARCIA:** Yes.  
19  
20 **CARLOS FARCHETTE:** Yes.  
21  
22 **EUGENIO PIÑEIRO:** Yes. **The motion carries and it's unanimous.**  
23  
24 **TODD GEDAMKE:** Graciela, I just see you putting notes on  
25 terminology and I would just question the same thing,  
26 clarification on data collection unit.  
27  
28 **EUGENIO PIÑEIRO:** Okay, Graciela, proceed.  
29  
30 **GRACIELA GARCIA MOLINER:** I'm reading, for the record, what I  
31 Action 1(b) for the snapper units. Again, we'll take note of  
32 the terminology regarding units and complexes, as per the SFA.  
33 The Alternative 1 in this case is no action, do not change the  
34 species groupings within the Snapper FMU and Alternative 2 is to  
35 modify the Snapper FMP by adding cardinal snapper,  
36 *Pristipomoides macrophthalmus*, to Snapper Unit 2 and moving the  
37 wenchman, *Pristipomoides aquilonaris*, into Snapper Unit 1.  
38  
39 **MARCOS HANKE:** I move to set Alternative 2 as the preferred  
40 alternative.  
41  
42 **EUGENIO PIÑEIRO:** Marcos moves to adopt Alternative 2 and I need  
43 a second for that motion.  
44  
45 **CARLOS FARCHETTE:** Second.  
46  
47 **EUGENIO PIÑEIRO:** Any discussion? If not, let's vote.  
48

1 **CARLOS FARCHETTE:** Yes.  
2  
3 **MIGUEL GARCIA:** Yes.  
4  
5 **BEULAH DALMIDA-SMITH:** Yes.  
6  
7 **WINSTON LEDEE:** Yes.  
8  
9 **ROY CRABTREE:** Yes.  
10  
11 **MARCOS HANKE:** Yes.  
12  
13 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
14  
15 **GRACIELA GARCIA MOLINER:** Now we move into Action 2 and this is  
16 really the basis of the document, the core of the whole ACL  
17 Amendment, and this action has specifically to do with the  
18 management reference points.  
19  
20 You have in your document four alternatives under this Action  
21 2(a) and they refer to the reassessing and redefining the  
22 parameters that were done for the SFA, the MSY, the OFL, the OY,  
23 and finally, determining the ACLs. That's the basis for this.  
24 This would have to be done for all the species that we're  
25 dealing with, in this case those that are overfished and  
26 undergoing overfishing. They include the Snapper Unit 1, the  
27 Grouper Unit 4, the parrotfish, and the queen conch.  
28  
29 Now that we go into each of the alternatives, think about what  
30 will be your preferred alternative for each one of those. We'll  
31 start with the reef fish and we'll deal with the queen conch  
32 separately.  
33  
34 As always, the Alternative Number 1 under the Action 2(a),  
35 Snapper Grouper and Parrotfish Complexes, is the no action, to  
36 retain the current management reference points for species or  
37 species groups within the snapper, grouper, and/or parrotfish  
38 complexes.  
39  
40 You have on the screen the table that is in your document and  
41 what the SFA defined as the MSY, the MFMT, and the OY. These  
42 would maintain the same parameters that were defined for the SFA  
43 in 2005.  
44  
45 Alternative 2 redefines these management reference points for  
46 snapper, grouper, and/or parrotfish complexes based on the  
47 longest reliable time series of pre-SFA catch data that promotes  
48 consistency among the islands. The pre-SFA data, it's up to



1 2005.

2  
3 You will have exactly the same table repeated one after the  
4 other with the additions that are needed, for example, to set a  
5 scalar to deal with the uncertainty in both the data and the  
6 management regimes and within each alternative, you have a  
7 number of subalternatives that you have to go selecting one-by-  
8 one as move we along down the line of which would be your  
9 preferred alternative.

10  
11 For example, for Alternative 2, the MSY proxy would be the  
12 average annual commercial landings from 1999 to 2005 for Puerto  
13 Rico and St. Croix and from 2000 to 2005 for St. Thomas/St.  
14 John. The main difference between the no action and all the  
15 alternatives that you're going to see is that for the original  
16 SFA, the data for Puerto Rico was used, in certain cases, to  
17 estimate the landings, for example, for the recreational harvest  
18 in the Virgin Islands, the proportion of the catch for snappers,  
19 for example, for the different snappers from the Virgin Islands.

20  
21 In this case, the data are being used specifically for each of  
22 the islands separately and so the data for Puerto Rico is  
23 strictly the data for Puerto Rico and the one for St. Thomas/St.  
24 John is strictly for St. Thomas/St. John as well as for St.  
25 Croix.

26  
27 **ROY CRABTREE:** I think, as everyone is aware, this is one of the  
28 complaints we've gotten since the SFA Amendment was put in  
29 place, that we used data for Puerto Rico to infer catches in the  
30 Virgin Islands. That's been one of the things that at least  
31 many of the fishing groups have complained about and so this  
32 would eliminate that from the books.

33  
34 **GRACIELA GARCIA MOLINER:** Following on that thought, basically  
35 that's why you're redefining your MSY. You are basing it on the  
36 data specifically for each island and not like before. There is  
37 always that alternative that you can still use the SFA  
38 documentation.

39  
40 **BILL ARNOLD:** We should probably point out a couple of things  
41 here. There's going to be a complex process going through both  
42 Action 2 and Action 3. Really, what Action 2 is going to do,  
43 it's going to lay out the overfishing limit based upon  
44 Caribbean-wide reference points and then Action 3 is actually  
45 going to break that down into island-specific, sector-specific,  
46 and group-specific ACLs.

47  
48 That's the core of setting the ACLs, but it's important that we

1 have this overfishing limit and the only way we can set that --  
2 The only point at which we have these fundamental reference  
3 points for setting the overfishing limit is Caribbean-wide.

4  
5 **SHEPHERD GRIMES:** I should have asked this before, but I'm  
6 unclear as to the statement that -- If you go back to the  
7 alternative that was selecting reference points using pre-SFA  
8 catch data that promotes consistency among the islands, can you  
9 tell me what you mean by that, please, the promoting consistency  
10 among the islands?

11  
12 **BILL ARNOLD:** Shep, that would be promoting a consistent  
13 approach to managing the data. It's not making the landings  
14 among islands consistent, but it is just promoting a consistent  
15 approach to the way we handle the individual island's data.

16  
17 For example, in this alternative, we are not using 1999 to 2007  
18 data for the parrotfish and 1999 to 2005 data for the snapper  
19 and we're not using different data sequences for different  
20 islands and different groups and different sectors.

21  
22 **GRACIELA GARCIA MOLINER:** In explaining this table, this will  
23 also explain all the other tables that follow. The first thing  
24 is you'll use those years for determining the MSY or the MSY  
25 proxy. Then you have to determine what you're going to do in  
26 terms of determining when overfishing occurs. The OFL equals to  
27 MSY and overfishing occurs when annual catches exceed the OFL.  
28 That's Alternative 2(a) and Alternative 2(b) is OFL equals MSY  
29 and overfishing occurs when annual catches exceed the OFL and  
30 NMFS Southeast Fisheries Science Center, in consultation with  
31 the Caribbean Fishery Management Council and its SSC, determines  
32 the overage occurred because catches increased versus because  
33 data collection monitoring improved.

34  
35 **STEVE TURNER:** I'm a bit concerned about the language here.  
36 Basically, I would suggest a slight change in the language. I  
37 would suggest that this read that overfishing occurs when annual  
38 catch exceeds the OFL and change the word from "and" to "unless  
39 the NMFS Southeast Fisheries Science Center determines" and then  
40 we flip these last two phrases, determines that the increase is  
41 not due to data collection monitoring improvement, but is due to  
42 actual increases in catches.

43  
44 I want to reorder the things. The way I see this reading now is  
45 this says overfishing has to occur and NMFS has to prove this,  
46 but I'm looking to simplify this language and so if you want it  
47 again, I can give it to you.

1 **ROY CRABTREE:** Steve is right. I think we do need to rewrite  
2 that to where it says that OFL equals MSY and overfishing occurs  
3 when annual catches exceed the OFL unless the NMFS Southeast  
4 Fisheries Center, in consultation with the council and its SSC,  
5 determines the overage occurred because catches increased versus  
6 -- I think what we need to do is change the word "and" to  
7 "unless".

8  
9 **STEVE TURNER:** I had talked to Dr. Turner about this and he's  
10 exactly right. Just think of it in terms of burden of proof,  
11 that if we exceed the OFL it's overfishing unless some other  
12 determination is made and not it's only considered overfishing  
13 if some other determination and the OFL occurs, but I think  
14 you're required to do that as part of having an effective  
15 accountability mechanism. It has to kick in once overfishing  
16 occurs and this other determination is just a review to make  
17 sure it was actually a result of increased catches and not just  
18 improved reporting.

19  
20 **ROY CRABTREE:** I think, Mr. Chairman, if Shepherd can work with  
21 staff that they ought to be able to clean that language up for  
22 us, if everyone on the council is in agreement with that. Is  
23 that all right?

24  
25 Could I make a -- I want to come back to the comment Shepherd  
26 made and the language that we have in the alternatives where we  
27 say redefine management reference points for the snapper,  
28 grouper, and/or parrotfish complexes based on the longest  
29 reliable time series of pre-SFA catch data that promotes the  
30 consistency among the islands.

31  
32 It looks like we ought to clean that language up too and have it  
33 read to redefine management reference points or proxies for the  
34 snapper, grouper, and/or parrotfish complexes based on the  
35 longest time series of pre-SFA catch data is considered to be  
36 consistent and reliable across all islands. That would be  
37 Alternative 2, Bill and Graciela, and then -- I think that's  
38 some other language we could clean up some, just to better  
39 describe what we're doing.

40  
41 For example, Alternative 3 then would be the longest time series  
42 of catch and Alternative 2 would be the longest time series of  
43 pre-SFA catch and I don't know if we need to go through motions  
44 to clean this up or we can just --

45  
46 **SHEPHERD GRIMES:** I was going to suggest that we can do this.  
47 Your staff and Dr. Crabtree's staff and myself can do it back at  
48 the Regional Office, but we just want you to be aware, so when

1 you see the next version and the language is different and we  
2 get on the record that we discussed it and considered these  
3 things. It's not something that necessarily requires any action  
4 by the council, unless you disagree with it, of course.

5  
6 **MIGUEL ROLON:** I was going to say to Graciela that rather than  
7 forcing the language here, leave it as is and then we can take  
8 the essence of what the council will say and make a notation and  
9 then you can either present it tomorrow or when you go back,  
10 send the document to us.

11  
12 The important thing is that the council members understand the  
13 changes and be sure that what Dr. Steve Turner is saying now  
14 makes sense to you and that it makes sense to everybody. It's  
15 very difficult to work into this directly, Graciela. That way  
16 as long as you have the note of what is needed and where, then  
17 we can work it sometime later.

18  
19 **BEULAH DALMIDA-SMITH:** I absolutely agree with all the comments  
20 and we have to remember that this information is going to go out  
21 to the public and we want to make sure that it's clear and  
22 concise and they too can follow what it is that we are  
23 requesting here.

24  
25 **ROY CRABTREE:** It would be useful if towards the end of the  
26 meeting tomorrow if maybe the staff could go over kind of a  
27 summary of the changes and things and then we could all say  
28 okay, do that and then the next time you see it, it will be  
29 cleaned up and before it goes out to public hearing, they would  
30 go ahead and make those changes.

31  
32 **EUGENIO PIÑEIRO:** We can incorporate this period of what the  
33 council members want to be put in the document.

34  
35 **GRACIELA GARCIA MOLINER:** Going back to the table, the language  
36 will be addressed as requested and then you also have additional  
37 subalternatives for the optimum yield, which will be equated to  
38 the annual catch limit, and those are 2(c) through 2(h) and so  
39 OY proxy/ACL will be equal to the average annual landings from  
40 1999 through 2005 for St. Croix.

41  
42 **MIGUEL ROLON:** Graciela, can you summarize the difference  
43 between (d) and (e) and (f) is just the percentages you use for  
44 the scalar, from 50 to 85? That way you don't have to read the  
45 whole thing.

46  
47 **SHEPHERD GRIMES:** One other thing that kind of jumped out at me  
48 in reading this is the way this is set up, optimum yield and ACL

1 are the same. That's not necessarily going to always be the  
2 case. It's certainly not a mandatory thing and so somewhere in  
3 the document we can lay out upfront why we're setting ACL and OY  
4 at the same level.

5  
6 Basically, that is, essentially, we're not going to create an  
7 annual catch target that is reduced some level below the annual  
8 catch limit and we'll just need to include the discussion as to  
9 why we're doing that.

10  
11 **ROY CRABTREE:** I think, Bill, we need to clean up the language.  
12 The way you have it set up with OY proxy and then the slash,  
13 that looks like a divide mark to me and when I first looked at  
14 that, I read that as OY divided by ACL and so I think it should  
15 be OY proxy and ACL or just some other way, so it doesn't look  
16 like a formula.

17  
18 **BILL ARNOLD:** One way we could write that, Roy, is OY equals ACL  
19 equals whatever and keep in mind that throughout this document,  
20 as has been modified in the most recent version, it is always  
21 MSY proxy and it is never OY proxy.

22  
23 **ROY CRABTREE:** That's important, because we all need to  
24 recognize that we don't know what MSY is. We don't have a  
25 reliable estimate of MSY for any stock in the U.S. Caribbean and  
26 so we're setting up proxies that are based on recent catches.  
27 How close they are, it's hard to say, but we're setting proxies  
28 for all of those kinds of reference points.

29  
30 The other thing I would point out is if you look at Alternative  
31 -- Just a couple of other important -- Those of you who were on  
32 the council, and I guess Genio and me would be the only ones  
33 now, when we did the SFA Amendment, we set up overfishing  
34 definitions that were based on fishing mortalities.

35  
36 We don't have any fishing mortality rate estimates for these  
37 stocks and so then we convened a working group of experts to  
38 give us informed judgment about what they thought the status of  
39 the stocks were. That's been another source of contention over  
40 the years from the SFA Amendment. No one has been happy with  
41 doing that.

42  
43 What we're trying to do in this amendment is abandon that way of  
44 doing things that was done in the SFA Amendment and instead,  
45 we're going to determine whether we're overfishing or not based  
46 on whether the catches are over the ACL or not over the ACL and  
47 I'm sure we'll have disagreements about what the catches are,  
48 but at least it's a more straightforward thing to measure it and

1 so that will then be the standard -- Overfishing would be based  
2 on the OFL rather than the ACL, but nonetheless, we would have  
3 some catch level that we're trying to stay under and if we stay  
4 under it, we're not overfishing and if we go over, we are.

5  
6 I think that's much more straightforward and then that would be  
7 reflected in the Report to Congress and that would be an overall  
8 for the whole Caribbean, Puerto Rico, and the Virgin Islands.  
9 Then we would have, if you select to do it this way, which so  
10 far that's been our intent, we would take that OFL and then  
11 divide it among the three basins, St. Croix, St. Thomas/St.  
12 John, and Puerto Rico, and they would each have their own ACL so  
13 that an overage that occurred on one island would drive  
14 management on that island and not on the other two.

15  
16 Then really the differences between the alternatives that  
17 Graciela is going to go through in a minute have to do with what  
18 set of years we're going to use and I guess you could choose  
19 different years for different groups or we can choose one set of  
20 years and then we have to choose these various subalternatives  
21 of it.

22  
23 **EUGENIO PIÑEIRO:** At this point, are the council members  
24 following the discussion?

25  
26 **ROY CRABTREE:** I wonder if the best way to go through this  
27 wouldn't be to start with the time series of years and see if we  
28 can choose a preferred for the time series of years and then we  
29 could focus in on that alternative and go through the  
30 subalternatives and see if we can choose some preferreds on  
31 those.

32  
33 **MIGUEL ROLON:** Graciela, what happened with the example that you  
34 put together?

35  
36 **GRACIELA GARCIA MOLINER:** We do have an example of how to go  
37 from Action 2 and so if you want to --

38  
39 **MIGUEL ROLON:** My suggestion, Mr. Chairman, is that we all go  
40 around the table and say yes, we understand, but we don't know  
41 beans about this and how it will play out at the end, except for  
42 the people who have been working with this very closely.

43  
44 I asked Graciela, with the help of Bill, to refresh the memories  
45 of the council members how this works. You have been talking  
46 about ACLs and especially the new guys are here, MSY and OY.  
47 The whole thing is that you should not go beyond the level that  
48 will jeopardize the fishery from recovering, suffering an

1 overfishing situation, or they are overfished. That can be done  
2 with MSY or OFL.

3  
4 The law says now that OFL is the number to follow, which is  
5 equivalent to MSY. ACL, because of the uncertainties that we  
6 have in everything, will be your equivalent to the OY, which is  
7 the optimum yield. The optimum yield, in the good old days, was  
8 the MSY, how much you can catch, supported by biological  
9 determinations, modified by the socioeconomics of the fishery or  
10 any other parameter.

11  
12 In this case, that parameter is not only the socioeconomic, but  
13 the uncertainty that you have and so what Dr. Roy Crabtree is  
14 saying is in tune with what some of the fishers recommended some  
15 time ago, to look at the catch level and then use that as a  
16 proxy.

17  
18 What Graciela and Bill put together here is if a council chooses  
19 one set of years, how this would play until the end when you  
20 have to play with accountability measures. Remember all these  
21 exercises that we are forced to do by law now is to stop the  
22 downward trend of the fishery, those who are overfished or  
23 suffering overfishing.

24  
25 At the end, the mechanism for stopping that, once you determine  
26 that you're over, is the accountability management measure, the  
27 standard closed season, the closed area, and what have you.  
28 Graciela, are you ready with the -- Please stop Graciela for any  
29 questions you may have, because I've been doing this for a long  
30 time and I don't understand it very well myself.

31  
32 **GRACIELA GARCIA MOLINER:** Basically what we're going to do is  
33 we're going to go through an example of the way you should read  
34 the tables. By no means are we implying that we are  
35 predisposing the council to make any selections. These are  
36 haphazard selections of the years and haphazard selections of  
37 the unit, et cetera.

38  
39 The example that we're going to use is going to be for -- This  
40 is basically from the document and the information from the  
41 Magnuson-Stevens. These are the parameters that we're dealing  
42 with, the definitions and what they are equated to in the  
43 options that we have, the alternatives that we have, in the  
44 public hearing draft.

45  
46 We have the MSY and this proxy would equate to the average catch  
47 in the alternatives that we have. The OY is the amount of yield  
48 that provides that greatest overall benefit to the nation,

1 taking into account food production, recreational opportunities,  
2 and the protection of marine ecosystems. OY would equate to the  
3 values of ACL.

4  
5 The OFL is the maximum rate of fishing a stock can withstand or  
6 maximum yield a stock can produce annually while still providing  
7 MSY on a continuing basis. It's defined as the amount of catch  
8 corresponding to the MSY proxy and overfishing would be  
9 determined to occur if annual catches exceed the OFL.

10  
11 ABC is a level of a stock or stock complex's annual catch that  
12 accounts for the scientific uncertainty in the estimates of OFL  
13 and ACL is the annual level to which catch is limited in order  
14 to prevent overfishing from occurring. It's the level of annual  
15 catch of a stock or stock complex that serves as the basis for  
16 invoking accountability measures.

17  
18 You've seen this graph many times and so basically what we've  
19 done is that we've put together the proxies or the parameters  
20 and where they are in the graph that you are used to seeing and  
21 so the OFL will be equated to the MSY proxy and the annual catch  
22 limit would be equated to optimum yield and this is fact would  
23 be the OFL times the scalar. That's that section in the tables  
24 that goes from 2(c) through 2(h).

25  
26 Following an example, a haphazard example, with the snappers,  
27 the first thing you need to do is to choose the years. You need  
28 to select the year sequence that you're going to use in  
29 determining your ACLs and so because of the way that the data  
30 are collected, you have different years for the different  
31 islands.

32  
33 For snappers, you have Alternative 1, which is the status quo,  
34 the SFA time series that was used. For Alternative 2, it's 1999  
35 to 2005 for Puerto Rico and St. Croix and 2000 to 2005 for St.  
36 Thomas and the same thing for the recreational catch.  
37 Recreational catch is only reported in Puerto Rico. Alternative  
38 3 looks at a time series between 1999 and 2007 for Puerto Rico  
39 and St. Croix and 2000 to 2007 for St. Thomas and the  
40 recreational catch in Puerto Rico and Alternative 4 is the 2003  
41 to 2007 for Puerto Rico and St. Croix and St. Thomas and the  
42 recreational catch. This is including the pre-SFA years and the  
43 post-SFA years, the recent catch.

44  
45 Haphazardly select Alternative 2 and let's look at the time  
46 series that goes from 1999 to 2005. The next thing you that  
47 need to do is select a scalar. The scalar is the unit that  
48 you're going to multiply the OFL to get a buffer, to get that



1 reduction to determine your ACL.

2  
3 We have other alternatives, but we just put four here for the  
4 example. No scalar, you believe that the data are perfect and  
5 you don't need to scale it down for any reason. The second  
6 alternative has a 0.85 and the third alternative, which is the  
7 medium scalar, is 0.75 and the largest buffer that you have  
8 right now, except for those species that will have a zero ACL  
9 like the Nassau and the goliath.

10  
11 It's haphazardly chosen at 0.75. This is what you've done in  
12 the example. You've selected the years and once you've selected  
13 the years and you have the average landings for all those years,  
14 you calculate your MSY and so for the snappers, snappers as a  
15 family, the total MSY is 1,986,351 pounds. You calculate your  
16 OFL, 1,986,351. Then this would be equal, the OY or the ACL,  
17 times the scalar that was selected of 0.75, which brings it down  
18 to 1,489,763 pounds per year.

19  
20 **MIGUEL ROLON:** Graciela, can you explain whether in the action  
21 that you took the average of 1999 to 2005 and the averages of  
22 2000 and add them up?

23  
24 **GRACIELA GARCIA MOLINER:** Because you don't have the same data  
25 available for all the islands, that's what you do. You look at  
26 the time series for Puerto Rico from 1999 to 2005 and so you  
27 have your average landings during those years and the same thing  
28 for St. Croix.

29  
30 For St. Thomas, the time series is still a bit shorter and the  
31 same thing for the recreational harvest, but basically, that's  
32 what you do and you come up with your maximum sustainable yield  
33 for the snappers in the Caribbean.

34  
35 **BILL ARNOLD:** I'll elaborate on this a little bit. We chose  
36 1999 as the start year because during the December council  
37 meeting, it was moved and passed that 1999, we wouldn't go  
38 before that.

39  
40 For St. Thomas, we don't have unit-specific data before 2000 and  
41 so that's why we're using the year 2000 as a start date and for  
42 the recreational, the MRFSS program in Puerto Rico, which is the  
43 only island for which we have recreational data, began in the  
44 year 2000. That's why we've got those.

45  
46 What we did was we calculated the average catch for each of  
47 those year sequences for each individual island and for the  
48 Puerto Rico recreational and then added those up, that sum, to

1 what the MSY is and we went from there.

2  
3 **SHEPHERD GRIMES:** Can we make sure we work some of that into the  
4 document? There's probably a lot of it there, but I don't  
5 recall off the top of my head seeing it, but especially with the  
6 2000 -- I don't remember -- I was here and the council discussed  
7 why 1999 was the cutoff date and we weren't going to look at  
8 anything prior to that, but I don't remember why that was and we  
9 need to make sure that that's articulated in this document as  
10 well.

11  
12 **ROY CRABTREE:** I think when we made that decision that a lot of  
13 it was based on the belief that the more recent years were the  
14 most reliable years of data and that if you started going back  
15 before 1999 that you started getting a lot more issues with the  
16 data, plus we wanted to have some consistency in the time series  
17 we were applying across the island groups, just to avoid the  
18 complications and all the problems that leads to.

19  
20 I think we learned a lot of lessons from the SFA Amendment and a  
21 lot of the controversies that followed that. When you can do  
22 simpler, it tends to be better, but I think primarily, Shepherd,  
23 it was because we wanted to use the most reliable data we had  
24 and the more recent years were more reliable.

25  
26 **JORGE GARCIA:** I have a quick question. Once the timeframe for  
27 the evaluation is selected, is that going to be fixed for each  
28 island applying to all fish groups or there will be flexibility  
29 to shift the years or the period of evaluation for every  
30 particular species at every island?

31  
32  
33 **BILL ARNOLD:** That's really the council's decision, but I would  
34 advise, and I'm positive Todd would go along with this, that  
35 we're concerned about cherry picking the data to get the  
36 maximums out of everything and an example would be that -- This  
37 is an extreme example, but you could choose 1950 to 1960 for  
38 conch and 1960 to 1970 for parrotfish, et cetera, et cetera,  
39 picking the time period when everything maximized, but the  
40 reason conch are doing well in a certain decade or a certain  
41 year may also be the reason why snapper are doing poorly in that  
42 same time sequence.

43  
44 If you mismatch them, you really get a very poor representation  
45 of what's actually going on out there and you're creating  
46 unachievable goals within your management regime and so I would  
47 be very careful about cherry picking the time sequences to  
48 maximize your landings for every island for every group.

1  
2 **ROY CRABTREE:** The way the document is structured, you could  
3 choose Alternative 2 for snapper and Alternative 3 for  
4 parrotfish or something like that, if you had some reason to  
5 choose the different one.

6  
7 **GRACIELA GARCIA MOLINER:** In addition to that, it seems in the  
8 background information that one of the reasons for also  
9 beginning in 1999 is it's when we have actually family  
10 information for the species in the Virgin Islands. We didn't  
11 want to do the same thing that we had done for the SFA and go  
12 back and rehash and divide up and proportionally apply different  
13 percentages to the data and so we're using the most species or  
14 family-specific information that we have available.

15  
16 **STEVE TURNER:** Just a point of clarification. We think that the  
17 Puerto Rican data back into the early 1990s, maybe 1993 or so,  
18 are pretty reliable and they don't become reliable -- It's not  
19 1999 when they become that reliable, but that's just a point of  
20 clarification. I think we have relatively reliable data from  
21 1999 on or 2000 on for most of the areas and the consistency  
22 argument is a very sensible argument from our point of view.

23  
24 **BILL ARNOLD:** Just to touch on that, Steve, in the more recent  
25 version, we have removed the word "reliable", because it's sort  
26 of a value judgment and it could create unnecessary debate as to  
27 exactly what reliable is and so it's just the longest.

28  
29 **GRACIELA GARCIA MOLINER:** Continuing on with the example, you've  
30 chosen your years and the scalar and now basically at this stage  
31 you have defined your ACL. We are doing this for the snappers  
32 and so for the U.S. Caribbean, we have 1,489,763 pounds.

33  
34 You need to go into Action 3 now for the allocation of the ACLs,  
35 to divide them by sector, to divide them by geographical area,  
36 and to decide whether you're going to use aggregate units,  
37 meaning snappers, or actually break it down into Snapper Unit 1  
38 in the case of Puerto Rico only.

39  
40 Action 3 will take you into deciding those things and, again, it  
41 would have the alternatives of no action, but it would actually  
42 request that the council select either the use of snappers as an  
43 aggregate unit, both for the USVI and Puerto Rico, or snappers  
44 for the USVI and Snapper Unit 1 for Puerto Rico. You can select  
45 which way you want to go.

46  
47 The reality of the situation is expressed in the average  
48 poundage for the years that you've selected and basically,

1 because you don't have Snapper Unit 1 or species-specific data  
2 in the Virgin Islands, you cannot select for those years. The  
3 averages for 1999 to 2005 for Puerto Rico would be 334,923 and  
4 the recreational catch also only applies to Puerto Rico. You  
5 have no reported information for the recreational harvest in the  
6 Virgin Islands.

7  
8 We've put here a number of plots, basically to show you what the  
9 reported landings -- These are reported, corrected landings for  
10 things like misreporting and underreporting, et cetera, but  
11 there is no proportionality when we look at the Snapper Unit 1  
12 in terms of what's unclassified snappers. This looks at all the  
13 snappers, everything from yellowtail to queen snapper, from the  
14 shallowest to the deepest snappers altogether.

15  
16 You have it for the years that the council had decided to look  
17 at, 1999 onward. The poundage is on the left-hand side. The  
18 highest landings correspond to the total for the U.S. Caribbean  
19 and then it's broken down. The circles underlying that would be  
20 snappers for the commercial harvest in Puerto Rico.

21  
22 The open circles are the recreational reported harvest in Puerto  
23 Rico and then the closed and the open triangles at the bottom,  
24 fairly steady throughout the years, are the snappers for the  
25 U.S. Virgin Islands, one for St. Thomas, the closed triangles,  
26 and for St. Croix the open triangles.

27  
28 Since you do have Snapper Unit 1 for Puerto Rico, these are the  
29 plots for Snapper Unit 1 from 1999 to 2007. The poundage or  
30 landings, again, are on the left-hand side and the same thing.  
31 The total of the Snapper Unit 1 is the triangles above and the  
32 circles are the Snapper Unit 1 commercial reported landings  
33 uncorrected and the ones in the bottom are the recreational  
34 harvest.

35  
36 You also have an alternative in Action 3 to select whether you  
37 want to do the ACLs or apply ACLs to the commercial and the  
38 recreational sector or just to the commercial, et cetera. For  
39 the Virgin Islands, you don't have recreational information.  
40 You do have commercial across the board, but you do have  
41 recreational information for Puerto Rico.

42  
43 In Action 3, you also have the alternatives to apply the ACLs  
44 for the EEZs separately and so this would be for the Puerto Rico  
45 EEZ, for St. Thomas/St. John EEZ, and for St. Croix EEZ. These  
46 are the options that you have thus far in the document. You  
47 have three alternatives that basically two of them are quite  
48 close and the third one is a little bit different, but they will

1 divide the EEZ that applies to each of the geographical areas  
2 separately and so you do have this option in the document.

3  
4 Basically this table -- This is the calculations that you do to  
5 get to see what is going to be the result of your decisions and  
6 so we've selected haphazardly snappers and the years of 1999 to  
7 2005 and a scalar of 0.75. These are the different units that  
8 we could calculate this for. These are the average landings for  
9 these species.

10  
11 Once you get your ACL, this is your average landings, that's the  
12 ACL, this is the reduction or the change between the average  
13 poundage and the ACL. This is the 2006 to 2007 average landings  
14 and the last column here is the difference between the ACL and  
15 the average landings and so in a couple of cases, the ACLs have  
16 not been reached if we were going to use this example. In a  
17 couple of other places, they have been surpassed. This is the  
18 way Action 2 goes to Action 3.

19  
20 **BILL ARNOLD:** Just a point of clarification on this table. The  
21 2006-2007 are the two most recent years for which we have data  
22 and so what we're comparing is what they were catching pre-SFA  
23 versus what they've been catching in the most recent two years,  
24 just to give an idea of this is what we're doing now and this is  
25 how the ACL is going to impinge upon that. In some areas,  
26 there's room for increasing catch, based upon this example. In  
27 other areas, there's a bit of an overage.

28  
29 If you look at the bottom line, total snappers, you see that  
30 really there's room for catching 161,000 pounds more snappers  
31 even if we implement this approach using that scalar. Again,  
32 this is just an example of the many options available to the  
33 council.

34  
35 **ROY CRABTREE:** What I see here is if we were -- This would be a  
36 reasonable suite to choose for a preferred and if you did and  
37 went with this, it appears to me the commercial fisheries are  
38 all quite close. If you look at the deviation, we're a little  
39 bit over for snappers, but if you look at the magnitude of the  
40 catches, it's not all that much, but we're certainly over for  
41 Puerto Rico Snapper Unit 1 by a pretty considerable amount  
42 recreationally, but we have bag limit alternatives in the  
43 document and if we choose to apply a bag limit --

44  
45 What this is telling you is with the commercial fisheries, if  
46 things stay the way they are, you'll be pretty close to the ACL.  
47 You may go over it on occasion by a little bit, but you may not,  
48 but I think it's telling you on the recreational side in Puerto

1 Rico is if we don't put something in place to slow it down a  
2 little bit, we're very likely to go over those ACLs, which means  
3 accountability measures kick in, which is going to mean  
4 closures.

5  
6 It's a good reason, when you come back to those bag limits, to  
7 put some bag limits in place, if you want to avoid having the  
8 accountability measures kick in, which I can tell you from  
9 experiences in the Gulf of Mexico with recreational fisheries --  
10 When the accountability measures kick in and you have closures,  
11 people are not happy and it's very disruptive and very unpopular  
12 and I would encourage you to try to find ways to avoid hitting  
13 those accountability measures with particularly the recreational  
14 fisheries.

15  
16 **MARCOS HANKE:** Just to follow through, to make sure that I  
17 understand, if we decide to use the bag limit as a buffer zone  
18 or to avoid the accountability measures, that's an option and  
19 that's what you were saying? I just want to make sure.

20  
21 **ROY CRABTREE:** Yes, there are -- Graciela I'm sure is going to  
22 come to it in a minute and remember we passed a motion at the  
23 last council meeting to ask them to add bag limit alternatives  
24 and so they're in there and so that's a way to avoid hitting  
25 these things down the road.

26  
27 **MIGUEL ROLON:** What Graciela and Bill were trying to do here is  
28 to demonstrate the result of your reactions to the process. The  
29 first thing that you do is to pick the years that are best  
30 according to the scientific advice and they you apply a modifier  
31 and in this case, the scalar is 0.75 and so you are just  
32 multiplying the number that you are given by 0.75.

33  
34 Then you have to look at where you are. The best dataset that  
35 you have so far and so let's say, for the sake of example, it's  
36 2006 and 2007. Then you compare that to your ACL and then you  
37 decide whether you have enough tools of management to avoid  
38 going over the limits that you set and that's when you have to  
39 always link your decisions with the possible accountability  
40 management measures, because the goal here is like Roy is  
41 saying. It's not to reach that level where you have to be more  
42 restrictive to the fishery.

43  
44 This also is good for checks and balances, so you will know  
45 where you are and try to get the status. The other part that is  
46 not here is that you have to decide at a point in time when do  
47 you react and when is the trigger of management? Is it the  
48 first year that you go over your level or an average of three

1 years or an average of two years? You have that in the document  
2 and at this time, any of you guys, if you have a question, this  
3 is the time to ask the questions, so when we go back to the  
4 process of picking the preferred alternatives that at least you  
5 have a better understanding of what you are picking./

6  
7 **BEULAH DALMIDA-SMITH:** I have a question. In this hypothetical  
8 situation where you say you have 1999 to 2005, additional  
9 alternatives show that we can use the years 2000 to 2005 or 2003  
10 to 2007. In the event that we decide to use the 2003 to 2007,  
11 for this situation you have 2006 to 2007 to compare against to  
12 determine the management alternatives or to see where you're at  
13 in terms of the ACLs and so forth.

14  
15 If we decide to use the years that incorporate 2000 to 2007,  
16 what basis do we have now to compare the amount that we have  
17 determined, if you understand the question.

18  
19 **BILL ARNOLD:** The 2006 and 2007 are used because they are the  
20 most recent two years, Beulah, and they just give you an idea of  
21 where the fishermen are roughly fishing at now, now being  
22 obviously three years ago, but this is how long it's taking us  
23 to get the data and get it ready to go.

24  
25 2005 was sort of a watershed year for at least three reasons.  
26 One reason was the SFA went into effect. We don't know exactly  
27 what resulted from that, but we do know that the SFA went into  
28 effect. The second is 2004 and 2005, but in particular 2005,  
29 was an important hurricane year and the Caribbean got slammed by  
30 hurricanes that year and that probably had an effect on  
31 abundance of stocks and success of fishermen.

32  
33 The third thing was 2005 was a major hotspot coral bleaching  
34 year. That also could contribute to reductions in catches and  
35 so we used 2005 -- We used 2006 and 2007 as a post-watershed  
36 year example of where the fishing was at, using the very best  
37 data available to us.

38  
39 Obviously we would rather be using 2010 data, but it's just not  
40 available to us yet and that's why we're using that. We would  
41 use the same comparative baseline 2006/2007, for all three of  
42 the alternatives.

43  
44 **MIGUEL ROLON:** Beulah, this is tied to our conversations  
45 regarding the small project to examine the last three years.  
46 This is when it's really important to get that project going, so  
47 you have the local fishermen, David and the others, working with  
48 you to get the best three years, because this is really where

1 we're going to use it in the future.

2  
3 **SHEPHERD GRIMES:** I think this is where you were going with it,  
4 but aren't there other -- There are tables in the document that  
5 show if you go with this alternative that it's going to use  
6 these years and this is the number you're going to get.

7  
8 You can look at that table and compare that number and look up  
9 here for the 2006/2007 and you'll get the comparable number. Do  
10 the math and you'll either get a plus or a minus difference and  
11 that will tell you whether harvest would be anticipated to be  
12 above or below the alternative you selected.

13  
14 Having said that, we cannot select our alternatives based on  
15 what that number is. We select our alternatives based on a  
16 rationale. This is something Dr. Gedamke and I have said  
17 repeatedly. We need to select our preferred alternative based  
18 on some logic and that logic cannot be the outcome being  
19 pleasing to us.

20  
21 It's not that we're selecting this alternative because it means  
22 we don't have to impose a burden on the regulated community. We  
23 select our alternative based on these being the best years or  
24 whatever our logic is and then the result is what the result is,  
25 but if you want to peek ahead to see what that result is, you  
26 can do it.

27  
28 **ROY CRABTREE:** I agree 100 percent with Shepherd on that and so  
29 what we're looking for is a relatively stable and long enough  
30 period of years that we think serves as a proxy, but just to  
31 give you some idea, here's how it kind of plays out for snapper.

32  
33 Alternative 2, which is the 1999 to 2005, the pre-SFA longest  
34 time series, gives you the highest value and for grouper,  
35 Alternative 2 gives you the highest value. Now, for parrotfish,  
36 Alternative 4 gives you the highest value and Alternative 2 is  
37 the second highest, but the parrotfish catches don't vary very  
38 much. It's only a few percent, I think 4 percent, difference  
39 between some of them Caribbean-wide. Now, it may change from  
40 island to island, but Caribbean-wide, those are how the numbers  
41 kind of shake out.

42  
43 That's not surprising, because at least for -- We put in place  
44 seasonal closures and some other management measures in the SFA  
45 Amendment that presumably brought the catches down a little bit  
46 and that would be an argument for using that pre-SFA period for  
47 basing this on, but it's not that -- The catches really aren't  
48 bouncing around hugely. They're relatively stable and so the



1 difference between these time series, even for snapper and  
2 grouper, is only about 15 percent or thereabouts.

3  
4 **GRACIELA GARCIA MOLINER:** Throughout the document, under each  
5 alternative, you have a comparison of the alternatives, how they  
6 compare one to the other, what's the percentage change. You do  
7 have, in Section 4 and 6 specifically, all the information that  
8 went into the tables and how they work out. You do have all the  
9 data available in the tables that are in the document, from 1983  
10 to present and for 1999 to present.

11  
12 The pre-SFA, as Roy mentioned, or the post-SFA years probably  
13 reflect, and this is also considered in the document, the  
14 changes that have taken place in the fishery, like, for example,  
15 the seasonal closures that have come into place for the species  
16 that we're dealing with, especially Snapper Unit 1, which is  
17 compatible from the shoreline to the 200 nautical miles for two  
18 of the species in Puerto Rico and for all four in the St.  
19 Thomas/St. John district.

20  
21 There are a number of regulations that came into place that  
22 appeared, from the information that we had from the reported  
23 landings, that might be effective in reducing the overfishing,  
24 because we did look at the months that you established the  
25 seasonal closures and those deal specifically to the peak  
26 reproductive months of each of these species.

27  
28 **BILL ARNOLD:** I just want to point out why these decisions  
29 you'll be making on the various options are not trivial and  
30 Snapper Unit 1 in Puerto Rico is a good example of that. If you  
31 look at the top line, Puerto Rico Commercial Snapper Unit 1,  
32 their 2006/2007 -- This is just a rough example and please take  
33 it as that and it's just an example, but they would be 99,000,  
34 almost 100,000 pounds, below their quota.

35  
36 On the other hand, the recreational would be 116,000 over their  
37 quota and so under that circumstance, if you applied an  
38 accountability measure, it would be focused on the recreational  
39 fishery and reducing their catch.

40  
41 If you decided to group these, Snapper Unit 1, for both  
42 recreational and commercial, you would actually be over your ACL  
43 and the AM would be applied, but the AM would apply to both the  
44 commercial and the recreational fisheries, although really the  
45 source of the problem was the recreational fishery. Again,  
46 that's just an example of why these decisions, these optional  
47 decisions, are really critical.

48

1 **ROY CRABTREE:** While we're kind of talking about the document a  
2 minute, there are economic analyses in the document that, to the  
3 extent we can, talk about the economic impacts and try to  
4 compare and rank the alternatives. There are also some analyses  
5 of communities that are substantially dependent on fishing,  
6 which you can think of as fishing communities.

7  
8 I know that's something we've heard a lot of discussion about  
9 and something that after we choose preferreds we probably ought  
10 to come back and talk about, whether you want to go ahead and in  
11 the document say that you've determined that these areas that  
12 are identified are in fact fishing communities that are being  
13 affected by this. I think that's something we could probably  
14 come back to after we've chosen our preferreds and talked about,  
15 because that's something a lot of people have brought up and  
16 asked about.

17  
18 **EUGENIO PIÑEIRO:** That's fair. Thank you, Roy.

19  
20 **GRACIELA GARCIA MOLINER:** This is the example that we had  
21 prepared and so if there are any more questions -- We've gone  
22 step-by-step from Action 2 through Action 3 and what  
23 alternatives you have available and how it works out and what  
24 the consequences of the selections are.

25  
26 **MIGUEL ROLON:** Now, Mr. Chairman, what you need to do is to go  
27 into the document itself, as presented by Bill and Graciela, and  
28 at least your memory has been refreshed a little bit more and I  
29 encourage each council member to read the big thick document  
30 that you have on your CD, because there you have all the  
31 explanations and between the time of today and the next meeting  
32 in July, you will have enough time to go over the document, so  
33 when you come back to go over the public hearing comments, you  
34 might be able to plug in where they fit best.

35  
36 **EUGENIO PIÑEIRO:** We have a technical situation and we have to  
37 put some tables in place and let's have a few minutes for coffee  
38 and we'll be back in five minutes and give Graciela time to fix  
39 the problem.

40  
41 (Whereupon, a brief recess was taken.)

42  
43 **EUGENIO PIÑEIRO:** All right, let's get back to business, please.  
44 Bill and Graciela, are you guys ready?

45  
46 **GRACIELA GARCIA MOLINER:** We are back to Action 2(a), dealing  
47 with the snappers, groupers, and parrotfish. What is the wish  
48 of the council regarding a preferred alternative for a series of

1 years, et cetera?

2  
3 **ROY CRABTREE:** I think, coming back to Shepherd's guidance to  
4 us, I think the starting place where I would like to start is to  
5 -- I would like to ask Dr. Turner from the Science Center to  
6 give us their advice and guidance on what they think might be  
7 the most appropriate time series to apply here and I think that  
8 would start off the discussion.

9  
10 **STEVE TURNER:** The proposal is to use landings as a proxy for  
11 MSY and therefore, we basically have been looking for a time  
12 period when there's relatively consistent landings over time and  
13 the assumption here is that with a relatively consistent level  
14 of effort, we're getting the same thing out of the stock.

15  
16 Now, that could be an MSY or it could be something below MSY and  
17 it could be above MSY, but we're using it as a proxy for MSY and  
18 so our recommendation is to use the 1999 to 2005 or 2000 to  
19 2005, depending on the island and the recreational versus  
20 commercial, to use that time period, because that time period,  
21 in general, is a relatively stable time period of landings.

22  
23 In addition, kicking in 2005/2006, a whole variety of management  
24 measures went into effect, which impacted the effort and the way  
25 the effort was distributed. The effort isn't as consistent as  
26 the earlier time period. Once again, our recommendation, based  
27 on the science and what we're trying to do here, basically get a  
28 proxy for MSY, is to use that stable period of roughly 1999 to  
29 2005.

30  
31 **ROY CRABTREE:** Steve, that recommendation would apply to all of  
32 the species groups that we're dealing with right now?

33  
34 **STEVE TURNER:** Yes, unless there's some other estimate already  
35 available.

36  
37 **ROY CRABTREE:** For some of the groups, like conch, clearly we've  
38 had some specific recommendations about quotas and things and so  
39 conch is a little different. I think we have some specific  
40 recommendation from the SSC on parrotfish and so that may be a  
41 little bit different as well.

42  
43 Mr. Chairman, based on the advice from the Science Center then,  
44 that would lead us to -- Graciela and Bill, help me out here,  
45 but that would lead us to choosing Action 2, Alternative 2 as  
46 our preferred. **I would make a motion that Action 2, Alternative**  
47 **2 be our preferred.**

48

1 **BILL ARNOLD:** Roy, is that going to be just for reef fish or is  
2 that going to be for reef fish and conch, which are treated  
3 somewhat separately in this?  
4  
5 **ROY CRABTREE:** Right now it's for reef fish and then we'll deal  
6 with conch separately and parrotfish separately too, I think.  
7  
8 **MARCOS HANKE:** Second.  
9  
10 **GRACIELA GARCIA MOLINER:** It would be for groupers and snappers.  
11  
12 **ROY CRABTREE:** Let me come back. Did we get a second?  
13  
14 **EUGENIO PIÑEIRO:** Yes.  
15  
16 **ROY CRABTREE:** Because this is applying right now to the MSY  
17 proxy, I think it would apply to conch and parrotfish and  
18 everyone. It's the ACLs that we're going to come back and deal  
19 with differently as we go through the subalternatives and so my  
20 motion would be that this would apply across the others. The  
21 ACL is where we would come back and deal with the specifics.  
22  
23 **MIGUEL ROLON:** Usually the procedure is that we have on the  
24 screen every motion, but given that we'll mix up what Bill and  
25 Graciela are doing, can we just have the motion for the record  
26 and then move on and then tomorrow we can -- What I propose and,  
27 Shep, if it's okay, is that you hear the motion and be ready for  
28 it and Livia, please take notes and help Graciela and then  
29 tomorrow you will have all the motions written, just to make  
30 sure that no surprises are given at the end of the process.  
31  
32 **GRACIELA GARCIA MOLINER:** Who seconded the motion?  
33  
34 **MIGUEL ROLON:** Marcos Hanke.  
35  
36 **EUGENIO PIÑEIRO:** The motion was by Roy Crabtree and it was  
37 seconded by Marcos Hanke.  
38  
39 **GRACIELA GARCIA MOLINER:** Action 2, Alternative 2 for groupers,  
40 snappers, parrotfish, and queen conch.  
41  
42 **ROY CRABTREE:** The way I'm looking at the document right now,  
43 I'm at Action 2(a), which is snapper, grouper, and parrotfish  
44 complexes. I'm saying that Action 2(a), Alternative 2 would be  
45 the preferred, which means I guess we're going to come back to  
46 conch somewhere else in the document and I don't want to get out  
47 of sequence. **My motion is that Action 2(a) that Alternative 2**  
48 **be the preferred.**

1  
2 **EUGENIO PIÑEIRO:** Any further discussion on this one? Let's  
3 vote.  
4  
5 **CARLOS FARCHETTE:** Yes.  
6  
7 **MIGUEL GARCIA:** Yes.  
8  
9 **BEULAH DALMIDA-SMITH:** Yes.  
10  
11 **WINSTON LEDEE:** Yes.  
12  
13 **ROY CRABTREE:** Yes.  
14  
15 **EUGENIO PIÑEIRO:** Yes. **Marcos is not in the room at this moment**  
16 **and so the motion carries six yes and one absent.** Thank you.  
17  
18 **GRACIELA GARCIA MOLINER:** You're not finished with Action 2(a)  
19 and Alternative 2. You still need to select from here the  
20 scalar. 2(a) and 2(b).  
21  
22 **ROY CRABTREE:** We would be choosing between 2(a) and 2(b) --  
23 This gets to a concern the fishermen have raised to us. We're  
24 all working on improving data collection and we want to improve  
25 reporting from fishermen and one of the concerns we've heard  
26 from fishermen at the meetings is that what if we start  
27 reporting and the catches go up and we exceed the ACL, but it's  
28 just because we were reporting.  
29  
30 If you chose Alternative 2(a) as the preferred, that would  
31 happen and the accountability would kick in, but if we choose  
32 Alternative 2(b) as the preferred and recall also that we put  
33 the "unless" in there, but if you choose Alternative 2(b), then  
34 if we exceed the ACL, the Center and our SSC are going to look  
35 at it and if they come back to you and say we think you went  
36 over because the reporting has improved, then it wouldn't  
37 trigger anything and we would have to just readjust the ACLs. I  
38 think 2(b) meets what the fishermen have asked us to do.  
39  
40 **EUGENIO PIÑEIRO:** It's fair to the fishermen, because sometimes  
41 if you comply and you surrender your data, submit your data,  
42 that gets mistaken at the end of the line with non-compliance  
43 and so 2(b) is a much more fair alternative for the commercial  
44 fishermen.  
45  
46 **ROY CRABTREE:** I think assuming we're going to choose this one,  
47 I think we all need to help get the word to the fishermen and  
48 make sure they understand that, because we don't want it to get

1 in their head that -- We want them to improve the reporting,  
2 because we all want better data down here.  
3  
4 **CARLOS FARCHETTE:** I'll make a motion to accept Alternative 2(b)  
5 as the preferred alternative to Alternative 2.  
6  
7 **EUGENIO PIÑEIRO:** Is there a second?  
8  
9 **BEULAH DALMIDA-SMITH:** Second.  
10  
11 **EUGENIO PIÑEIRO:** Thank you, Beulah. Okay, let's vote.  
12  
13 **MARCOS HANKE:** Yes.  
14  
15 **ROY CRABTREE:** Yes.  
16  
17 **WINSTON LEDEE:** Yes.  
18  
19 **BEULAH DALMIDA-SMITH:** Yes.  
20  
21 **MIGUEL GARCIA:** Yes.  
22  
23 **CARLOS FARCHETTE:** Yes.  
24  
25 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
26  
27 **GRACIELA GARCIA MOLINER:** Now we need to deal with the scalar  
28 and before I do anything else, you have two that were not in the  
29 example that look at the ABC specified by the SSC and the ACL  
30 equals zero for Grouper Units 1 and 2 only. Those are the  
31 Nassau and the goliath grouper that have no fishing from the  
32 shoreline to the EEZ.  
33  
34 The scalar that you need to select would be from no scalar to  
35 0.5 would be the most conservative, the largest buffer that you  
36 would have on the ACL.  
37  
38 **MIGUEL ROLON:** Here, as Shepherd was saying all through this  
39 process, you have to be mindful that your selection of a  
40 preferred is sustained by the science and the information that  
41 you have at hand. It should not be something because you like  
42 it better than the other. It's something that you can support  
43 with the data that you have and the analysis that you have in  
44 the documents.  
45  
46 **ROY CRABTREE:** Let me just make one comment. In the document  
47 you have, I think it says an uncertainty scalar, but it's really  
48 more than just uncertainty, because we're setting both optimum

1 yield and the ACL in here. It really should take into account  
2 ecosystem considerations and other things.

3  
4 This is where I would encourage you to think about parrotfish  
5 and their importance to corals, because this might be a case  
6 where you might set a more conservative scalar for parrotfish  
7 than you would set for the other species groups. You don't have  
8 to set the scalar the same for each group and so this would be a  
9 way to be more conservative with parrotfish.

10  
11 **BEULAH DALMIDA-SMITH:** On that note, I'm assuming that we can  
12 take each one of the species or the fish groups and then go  
13 through individually?

14  
15 **ROY CRABTREE:** I think you can, because, for example, on Nassau  
16 grouper and goliath, those are closed and so we're presumably  
17 going to select 2(h), which would be zero for those two. For  
18 conch, we've had some specific numbers out of the SSC and I  
19 think for parrotfish we do and so that would mean we're at 2(g)  
20 for those. For the other groups, snappers and the other  
21 groupers, we don't have that. There are different constraints  
22 on different groups and maybe what we need to do is just go  
23 through them one group at a time. I don't know what you guys  
24 think, but that might be the logical way.

25  
26 **GRACIELA GARCIA MOLINER:** As you said, for example, the SSC has  
27 recommended an ABC of zero for the midnight, the blue, and the  
28 rainbow parrotfish. Those are the larger ones, but that doesn't  
29 apply to the group as a whole. The Nassau and the goliath are  
30 definitely closed and we'll deal with the queen conch when we  
31 come to it, because we should keep it apart from the reef fish.

32  
33 **MIGUEL ROLON:** Graciela, can you then say this scalar here  
34 applies to what group?

35  
36 **GRACIELA GARCIA MOLINER:** For the snappers and groupers as a  
37 whole. It would be from 2(c) to 2(f), because you don't have  
38 anything specific in terms of the SSC except for the two  
39 groupers that we've separated out. That would be from no scalar  
40 to 0.5.

41  
42 **MIGUEL ROLON:** For that group?

43  
44 **GRACIELA GARCIA MOLINER:** If you want to start with snappers, we  
45 can start with snappers. It's whatever the pleasure of the  
46 council is.

47  
48 **ROY CRABTREE:** With snappers, that makes sense.

1  
2 **EUGENIO PIÑEIRO:** The ones we're going to deal with now is  
3 snappers and then groupers and then parrotfish. The Grouper  
4 Unit 1 and 2 have been taken care of. Let's go with the snapper  
5 then.  
6  
7 **STEVE TURNER:** I would like to think about what some of the  
8 other fishery management councils have been doing. The North  
9 Pacific Council uses for data-poor species -- The North Pacific  
10 Council, at least the SSC, has recommended that they use 0.75  
11 times reliable average catch.  
12  
13 The Pacific Fishery Management Council, more closer to the  
14 responsibilities that the Caribbean Council has, has proposed a  
15 scalar -- At least the SSC has proposed a scalar of 0.5 times  
16 the reliable catch history. The Center believes that at least a  
17 level of 0.75 or lower would be preferred.  
18  
19 **MIGUEL ROLON:** Possible language for the motion that we're  
20 looking at is for the snapper grouper -- The preferred  
21 alternative would be 2(e), a 0.75 scalar, based on the  
22 discussions so far.  
23  
24 **BEULAH DALMIDA-SMITH:** Is there any way I can get some numbers  
25 on my snapper landings between those years, 2000 to 2005?  
26  
27 **GRACIELA GARCIA MOLINER:** For the years that you have selected,  
28 the average landings, you have for the total snappers that's the  
29 average landings for those years. For St. Croix, it's 121,000  
30 and for St. Thomas, it's 157,000 and your average for 2006 to  
31 2007, 166,000 and for St. Croix, it's 130,000.  
32  
33 **MIGUEL ROLON:** Just for the record again, you should be careful  
34 how to develop your record. This should be for information  
35 purposes, but don't peek at the end to come back and pick your  
36 scalar, because that won't be defensible.  
37  
38 **GRACIELA GARCIA MOLINER:** The snappers include all snappers.  
39 They include the yellowtail snapper, the silk, the queen. All  
40 snappers all included, the gray. All the shallow-water and the  
41 deepwater snappers are within that same average. That's the  
42 information the way that it's collected in the Virgin Islands.  
43 It's all snappers together.  
44  
45 **WINSTON LEDEE:** Hypothetically speaking, if we pick the 0.85  
46 scalar, what would the Science Center and everybody else do?  
47 What would be the consequences, if any?  
48



1 **SHEPHERD GRIMES:** I think I can answer from a management and  
2 implementation and legal standpoint, which would be you are not  
3 following the advice that the Science Center has provided, which  
4 is not necessarily the death knell for any proposed action, but  
5 that's something the agency is going to have to consider.

6  
7 If you're not going to go with that level, then you need to  
8 provide some justification for why you feel like you shouldn't  
9 follow that recommendation. I think from a scientific  
10 standpoint it just means you're doing less to address  
11 uncertainty.

12  
13 **WINSTON LEDEE:** If you look at 2006 and 2007 average catch, you  
14 have a higher average number there and so --

15  
16 **STEVE TURNER:** It seems to me that you're essentially being less  
17 precautionary. Because we're using very uncertain numbers, such  
18 as species aggregated and we're looking at part of the stock,  
19 and because we don't really know whether the 1999/2000 to 2005  
20 number average is a good or a bad estimate of MSY, it's  
21 difficult to say that picking a different number would be a  
22 clear violation of scientific principles, because even the basis  
23 of our recommendation is uncertain.

24  
25 **MIGUEL ROLON:** What happened is the scientists are telling you  
26 that the best thing that they can support is 0.75 or 0.5. Those  
27 are your choices. What happens at the end is it will be very  
28 difficult to justify approving any of these management measures  
29 if they are not sustainable from the point of view of science  
30 and that's really what matters.

31  
32 Given the uncertainty that you have here, you are forced to be  
33 precautionous in your approach to the management of the fishery  
34 and that's why we are trying to tell you all the time that at  
35 each step of the process you have to be able to support your  
36 decision from the point of view of science and from the point of  
37 view of the information that you have.

38  
39 Unfortunately, the information that we have is almost nothing in  
40 some places and so it's a guesstimate and when you guesstimate,  
41 the law says that you err on the side of the resource and on the  
42 side of the fish and that's why the recommendation of the Center  
43 so far we've received is 0.75 or 0.5.

44  
45 What Steve read from the other councils is important because you  
46 will be measured, whether you like it or not, based on other  
47 actions submitted to the Secretary that could be similar to the  
48 situation that you have here and that's what is important. The

1 numbers that you pick should be defensible at all time and  
2 remember at this time you're taking the preferred alternative.  
3 Maybe when you get to public hearings, you'll be bombarded with  
4 so much information that you don't have now that maybe you'll  
5 change the data and maybe it will change.

6  
7 **EUGENIO PIÑEIRO:** I believe that in the previous motion if the  
8 fishery improves and the data improves that the numbers can go  
9 up again.

10  
11 **ROY CRABTREE:** Yes, if data collection improves and goes up,  
12 then we'll have to come back and respecify these numbers and if  
13 there's a substantial reduction in the amount of uncertainty,  
14 for example if we get a conclusive stock assessment that gives  
15 us some actual estimates of fishing mortality and things, you  
16 could revisit that.

17  
18 Having said that, I can tell you that generally in the  
19 Southeast, including this council when we've set it optimum  
20 yield, we have set it at 75 percent of MSY. That's basically  
21 what we did in the SFA Amendment and that's basically what the  
22 South Atlantic and the Gulf Council have done.

23  
24 What you're talking about here has to do with how much risk are  
25 you willing to take and remember -- You can think short term  
26 here or you can think long term and if you think short term and  
27 make risky choices, it may solve some problems in terms of  
28 making people upset with you in the short term, but it may mean  
29 that we continue to deal with problems down the road and we  
30 don't have healthy fisheries.

31  
32 Partly this is a decision about how much risk are you willing to  
33 take. You've heard the Center's advice and you've heard kind of  
34 what's done around the country. If you want to choose a more  
35 risky, for example the 0.85 scalar, the question really comes to  
36 why, why is that a choice you want to make and what's your  
37 reasoning behind it? If you can lay out a valid rationale, then  
38 okay.

39  
40 The other thing I would point out to you though is this is just  
41 a public hearing document. These are not final decisions. You  
42 can come back and you're going to have at least two more looks  
43 at this document before you vote it up. You can change any of  
44 these preferred alternatives and so bear that in mind.

45  
46 **MIGUEL GARCIA:** I'm a little bit concerned about trying to  
47 generalize these kinds of approaches to all the species, because  
48 if this would have been done ten years ago, I think I would have

1 gone with the line of thought of being conservative or assigning  
2 de facto scalars to all the MSY proxies that we have, but in the  
3 last ten years, the reality is that we have a -- In order to be  
4 conservative, in order to preserve our fishery resources, we  
5 have established seasonal closures when the peak of the fishing  
6 historically has been taking place.

7  
8 Also, the closed fishing areas, that's another conservative  
9 approach and so I think that we should be careful and go by  
10 groups, group-by-group, because there's some groups that have --  
11 Admittedly here, over the course of this ACL analysis, have  
12 shown that some of the species groups have recuperated over the  
13 years and maybe those groups would not need -- Also, because of  
14 life history patterns, they would not need such conservative  
15 considerations as other groups.

16  
17 If we apply a generalized conservative approach to all the  
18 species, that might prove to be counterproductive at the end,  
19 because the fishermen would look for some other means to exploit  
20 the resource so that they can get to par in terms of the  
21 economical revenues.

22  
23 I'm specifically thinking about Snapper Grouper 1 for Puerto  
24 Rico, for example, which was shown by the length frequency  
25 analysis to be shown as a recuperating or healthy fishery right  
26 now, contrary to perhaps other groups. That's why I would be  
27 careful in terms of applying a general conservative approach, a  
28 conservative scalar, to all groups de facto. We've got to go,  
29 perhaps, group-by-group and see what the condition of the  
30 fisheries is.

31  
32 For example, in the case of snapper groups, which have been  
33 typically fished in greatest amounts during their time of group  
34 spawning and now the group spawning is not being fished at all,  
35 that might, be necessity, imply a reduction in the catch. If  
36 you're going to then -- Due to that overall reduction in the  
37 catch, you are going to be a scalar to be conservative and  
38 you're being over conservative.

39  
40 **ROY CRABTREE:** Just one comment. In the Southeast, and I'm  
41 talking mainly about the Gulf of Mexico and the South Atlantic,  
42 but also what was done in the SFA Amendment, applying the 75  
43 percent has been basically what we have applied to healthy  
44 stocks and healthy fisheries.

45  
46 We have fisheries that are overfished and undergoing overfished  
47 where we've applied much deeper reductions, but for stocks that  
48 were judged to be healthy, we have generally set the optimum

1 yield level at 75 percent of the MSY level in terms of the  
2 fishing mortality buffer between those two. That's been  
3 essentially the standard applied to healthy stocks.

4  
5 **CARLOS FARCHETTE:** I was going to mention something just in the  
6 same lines as what Garcia was saying, because in the Virgin  
7 Islands, yellowtail snapper is a very abundant fish and that ACL  
8 might be reached real fast just by yellowtail snappers and then  
9 you've got the other species that you haven't really been able  
10 to fish for, because of this.

11  
12 **MIGUEL ROLON:** It's the other way around. The more fish you  
13 have, the better for you when you multiply it. You're confusing  
14 a couple of terms here. The 0.75 has been used by this council  
15 since the 1970s and so don't talk about years before that,  
16 because it's the same thing.

17  
18 What you do here is you look at the curve, MSY and zero to a  
19 hundred fishing, and that line, that 0.75 percent, is used for  
20 the OY in almost all fisheries and has been used here for all  
21 fisheries to account for ciguatera, for uncertainty, for  
22 hurricanes, and what have you.

23  
24 If you go above 0.75 and you can justify that and something  
25 happened to the fishery, the accountability measure will be more  
26 drastic and this has been presented to the council in models  
27 before. It's very difficult for any council member to have all  
28 that knowledge in your head, especially if you haven't read the  
29 big thick book. I haven't read it yet.

30  
31 Here, what you're saying is not for all the species. You are  
32 addressing only the snapper groupers. What Miguel is saying is  
33 within the snapper grouper maybe you have differences between  
34 Puerto Rico and the Virgin Islands.

35  
36 The only thing really that you can support with the record that  
37 you have developed is 0.75 or 0.5 for the snapper grouper and if  
38 you go with any one of those two and go to the public hearings,  
39 that will be your hat and if you come back with a bunch of  
40 arrows in the public hearing, then you say let's do something  
41 else that we can support, but right now, your preferred  
42 alternative could be any one of those three.

43  
44 The Center is saying that given the experience that they have in  
45 the Southeast Region in other councils, the most appropriate to  
46 err on the side of the resource and avoid drastic measures in  
47 the future is 0.75 and that's something that is not locked in  
48 concrete. That might change when you go forward and get better

1 information in the future and also that forces you to keep an  
2 eye on the fishery and monitor the fishery.

3  
4 The concerns that you have will be addressed better as we get  
5 more information and more information, because Carlos and some  
6 of the other fishermen, you already know what is out there, but  
7 we don't know it and it's good to document. This way, if you  
8 guys get your preferred alternative as 0.75 and then you find  
9 some strong rationale to change it to 0.80 or point-whatever,  
10 then you're better prepared to submit the document to the  
11 Secretary.

12  
13 The other thing is the process ends when the Secretary approves  
14 or disapproves your management measure and your management  
15 measure has to be supported by the Secretary or fine from the  
16 scientific point of view by the Secretary in order to be able to  
17 approve it. That's why plans are partially disapproved or  
18 approved or whatever. If you take your preferred alternative as  
19 0.75 or 0.8 and then you go with that to the public hearing of  
20 0.5, but if you have to be able to support whatever you decide.

21  
22 **MARCOS HANKE:** Anybody around the table can help me on this. I  
23 think my perception of what the council is trying to do here is  
24 to try to keep the fishermen fishing and the best scenario  
25 possible from the fishermen's point of view.

26  
27 Let's say if you decide to -- Let's use the Snapper Unit 1 as an  
28 example. If you decide that 0.75 and once we deal with the  
29 accountability measure we can try to find alternatives -- For  
30 example, let's say that yellowtail is a certain percent, 80  
31 percent, of the catch and we know the yellowtail and we have  
32 data to support the yellowtail are doing good, but because of  
33 that, which is his point, the catch goes over, but the major  
34 part of the catch is yellowtail and we have the reports, then  
35 the accountability measure doesn't kick in and that's possible  
36 to do?

37  
38 **ROY CRABTREE:** The accountability measures will kind of be  
39 automatic. Now, if you get new information though that would  
40 indicate that the accountability measures aren't necessary or  
41 something, then you could take an action to change it. If you  
42 got information, for example, to show that yellowtail snapper is  
43 in good shape, let's say we get a stock assessment for  
44 yellowtail snapper, then you would come in, I think, and  
45 respecify things for yellowtail snapper.

46  
47 You might at that point move it out of the group and decide  
48 you're going to manage it separately, but to do that in the

1 Virgin Islands would mean we've got to get our landings reported  
2 by species so that we can do that.

3  
4 There are all kinds of ways that you can change this and I  
5 really think if the data we're collecting improves, as I hope it  
6 will, a great deal over the next several years, we will end up  
7 coming back in and readdressing all these things, because we'll  
8 be in a much stronger position and have much better data. You  
9 can always make changes to things.

10  
11 **MARCOS HANKE:** How long it takes to do that?

12  
13 **ROY CRABTREE:** We have a framework that we're adding in here and  
14 so if you do a framework action, it could be done in less than a  
15 year, probably. We recently did a framework action in the Gulf  
16 Council where we increased the total allowable catch for red  
17 snapper and we did it in one meeting.

18  
19 We had the document ready and we brought it to the council and  
20 they held a public hearing on it and voted on it at that meeting  
21 and we came back and published a proposed rule a month later.  
22 It's possible to do framework actions in five months sometimes,  
23 but it really depends, Marcos, on how complicated is what you're  
24 trying to do and how many things are you trying to change. If  
25 it's really complicated, then it's going to take longer and if  
26 it's simple, then it takes less time.

27  
28 **MIGUEL ROLON:** I just want to remind the group that we are  
29 addressing fishes that are overfished or suffering overfishing  
30 and how can you be -- If a fish is suffering overfishing or it's  
31 overfished, aside from closing the entire fishery, you have to  
32 be really careful how you play your cards for those species.

33  
34 In this case, if you look are looking at this group of species  
35 that are suffering overfishing or are overfished, you have to be  
36 precautionary in a way that is more restrictive than with say,  
37 for example, spiny lobster that we are going to address in the  
38 other group or yellowtail snapper. That's when the confusion  
39 comes, when we are addressing the different species.

40  
41 **MARCOS HANKE:** I was discussing it on the break and getting a  
42 little information about it. As a council member and trying to  
43 understand and to see what are the alternatives in terms of  
44 before we get to the fishing level at which the accountability  
45 measure comes, if something can be done to reduce the fishery,  
46 but keep the fishing going before that accountability measure  
47 kicks in. Things like that that are going to keep the fishermen  
48 in business and families with food on the table. That's my main

1 concern on this.

2  
3 **ROY CRABTREE:** The difficulty we have is the timing of when we  
4 get the landings. If we had more timely reporting so we could  
5 actually during the year see how many fish have been caught so  
6 far, then we could say yes, if the fishery keeps going at this  
7 rate, they're going to hit the ACL and so let's do something  
8 like a trip limit or an adjustment to slow it down some.

9  
10 Our problem is it's pretty close to two years, I think, before  
11 we get the landings. Look at the document. We have landings  
12 through 2007 and it's 2010 and we don't have 2008 landings right  
13 now. That's the problem we've got.

14  
15 Now, I'm hopeful that that's going to get better over the next  
16 few years and we're going to get more timely reporting to keep  
17 up with these. In the Gulf and in the South Atlantic, where we  
18 have quota monitoring programs, the dealers have to report what  
19 they buy to us at two-week intervals, basically, and that's how  
20 we monitor the quotas. That's not even considered timely enough  
21 and we're thinking of moving towards weekly electronic reporting  
22 up there.

23  
24 We can get to more timely reporting, but it's going to mean  
25 we're going to have to change the way we're approaching data  
26 collection down here to get to that.

27  
28 **MARCOS HANKE:** In terms of the same concern, probably using the  
29 average of the three years to take those measurements will be  
30 useful for us, because of that.

31  
32 **ROY CRABTREE:** Using the average over three years will kind of  
33 smooth things out and so if you have one big year or something  
34 like that, it kind of gets pulled down by the average, but the  
35 fact is if you catch a lot of fish one year, it's going to mean  
36 you're going to go over and you're probably going to trigger  
37 some accountability mechanism.

38  
39 Now, if we catch a whole lot of fish one year and we can make a  
40 very good case that that's happened because the status of these  
41 stocks has improved and things are better and if we can get the  
42 SSC and the Science Center to agree with us on that, then it  
43 would seem to me the appropriate thing to do then might be to  
44 respecify the ACL and change that and by doing that, you maybe  
45 could avoid having the accountability measure kick in.

46  
47 No one wants to close fisheries down because things are  
48 improving, but, again, it's hard to do those things because of

1 the lack of timeliness in the data reporting and we can do the  
2 best we can and it's hard for me to tell you -- If you think  
3 about it, assuming we take final action on this document towards  
4 the end of the summer, then this would be implemented in 2011  
5 sometime and so we would have ACLs in 2011.

6  
7 We probably, if things stay the way they are now, wouldn't get  
8 the landings for 2011 until 2013 and so we're that far out in  
9 finding out that we've exceeded an ACL. It's hard for me to  
10 know what kind of data collection program we're going to have  
11 down here by 2013.

12  
13 I hope it's going to be very different than what we're looking  
14 at right now and I hope in a few years we're back down here  
15 looking at all of this and doing it all over again because now  
16 we have some real data and a better situation and we can come in  
17 and make better informed decisions on it, but it's hard for me  
18 to know what we can actually get done on that. That's really  
19 the timeline we're talking about with this stuff.

20  
21 **EUGENIO PIÑEIRO:** Right. Let's try to finish this up a little  
22 bit. We all in this room are pro-sustainability and we want to  
23 have sustainable fisheries for not just today, but for the  
24 future and for the next generations, but we are faced with a  
25 very hard economic situation not only here, but also across the  
26 world.

27  
28 If you ask me, the 0.50 percent, we shouldn't even look there  
29 and so what is the wish of the group? Do we want to make a  
30 motion for 0.75 or 0.85 or not choose a preferred alternative at  
31 this point? I want to listen to the group and move on.

32  
33 **MARCOS HANKE:** My opinion is -- I gave my opinion at the last  
34 meeting about this. The 0.85 is in there pretty much because I  
35 participated in that process. After getting more information  
36 and studying this, I think 0.75 is reasonable, but I ask the  
37 group and the Science Center and everybody to look for other  
38 alternatives not to cut the fishery or to close the fishery just  
39 because the system is created that way or just create other  
40 buffer zones that doesn't jeopardize the fishery or the  
41 fishermen and consider that during the process, because we have  
42 other ways to do it besides this.

43  
44 We have to be mindful that we have other ways to do it. In my  
45 opinion, I think the 0.75 is reasonable and especially knowing  
46 what Roy just said, that in one year if the council decides so  
47 we can change it. We should take that approach. I can do the  
48 motion and it will go for discussion. **A preferred alternative**



1 for 0.75 for the uncertainty scalar, which is 2(e) as is stated  
2 on the projection.

3  
4 **ROY CRABTREE:** Second.

5  
6 **EUGENIO PIÑEIRO:** I got a second from Roy Crabtree. Is there  
7 discussion?

8  
9 **BEULAH DALMIDA-SMITH:** We've made a motion for 0.75 and I  
10 absolutely agree, primarily because we need to be more safe than  
11 sorry and because everything that we're dealing with around this  
12 table in this council is uncertain, even the scalar.

13  
14 The bottom line is we want to definitely focus on the side of  
15 the resources with the consideration of the economic viability  
16 of our fisheries, but trust me, if we don't have the resources,  
17 then we have no fisheries. By virtue of the fact that we are  
18 prone to natural disasters, hurricanes and high waves and things  
19 like manmade issues, such as nonpoint source pollution and  
20 sedimentation and so forth and so on, let's just focus on the 75  
21 percent, with the intention, as everyone has said around here,  
22 that we can go back and we can change this at a later date once  
23 we are more stable in terms of our data.

24  
25 This number has historically proven to be a viable number for  
26 uncertainty and so I know that maybe it's not being supported,  
27 but in my position of Director of Fish and Wildlife, I have to  
28 ensure -- Speaking on behalf of the territory, I have to ensure  
29 that these species are considered. Again, I make a note that  
30 I'm reducing the viability of the fisheries and I don't want to  
31 see the economic viability fall to the wayside, but we can  
32 ensure that that's not going to happen, because we will make  
33 sure that we are on top of evaluating our data as time goes on.  
34 That's what I wanted to say.

35  
36 **SHEPHERD GRIMES:** I just wanted to clarify two things earlier.  
37 For one, this choice applies to both overfished and not  
38 overfished species. We made a decision a couple meetings back  
39 that we were going to join the two. Also, with comments that  
40 were made earlier regarding if you catch more of one species and  
41 that results in reaching your ACL earlier, that's true, but  
42 that's a result of managing by stock complex. It has nothing to  
43 do with the uncertainty scalar, per se.

44  
45 If you manage by complexes, you always run the risk of changes  
46 within catch composition or whatever. If you end up catching  
47 more of one, then that results in measures applied to the entire  
48 complex, but it's not a result of the uncertainty scalar.

1  
2 **EUGENIO PIÑEIRO:** Thank you, Shep. Any further comments? We'll  
3 vote.  
4  
5 **MARCOS HANKE:** Yes.  
6  
7 **ROY CRABTREE:** Yes.  
8  
9 **WINSTON LEDEE:** Yes.  
10  
11 **BEULAH DALMIDA-SMITH:** Yes.  
12  
13 **MIGUEL GARCIA:** Yes.  
14  
15 **CARLOS FARCHETTE:** Yes.  
16  
17 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
18 Thank you.  
19  
20 **ROY CRABTREE:** We're applying to snapper units, grouper units,  
21 not including 1 and 2, and parrotfish? Are we applying that one  
22 to parrotfish, too? We're going to come back to parrotfish?  
23 **Just to make the record clear, I want to make a motion that**  
24 **Alternative 2(h) be our preferred for Grouper Units 1 and 2,**  
25 **which is Nassau and goliath grouper, which are closed, just so**  
26 **that's all clear.**  
27  
28 **MARCOS HANKE:** Second.  
29  
30 **EUGENIO PIÑEIRO:** Second by Marcos Hanke. I don't think there's  
31 much discussion in this one, since it's zero. Let's go ahead  
32 and vote.  
33  
34 **MARCOS HANKE:** Yes.  
35  
36 **ROY CRABTREE:** Yes.  
37  
38 **WINSTON LEDEE:** Yes.  
39  
40 **BEULAH DALMIDA-SMITH:** Yes.  
41  
42 **MIGUEL GARCIA:** Yes.  
43  
44 **CARLOS FARCHETTE:** Yes.  
45  
46 **EUGENIO PIÑEIRO:** Yes. **It's unanimous and the motion carries.**  
47 Thank you.  
48

1 **GRACIELA GARCIA MOLINER:** I believe that you have to deal with  
2 parrotfish now.  
3  
4 **ROY CRABTREE:** Bill, what did the SSC recommend to us? We have  
5 a fishing level recommendation from the SSC for parrotfish. Is  
6 that correct? What is it?  
7  
8 **BILL ARNOLD:** If I remember correctly, it's 300,000 for St.  
9 Croix, 80,000 for Puerto Rico, and 50,000 for St. Thomas and St.  
10 John. That was decided at the August 31 meeting. Now, I don't  
11 think that's changed, Roy, but maybe I'm missing something.  
12  
13 **UNIDENTIFIED FEMALE:** It's 430,000 pounds.  
14  
15 **ROY CRABTREE:** 430,000 pounds? What page of the document is  
16 that on?  
17  
18 **UNIDENTIFIED FEMALE:** Page 33.  
19  
20 **ROY CRABTREE:** Page 33 of the document? If you're looking at  
21 the document, it's actually page 32 on what I have.  
22  
23 **GRACIELA GARCIA MOLINER:** If you're looking at Table 4.2.2 -- Do  
24 you want me to bring it up?  
25  
26 **ROY CRABTREE:** I want to ask Beulah, I guess, and Carlos might  
27 know, but parrotfish -- We banned the use of gillnets and  
28 trammel nets and I think the council's rule went in place in  
29 2006. There was a period of time in which the territorial  
30 government didn't have compatible regulations and there was some  
31 period where they weren't being enforced, I don't think. Do you  
32 remember, Carlos, when we actually started enforcing the gillnet  
33 and trammel net ban in territorial and federal waters? Do you  
34 recall?  
35  
36 **CARLOS FARCHETTE:** I believe that might have been 2008.  
37  
38 **ROY CRABTREE:** That's what I thought. Based on the table that  
39 you have here, the landings in 2006 and 2007, and I'm talking  
40 Caribbean-wide, Puerto Rico and the Virgin Islands, but it's  
41 mostly coming from St. Croix, was 459,049 pounds.  
42  
43 That's over almost any alternative we have to establish an ACL,  
44 but that is before we started enforcing the net bans now and so  
45 I'm assuming that the catches of parrotfish have come down, but  
46 we don't have any more recent data to tell us and I think a  
47 large part of the catches of parrotfish, from St. Croix at  
48 least, were being taken in nets.

1  
2 To the extent that we are successfully enforcing that ban right  
3 now, it seems to me those catches should have come down  
4 considerably from that, but this is a case where it's difficult  
5 for me to know how effective that net limitation has been,  
6 because we just don't have numbers right now since it went into  
7 effect.

8  
9 **WINSTON LEDEE:** I guess we need a motion to pick the scalar.  
10 Somebody needs to make a motion. No? You don't want to make a  
11 motion to pick the scalar?

12  
13 **MIGUEL ROLON:** Graciela and Bill, where are we now regarding the  
14 document?

15  
16 **GRACIELA GARCIA MOLINER:** We're discussing the selection of the  
17 scalar for parrotfish, but you need to -- Roy has asked if we  
18 have any recent information on the net ban in the Virgin  
19 Islands, but we don't have the total landings for 2008 and 2009  
20 at present.

21  
22 However, there have been interventions with people who had nets  
23 in St. Croix and so I defer to Carlos, who would know more about  
24 that than I do. This is the discussion on the selection for the  
25 scalar, because the SSC recommended 300,000 pounds specifically  
26 for St. Croix, considering the fact that nets had been banned in  
27 St. Croix.

28  
29 They talked about the ecological significance of St. Croix in  
30 terms of the high harvest of parrotfish and it might be a  
31 platform that allows for that much harvest to take place and  
32 therefore, that's the recommendation that they made regarding  
33 the ACL based on the ACLG decision and recommendation to the SSC  
34 and to the council the year before.

35  
36 **MIGUEL ROLON:** Graciela, so this is close to what, 0.5, 0.75,  
37 0.80 or point whatever?

38  
39 **GRACIELA GARCIA MOLINER:** It's much higher than the scalars that  
40 we have here. The 300,000 pounds, it's beyond --

41  
42 **MIGUEL ROLON:** What, 0.75 or 0.50?

43  
44 **BILL ARNOLD:** At 0.85, we would come in with 249,000, roughly.  
45 At 0.75, we would come in with about 220,000 and at 0.5, we  
46 would come in with about 146,000, versus the 300,000 recommended  
47 by the SSC. That is just for St. Croix.

48

1 **ROY CRABTREE:** Again, I would come back to what we know about  
2 the importance of parrotfish to coral reefs and to me, that  
3 argues for being conservative and I would like to hear some  
4 response. If you look at Alternative 2(f), that's setting the  
5 scalar at 50 percent for parrotfish and that puts a region-wide  
6 level of 247,000 pounds.

7  
8 It seems to me that would be a reasonable way for us to be  
9 conservative with parrotfish and take some steps to deal with  
10 some of these reef issues that have been raised. It does mean  
11 that we could go over, depending on how effective we are at  
12 enforcing the net limitations, but I'm just putting that on the  
13 table right now to hear people's reaction to it.

14  
15 **CARLOS FARCHETTE:** We know that the Fish and Wildlife Office on  
16 St. Croix has the numbers for 2009 for parrotfish and I believe  
17 we should request that information before we make a  
18 determination on the numbers of the scalar that we're going to  
19 use.

20  
21 However, I know that the Fisheries Advisory Committee, and I  
22 believe that that's going to be approved when it comes to the  
23 three giant parrotfish, that those are going to be prohibited  
24 take. I know Alternative 2(h) is going to be adopted, which  
25 will be equal to zero for the three large parrotfish. That has  
26 not passed yet, but I'm sure the commissioner is going to  
27 approve that. However, back to the numbers, I think that 2009  
28 numbers are available for parrotfish and that's after the net  
29 ban has been enforced.

30  
31 **ROY CRABTREE:** Can we get them?

32  
33 **SHEPHERD GRIMES:** I guess I have two concerns with that. First,  
34 there's a federal side of the data review process and everything  
35 and so relying on those numbers seems, to me, to be a little bit  
36 inconsistent with what you've done so far. They haven't gone  
37 through the full process.

38  
39 If you have 2009 numbers you can get your hands on, then surely  
40 you have 2008 you can get your hands on and why not look at  
41 those and I think the logic is the same, because they haven't  
42 gone through the full review process.

43  
44 They probably wouldn't constitute, or potentially wouldn't  
45 constitute, best available scientific information and so I have  
46 some concerns with relying on it and primarily that flies in the  
47 face of what I told you earlier, that you should not be looking  
48 at the end. You should be looking at the means to the end and

1 to me, this screams we're looking at the end and I do have a  
2 real problem with that.

3  
4 **MIGUEL ROLON:** I was going to say it, but Shepherd said it  
5 better. You are not making a final decision here. What you're  
6 doing is taking your preferred alternatives to the public and  
7 then come back. What Roy is proposing is 2(f) for St. Croix or  
8 for the U.S. Caribbean.

9  
10 Just make that clear and it's U.S. Caribbean and so, in essence,  
11 is what you're saying is for the U.S. Caribbean this group of  
12 species, the parrotfish, the preferred scalar will be what?  
13 Then that will be your motion to discuss as your preferred  
14 alternative for the public hearing document.

15  
16 **STEVE TURNER:** The Science Center thinks that it would be  
17 important to consider the ecological impacts of parrotfish in  
18 deciding on the scalar and we've certainly heard some discussion  
19 that the ecological impacts could be different than those for  
20 say just the snappers and groupers in general. We're suggesting  
21 consideration of a conservative approach in picking this scalar.

22  
23 **MARCOS HANKE:** On the other hand and if I'm wrong, please  
24 correct me. The SSC recommended 300,000 pounds, which is more  
25 than we are proposing at this 0.75. Because this is not a final  
26 determination, I think we should stick with 0.75. **I move to**  
27 **give the 0.75 uncertainty, Alternative 2(e) as stated on the**  
28 **board for the parrotfish.**

29  
30 **BEULAH DALMIDA-SMITH:** I second.

31  
32 **EUGENIO PIÑEIRO:** Is there discussion? Any further discussion?  
33 Let's vote.

34  
35 **MARCOS HANKE:** Yes.

36  
37 **ROY CRABTREE:** Abstain.

38  
39 **WINSTON LEDEE:** Yes.

40  
41 **BEULAH DALMIDA-SMITH:** Yes.

42  
43 **MIGUEL GARCIA:** Yes.

44  
45 **CARLOS FARCHETTE:** Yes.

46  
47 **EUGENIO PIÑEIRO:** Yes. **The motion carries six to one.**

48

1 **ROY CRABTREE:** I would make a motion that we establish  
2 Alternative 2(h) as a preferred for midnight, blue, and rainbow  
3 parrotfish.  
4  
5 **MARCOS HANKE:** Second.  
6  
7 **EUGENIO PIÑEIRO:** Second by Marcos Hanke. Any further  
8 discussion?  
9  
10 **SHEPHERD GRIMES:** I just wanted to point out that operationally  
11 that's going to look a lot like you have for grouper. You have  
12 an ACL for all groupers and then you have a zero ACL for Grouper  
13 Units 1 and 2. In this case, you're going to have an ACL for  
14 all parrotfish and you're going to have another ACL for these  
15 three, even though they're still technically part of that larger  
16 parrotfish complex, which may be a little confusing, but that's  
17 how it's structured.  
18  
19 **ROY CRABTREE:** Mr. Chairman, I'm going to ask that Shepherd  
20 consult with Bill and Graciela about whether we are best off to  
21 have the ACL of zero specified for those or just prohibit  
22 possession and we can revisit that tomorrow if they think we can  
23 do it differently, but for now, we can pass this motion and then  
24 if it's decided we should structure it differently, we'll come  
25 back to it. It certainly reflects what we're trying to do.  
26  
27 **EUGENIO PIÑEIRO:** Will you please repeat the motion?  
28  
29 **ROY CRABTREE:** My motion was that Alternative 2(h) be the  
30 preferred alternative for midnight, blue, and rainbow  
31 parrotfish.  
32  
33 **EUGENIO PIÑEIRO:** Marcos Hanke seconded the motion. Okay, guys,  
34 let's vote on it.  
35  
36 **MARCOS HANKE:** Yes.  
37  
38 **ROY CRABTREE:** Yes.  
39  
40 **WINSTON LEDEE:** Yes.  
41  
42 **BEULAH DALMIDA-SMITH:** Yes.  
43  
44 **MIGUEL GARCIA:** Yes.  
45  
46 **CARLOS FARCHETTE:** Yes.  
47  
48 **EUGENIO PIÑEIRO:** Yes. It's unanimous and the motion carries.

1  
2 **GRACIELA GARCIA MOLINER:** A point of clarification. We'll  
3 consult with Shep, but we do have an action already in there  
4 that prohibits the possession of the midnight and the blue and  
5 the rainbow and so we will --  
6  
7 **ROY CRABTREE:** That's implicit in an ACL of zero.  
8  
9 **GRACIELA GARCIA MOLINER:** We move on to the queen conch complex.  
10 This one deals specifically with St. Croix because it's the only  
11 EEZ that is open to the harvest of conch. Again, for the queen  
12 conch complex, you have Alternative 1, no action, retain the  
13 current management reference points for the queen conch complex  
14 and basically the same table that you had available for the reef  
15 fish is the one that applies. These are the parameters of the  
16 SFA from 2005.  
17  
18 You have an Alternative 2 which redefines the management  
19 reference points for queen conch based on the longest reliable  
20 time series of pre-SFA catch data that promotes consistency  
21 among the islands and what you're looking at on the screen, it's  
22 the same table that we had for the reef fish and this time for  
23 conch and specifically for St. Croix.  
24  
25 The maximum sustainable yield will be reassessed for the average  
26 annual commercial catch between 1999 and 2005 for Puerto Rico  
27 and St. Croix and 2000 to 2005 for St. Thomas/St. John. I'm  
28 going to go through the four alternatives for the MSY if you  
29 want me to do that for queen conch specifically.  
30  
31 You have an Alternative 3 to redefine the management reference  
32 points for queen conch based on the longest reliable time series  
33 of catch data that promotes consistency among the islands and  
34 this one specifically refers to the years 1999 to 2007 for  
35 Puerto Rico and St. Croix and 2000 to 2007 for St. Thomas/St.  
36 John.  
37  
38 Alternative 4 is to redefine the management reference points for  
39 queen conch based on recent catch data. This one deals with the  
40 average annual commercial catch from 2003 to 2007 for Puerto  
41 Rico and the USVI.  
42  
43 If you want to take it the same way that you did with the  
44 snappers and the groupers, then deal with the reference points  
45 first and then the scalar and the other subalternatives that you  
46 have under each of them.  
47  
48 **MIGUEL ROLON:** For Graciela and Bill, what is the relationship



1 of this measure with the amendment that Joe is going to present  
2 tomorrow in Other Business regarding queen conch?

3

4 **GRACIELA GARCIA MOLINER:** I will defer that to Joe.

5

6 **JOE KIMMEL:** What was the question, Miguel?

7

8 **MIGUEL ROLON:** Genio and I were talking here and what is the  
9 relationship of this, and it's just for the record and not  
10 putting you on the spot, of this action here in relation to your  
11 presentation tomorrow of the amendment of the plan regarding  
12 queen conch?

13

14 **JOE KIMMEL:** The presentation tomorrow will just refer to  
15 adopting compatible closure regulations with the U.S. Virgin  
16 Islands and it really doesn't have much of a relationship to  
17 this process right now.

18

19 **ROY CRABTREE:** I'll go ahead, just to start us off, and make a  
20 motion. For the same reasons that we chose this time series for  
21 parrotfish and snapper and grouper, I would move that Action  
22 2(b) Alternative 2 be our preferred for conch. I would move  
23 that Alternative 2(b) be a preferred and that Alternative 2(g)  
24 be a preferred and if I have a second, I'll go through all of  
25 that for you.

26

27 What I'm doing is picking the 1999 to 2005 time series for the  
28 MSY proxy and I'm picking the alternative that says we're going  
29 to look at the landings if they're too high and make sure that  
30 it's not because of reporting taking place and then I'm saying  
31 we're going to use the landing level that the SSC has given us,  
32 which was the 50,000 pounds for St. Croix that we've been  
33 talking about for any number of meetings now. Those would be  
34 the preferreds and so that's Alternative 2, 2(b), and 2(g) and  
35 Alternative 2(b) would have the same wording change that the  
36 "and" would be changed to "unless" and that would be throughout  
37 the document for that alternative.

38

39 **MIGUEL ROLON:** A point of order, Mr. Chairman. Can we have a  
40 second so you can discuss it?

41

42 **EUGENIO PIÑEIRO:** Do I have a second for that motion?  
43 Otherwise, the motion dies. We don't have a second for that  
44 motion and so the motion dies.

45

46 **MIGUEL ROLON:** You need to go to the preferred alternatives.  
47 You cannot go there and say we don't want to talk about it. You  
48 ought to second that motion and discuss it and vote on it

1 whether you want it or not.

2

3 **EUGENIO PIÑEIRO:** I don't get a second.

4

5 **CARLOS FARCHETTE:** I'll second.

6

7 **EUGENIO PIÑEIRO:** Farchette seconds and now we can talk.

8

9 **ROY CRABTREE:** Does anyone have a different time series they  
10 would want to propose for conch? I think we all are in  
11 agreement on 2(b). We want to look and make sure that we're not  
12 going over because of -- The fact is that we do have a fishing  
13 level recommendation from the SSC which has been 50,000 pounds  
14 and legally, we cannot exceed that. It doesn't seem to me we  
15 have a lot of wiggle room on it at this point, unless I'm  
16 missing something.

17

18 **BEULAH DALMIDA-SMITH:** Here's my question. This last meeting,  
19 did we not task the SSC to look into that amount representing  
20 conch?

21

22 **ROY CRABTREE:** I believe we did and I read through the minutes  
23 and they talked about it, but I think what they concluded is  
24 they didn't have any basis to recommend any higher amount and so  
25 I don't think they gave us anything different, unless I'm  
26 mistaken, which I think leaves us where we've been for some time  
27 now, where we have the 50,000.

28

29 Until we do some other sort of assessment or get -- Let me also  
30 point out too that we have funded a study, through the MARFIN  
31 program, to take a look at conch in St. Croix and so there's  
32 going to be some work that's going to take place, but I think  
33 right now that's the level we've had for some time now and I'm  
34 just not aware of any basis we have to change it at this point.

35

36 **MIGUEL ROLON:** It seems that you need more clarification for the  
37 council members to understand what's going on here. The only  
38 place you can fish for queen conch in the EEZ is to the east of  
39 St. Croix. That means that that species is being managed  
40 through this process.

41

42 The ACL will be equal to zero for all the other areas, but  
43 that's -- Here, you have to go and follow the same procedure  
44 that you did for the snappers and groupers and other species.  
45 You need to take the time series of years that you want to use  
46 and you go for the scalar and you have the alternatives.

47

48 What Roy Crabtree is saying is if you follow that mechanism,

1 then the preferred alternative for the council for the public  
2 hearings will be Alternative 2, 2(b), and 2(g). That will be  
3 for the queen conch in the area of the EEZ east of St. Croix.

4  
5 What that means is that for this document, you will go to public  
6 hearings addressing the queen conch in that manner and that's  
7 why I asked Joe to tell me whether this was related or not,  
8 because there's a confusion.

9  
10 With the other management measures that you will see tomorrow,  
11 the amendment to the plan, it leaves it to the local government  
12 to establish that number and then the EEZ will be treated by the  
13 federal government accordingly, if proven to the federal  
14 government that that is a responsible, sound number that they  
15 can support. Here, what you're doing is looking at a scalar and  
16 looking at the way that you are going to address OFL and all the  
17 other parameters the same way that you did with the snapper  
18 grouper.

19  
20 **SHEPHERD GRIMES:** I think that's a great point that I would like  
21 to reiterate. This is exactly what you just did for the prior  
22 fish species and based on the same rationale. It's following  
23 the exact same logic and so to turn it around for you, I guess I  
24 would say if you want to go with a different alternative, then  
25 you had best come up with something to distinguish your prior  
26 action and what you want to do for conch, which as of yet nobody  
27 has done. Please keep that in mind.

28  
29 **BEULAH DALMIDA-SMITH:** In the previous ones, we did not look at  
30 2(g), because we took the uncertainty scalar that the SSC did  
31 recommend of 0.75, but it wasn't listed as ABC specified by the  
32 Scientific and Statistical Committee. That's what threw me off.  
33 Why couldn't it just have been one of the scalars there? Why is  
34 it now just ABC versus the 0.5 or 0.75 or 0.85?

35  
36 **SHEPHERD GRIMES:** Sorry. That is correct, except for the last  
37 one, specifying what the SSC recommendation was.

38  
39 **ROY CRABTREE:** The difference really here is in other cases,  
40 parrotfish, we had a number from the SSC and we stayed with the  
41 0.75 and that was, I think, a little bit less than the SSC  
42 recommendation, but in this case, the SSC recommendation was the  
43 50,000 pounds and if you went with the 75 percent, that would  
44 exceed that. The way the Magnuson Act is laid out now, you  
45 can't exceed the fishing level recommendation that you get and  
46 so unless they give us another recommendation, we're pretty tied  
47 in.

48

1 **ED SCHUSTER:** No offense to what Joe said earlier, but you said  
2 the only thing that you're going to adopt is the closed seasons  
3 compatible to the EEZ in the EEZ to local or state waters and my  
4 question to you is are you going to adopt also our quotas that  
5 we established through our FAC, which would be 200 per boat, as  
6 opposed to what it was, 150 per license?

7  
8 **JOE KIMMEL:** I think that's a question for the council, but our  
9 recommendation and our regulatory amendment addresses only  
10 closing the season when the U.S. Virgin Island government meets  
11 its quota and extending the season one month before it was in  
12 the federal waters and so instead of closing from July through  
13 September, it will be closed from June to October, but we're not  
14 addressing any of the other management measures that the local  
15 government has with regard to bag limits or trip limits or  
16 anything like that.

17  
18 One of the reasons why was some of the recent local government  
19 measures were actually less conservative than what they had been  
20 in previous regulations and so because the fishery is considered  
21 to be undergoing overfishing and is overfished, we couldn't  
22 adopt those regulations.

23  
24 **ED SCHUSTER:** Actually, it's more conservative, because you  
25 could have four fishers on a boat and you could harvest 600  
26 conch and now what we have done is you can have ten fishers on a  
27 boat and you can only harvest 200 conch per boat as opposed to  
28 150 per license.

29  
30 The other question is it's still uncertain to me what's going on  
31 here is that you do not know exactly what percentage has been  
32 harvested in local or in federal waters. That has still not  
33 been established by DFW.

34  
35 There's another problem with this whole thing with the conch  
36 quota, the 50,000 pounds, and I would like somebody to address  
37 it in the form of a letter or something to DFW that there's  
38 duplications in the system. Until you fix that problem, you're  
39 going to always have that overrun of the conch. They have to  
40 straighten out where the duplication is coming from.

41  
42 **EUGENIO PIÑEIRO:** Thank you, Ed.

43  
44 **ROY CRABTREE:** With respect to the regulatory amendment, we'll  
45 go through that tomorrow. If you want to add some other actions  
46 to it, we can talk about that tomorrow. Right now, it has, as  
47 Joe said, those actions. If you want to talk specifically about  
48 -- I guess these are trip limits or bag limits that Ed is

1 talking about. We can talk about that. The duplicate reporting  
2 that -- Ed, the duplicate reporting, are you talking that some  
3 conch are being double counted?  
4

5 **ED SCHUSTER:** What it is is that you have individuals that have  
6 commercial fishing licenses, but they're not actually fishing.  
7 What they're doing is they wholesale buy the catch from fishers  
8 and to be in compliance with DFW, they fill the catch reports  
9 out of what they have purchased and not actually fished.

10  
11 We know who these individuals are and this is what happened  
12 exactly with the gillnet buyback, which I consider it as a  
13 misuse of federal funds. We identified these individuals  
14 through the FAC and we called them by name to DFW, who was  
15 responsible for that gillnet buyback, and these individuals got  
16 monies, which is federal monies, through that gillnet buyback  
17 and these are the same individuals that is wreaking havoc for  
18 the commercial fishers and this problem needs to be addressed  
19 and it's an ongoing problem, especially when you're going to set  
20 ACLs for overfished species.

21  
22 **MARCOS HANKE:** The Alternative 2(g), the implication of if the  
23 Scientific and Statistical Committee decides to increase the  
24 amount of conch, how will that proceed through the system in  
25 terms of establishing an increase?

26  
27 **ROY CRABTREE:** In this same document, we'll come to an action  
28 that establishes a framework process that we would go through to  
29 change things like ACLs and so once this goes in place, if they  
30 give us a new ABC, then you would do a framework action and  
31 change the ACL.

32  
33 We haven't had a framework in the past that would allow you to  
34 do this, but we would then and it would be basically a  
35 regulatory amendment and if it was just based on we have a new  
36 ABC and we want to change the ACL and it would be real  
37 straightforward like that, we could do that very quickly.

38  
39 **CARLOS FARCHETTE:** How did the SSC come up with the 50,000  
40 pounds? I don't know if it's just that they used our numbers or  
41 did they go out and make their own?

42  
43 **ROY CRABTREE:** Graciela has probably been there, but my reading  
44 of the minutes is they started with the 50,000, which was the  
45 numbers, but they compared that to average landings and others  
46 and they determined that that was a conservative starting point  
47 and they basically accepted it. Maybe Graciela could add  
48 something to that.

1  
2 **GRACIELA GARCIA MOLINER:** Basically, following the  
3 recommendations from the local governments, we had requested a  
4 number of times the information on which the 50,000 pounds were  
5 based for the decision on limiting the conch to that amount and  
6 so the SSC doesn't have any other information to go by.  
7  
8 We had also requested additional information in the form of new  
9 surveys and they are completing the SEAMAP conch survey as we  
10 speak, because SEAMAP fishery-independent surveys have indicated  
11 that there might be an increase in the number of juvenile and  
12 adult conchs, which is possible, but the survey has not been  
13 completed for St. Croix and there is additional work that is  
14 going to be done on the conch in the Virgin Islands, but that  
15 information is not available yet.  
16  
17 **CARLOS FARCHETTE:** This SEAMAP study, is this what's being done  
18 by Toby right now?  
19  
20 **GRACIELA GARCIA MOLINER:** Yes.  
21  
22 **EUGENIO PIÑEIRO:** Thank you, Carlos and Graciela. For the  
23 purposes of the motion that we have on the table, let me remind  
24 you that as it stands, the SSC has 50,000 pounds in federal  
25 waters and so Alternative 2(g) is, in my opinion, a much better  
26 choice than going to (f) or (e) or even (d), because we would  
27 have to multiply that by 0.75 and that would give us less yield  
28 in federal waters. We have two issues in here, the 50,000 for  
29 federal waters and then tomorrow we're going to -- After the  
30 local Division of Fish and Wildlife comes up with the local  
31 numbers for state waters, we can do that, but for the time  
32 being, the motion that we have on the table is to adopt --  
33  
34 **GRACIELA GARCIA MOLINER:** It's Action 2(b), Alternative 2,  
35 Subalternative 2(b) and 2(g).  
36  
37 **EUGENIO PIÑEIRO:** Is everyone clear? Do you wish to vote or do  
38 you wish to do some further discussion? Let's vote.  
39  
40 **MARCOS HANKE:** Yes.  
41  
42 **ROY CRABTREE:** Yes.  
43  
44 **WINSTON LEDEE:** Yes.  
45  
46 **BEULAH DALMIDA-SMITH:** Yes.  
47  
48 **MIGUEL GARCIA:** Yes.

1  
2 **CARLOS FARCHETTE:** Yes.  
3  
4 **EUGENIO PIÑEIRO:** Yes. It's unanimous and the motion carries.  
5 Thank you.  
6  
7 **GRACIELA GARCIA MOLINER:** You have twelve minutes left.  
8  
9 **MIGUEL ROLON:** Out of the alternatives that are left for  
10 discussion, this one could be done -- Actually, nothing can be  
11 done here in two minutes, but --  
12  
13 **GRACIELA GARCIA MOLINER:** This is the allocation of the ACLs and  
14 whether you want aggregates or units or whether you want  
15 commercial and recreational or whether you want geographical.  
16  
17 **MIGUEL ROLON:** Because if the council is consistent, you'll ask  
18 for geographical sectors and we can cut the discussion here and  
19 then continue early in the morning tomorrow to finish the ACL  
20 discussion. Graciela, could you then go into the annual catch  
21 limit allocation management?  
22  
23 **GRACIELA GARCIA MOLINER:** This would be Action 3, the Annual  
24 Catch Limit Allocation and Management. Action 3(a), for snapper  
25 and grouper unit allocation and management, Alternative 1 is no  
26 action, define reference points for subunits within the snapper  
27 and grouper units.  
28  
29 Alternative 2 is to define aggregate reference points for the  
30 snapper and grouper units for Puerto Rico only, for the USVI  
31 only, and for both Puerto Rico and the USVI. Alternative 3 is  
32 to define aggregate reference points for the grouper unit for  
33 Puerto Rico only, the USVI only, and for both Puerto Rico and  
34 the USVI.  
35  
36 **MIGUEL ROLON:** What does that mean?  
37  
38 **BILL ARNOLD:** This one is worded in a complicated manner, but  
39 the outcome of it is pretty straightforward. Right now,  
40 essentially we are applying our reference points to the  
41 subunits, but that was based upon the Comprehensive Sustainable  
42 Fisheries Act Amendment of 2005.  
43  
44 We really do not have the data necessarily to support that  
45 approach and I would remind myself first and foremost and  
46 everybody else, that it's a council decision. Alternative 2  
47 takes both snapper and grouper and aggregates and so we're not  
48 using the subunits, but we would aggregate within snapper all of

1 the landings into a single ACL for all snapper.

2  
3 It also does the same thing for grouper separately and so we  
4 would take the average landings from 1999 to 2005 for grouper  
5 and aggregate them and have a single ACL for grouper and then  
6 within that, we have three subalternatives.

7  
8 The first one would do it only for Puerto Rico, which happens to  
9 be the one island where we have data that would allow us to  
10 address subunits, or for the USVI only, which is pretty much a  
11 default position, because we don't have data with which to  
12 approach the subunits in the Virgin Islands. We only have  
13 complex-level data and so we've got grouper landings in the USVI  
14 and we've got snapper landings in the USVI, but we don't have  
15 anything species or unit-specific. The third sub-alternative,  
16 Sub-Alternative (c), would be both Puerto Rico and the U.S.  
17 Virgin Islands we aggregate within the snapper and within the  
18 grouper.

19  
20 Then Alternative 3 basically is the same thing, except not for  
21 snapper and only for grouper. That has to do with the fact that  
22 we get very few unclassified landings for snapper and we get  
23 somewhere between 30 and 50 percent unclassified landings for  
24 grouper.

25  
26 **MIGUEL ROLON:** What would be the consequences of adopting your  
27 default, using your words, be of the USVI only?

28  
29 **BILL ARNOLD:** If we adopted that, then we would approach snapper  
30 and -- It depends upon on which of the two alternatives,  
31 Alternative 2 or Alternative 3, you chose, but we would  
32 aggregate in the U.S. Virgin Islands and we would address  
33 subunits in Puerto Rico.

34  
35 **ROY CRABTREE:** One of the things I think we've talked about for  
36 several meetings and I know the fishermen have talked to us  
37 about is setting up the ACLs to reflect the way the data is  
38 reported, so that we don't have to assign species to groups.

39  
40 In the Virgin Islands, snapper are reported as snapper and  
41 grouper are reported as grouper and so to be consistent with  
42 where we've been heading, we need to aggregate in the Virgin  
43 Islands. The question is in Puerto Rico, do you want to  
44 aggregate or not?

45  
46 For snapper in Puerto Rico, most of the landings, probably  
47 ninety-plus percent of them, are to species and so I think you  
48 could easily go with the split in Puerto Rico to the units.



1 With grouper, it's a little dicey.  
2  
3 30 to 40 percent of the grouper are still reported not to  
4 species, but I think the Center has told us that that number has  
5 been fairly constant over time and so I think for grouper it's  
6 sort of your choice in Puerto Rico of do you want to aggregate  
7 it or report them as the units. I think that's really what  
8 you're looking at here, is the choice in Puerto Rico is do you  
9 want to aggregate or do you want to have them report it as  
10 units?

11  
12 **STEVE TURNER:** We consider the use of species-specific data for  
13 these groupings to be most consistent with National Standard 1  
14 Guidelines. Obviously for the Virgin Islands we have to deal  
15 with the groups.

16  
17 Puerto Rico subunits, as Roy said, for snapper, clearly we have  
18 good grounds for working with subunits there. Obviously with  
19 groupers, because of the fraction of unclassified groupers in  
20 recent years -- It's been dropping from 40 or 50 percent down to  
21 30 or 40 percent, but that's still a very large fraction and  
22 what happens with that fraction could impact our measures of  
23 what's going on with the group if you break them out. There,  
24 we're a little less definitive in our advice, but clearly with  
25 the snappers, breaking them out would be consistent.

26  
27 **EUGENIO PIÑEIRO:** When you guys are referring to subunits to  
28 Puerto Rico, what are you referring to?

29  
30 **GRACIELA GARCIA MOLINER:** Snapper Unit 1.

31  
32 **MIGUEL GARCIA:** It's for species specific though, single  
33 species.

34  
35 **GRACIELA GARCIA MOLINER:** For the unit, meaning the silk  
36 snapper, the wenchman, the black, and the blackfin. Those are  
37 the units that --

38  
39 **MIGUEL GARCIA:** To that point, because of this stage in the  
40 process that we are passing now on the council, for example in  
41 the case of the east coast of Puerto Rico, the majority of the  
42 catch, the catch composition, the fish that are sold by the  
43 commercial fishermen, are silk snapper and yellowtail snappers.

44  
45 I think the council should identify those guys and put those  
46 species apart probably around the rest of Puerto Rico too and  
47 establish if we can do it. I think that would be the right way  
48 of doing this, annual catch limits for a specific species.

1  
2 Like this, you're not cutting the whole fishery and we are  
3 managing much more effectively the species that are being heavily  
4 fished and culturally used for sale and people are used to  
5 buying them and so on.

6  
7 The argument that I have and other people have around this table  
8 -- For example, the yellowtail, we know that they are in good  
9 shape and if we manage them apart, it's going to be easier for  
10 us to sustain the fishery and have no trouble closing the  
11 fishery because a couple of mangrove snappers and other things  
12 snake on those numbers and mess up the whole process.

13  
14 **ROY CRABTREE:** Right now, we have four snapper units and all of  
15 them are included in this. Remember yellowtail is Snapper Unit  
16 4 and so it's already a single species unit separately. Silk is  
17 in Snapper Unit 1, along with black, vermilion, and blackfin,  
18 but I think we made some changes and I can't remember what they  
19 were exactly.

20  
21 It's in the amendment on page 10 and you can look at it and I  
22 agree where we want to get to is individual species management,  
23 but we just don't have the data that we need right now for all  
24 of these species. For yellowtail, it's already its own unit.

25  
26 **MIGUEL GARCIA:** But silk -- I don't have the number, but my  
27 experience is that -- Miguel, I want your opinion on this. My  
28 experience is that if you go to deepwater snapper fishing in  
29 Fajardo that the hand line people and not people that are  
30 fishing for the queens, the majority of the catch are silk and  
31 blackfin snapper and some vermilion, but it's not the main  
32 catch.

33  
34 If you're going to get to annual catch limits, we have to  
35 consider this, because it's going to be more fair to the  
36 fishermen and it's going to be a better approach to the  
37 resource, too. We can manage better what we are looking for.

38  
39 **MIGUEL ROLON:** That's exactly it and you have to choose between  
40 what you have here in front of you and the others and if you  
41 choose, for example, Alternative 2, USVI only, B, that will  
42 incorporate everything that you're saying, because then you have  
43 the subunits.

44  
45 The problem is when you go to the grouper unit, you have a large  
46 percentage of the grouper that are not accounted for in terms of  
47 individual species and so you can do this tomorrow if you don't  
48 want to make a motion now, but you can have a motion to adopt

1 USVI only for the snappers and then C for the groupers and that  
2 would accommodate the realities of the discussion that you have  
3 now for the public hearings as your preferred alternative.

4  
5 **ROY CRABTREE:** I've got a question for Steve. Right now,  
6 according to the document, 30 to 40 percent of grouper are  
7 reported as unclassified. If we define the reference points  
8 based on the sum units we have and if the reporting improves and  
9 becomes more specific, so that that goes down, then the landings  
10 for those units are going to go up, but we would be able to  
11 detect that before the accountability measure kicked in, when we  
12 reviewed it, and we would conclude that we're exceeding the ACL  
13 but it's because reporting has improved and we would be able to  
14 pick that up. I see Todd behind you and you can't see that he  
15 is nodding his head yes and so I think that's right.

16  
17 The other question is if we do it this way, are we creating an  
18 incentive for fishermen to stop reporting to units and start  
19 reporting more as just grouper unclassified, because then  
20 they're not going to be counted against the ACL? Are we setting  
21 up an incentive here against more accurate reporting? I guess  
22 Todd really is who I'm directing that at if you want to comment.

23  
24 **TODD GEDAMKE:** Let me take that in twofold. The first one you  
25 touched on was if reporting gets improved that you're going to  
26 have more species going into that category and therefore you  
27 could reach the ACL sooner, I believe it's 2(b) which counts for  
28 taking a look at the increases in reporting under the  
29 alternatives, which would take account for that.

30  
31 The second part of your question was an incentive to go into the  
32 unclassified category to avoid reaching that ACL and part of the  
33 logic that we discussed regarding this category would be a  
34 monitoring of that unclassified category and so it is variable  
35 at 30 to 40 percent.

36  
37 If there was an incentive to put more species into that  
38 unclassified category, that unclassified category should  
39 increase in relation to the total landings, but once you get up  
40 into those large numbers, it becomes fairly uncertain to be able  
41 to monitor that category. Did that answer your question?

42  
43 **EUGENIO PIÑEIRO:** At this time, I think I'm going to cut the  
44 discussion. We have four persons that wish to make a public  
45 statement and so we are going to do, if you don't mind -- If  
46 that's the council's wishes, we should deal with this motion  
47 tomorrow morning, first thing in the morning. Then now let's  
48 allow for the public comment period.

1  
2 Let me remind you that we have an Administrative Committee  
3 meeting immediately after the public comment period and so those  
4 who are unlucky have to stay. It's a five-minute period per  
5 person and I think, Winston, you've got the --

6  
7 **PUBLIC COMMENT PERIOD**

8  
9 **WINSTON LEDEE:** The Honorable Donna Christensen.

10  
11 **DONNA CHRISTENSEN:** Good afternoon, everyone, and thank you for  
12 the opportunity to just say a few words again. It's good to see  
13 Mr. Farchette at the council and to see that DPNR is  
14 represented. I know you were at the last one that I was not at,  
15 but on many occasions the VI government was not at these  
16 meetings and so that's really good to see you here.

17  
18 Just to say that at the subcommittee, the Subcommittee on  
19 Insular Affairs, Oceans, Wildlife and Fisheries we've increased  
20 -- We've been able to generate some interest in the  
21 implementation of the Magnuson-Stevens Fishery Conservation Act  
22 and have had several hearings. We had one just on the  
23 implementation, especially focusing on the setting of the annual  
24 catch limits, at which Julian testified.

25  
26 It was interesting and Eddie Schuster was there as well as some  
27 of the other fishermen from St. Croix and St. Thomas, but I  
28 think it was interesting for them to hear that they're not alone  
29 and that the fishermen from every region had the same complaints  
30 and mostly around data and the accuracy of the data around the  
31 whole process for setting the annual catch limits and also  
32 around whether the socioeconomic issues were being adequately  
33 considered.

34  
35 Some of them complained about their council and I think I can  
36 say that despite the many arguments that we've had over the  
37 years that we don't have that problem with our council. I think  
38 we have a pretty good working relationship, which is not to say  
39 that we're still agreeing on everything, but I think we have a  
40 very good working relationship and that's not true in every  
41 region and so I'm glad for that.

42  
43 I think that's evidenced in how the data has finally become more  
44 island-specific, some of the changes that have been made over  
45 the years, and recommendations to provide alternative ways of  
46 managing our fisheries, through the efforts and collaboration  
47 with our council.

1 Just listening to the discussion today, I would have hoped that  
2 because there are uncertainties on both sides, and I know Joe  
3 was in that meeting with Dr. Crabtree a couple of meetings ago,  
4 that we would not have had to go to the 0.75 or some of the  
5 scalars that we went to, because even though there's uncertainty  
6 as to what our annual catch may have been, I think there are a  
7 lot of uncertainties.

8  
9 That being said, we'll be monitoring closely the process going  
10 forward. I understand that these are recommendations that will  
11 be out for comment and perhaps as we move towards the Secretary  
12 signing -- For instance bringing in information on what the  
13 catch may have been for parrotfish in St. Croix in 2009, that we  
14 may be able to make some adjustments to that recommendation.

15  
16 If not before the Secretary signing, I've always found that once  
17 something is established that it's really difficult to change  
18 and I heard the discussion around the possibility of changing --  
19 Did I hear that there would be a framework set up for how we  
20 would be able to make changes going forward, even if something  
21 was established?

22  
23 **ROY CRABTREE:** Yes, this document contains a framework that  
24 would allow us to change the annual catch limits and an  
25 assortment of other things.

26  
27 **DONNA CHRISTENSEN:** Okay, because my experience has been it's  
28 very difficult to change anything once it's been set. From the  
29 subcommittee, let me just say there's been a lot of talk about  
30 catch shares. We have had one hearing on catch shares and while  
31 it may be working well in the District of Santa Barbara, there  
32 are many concerns around catch shares and the subcommittee is  
33 concerned also with the focus that NOAA has put on catch shares,  
34 given the need that appears to be nationwide for more accurate  
35 data.

36  
37 The person that testified on behalf of the National Marine  
38 Fisheries Service did say that they were not decreasing their  
39 focus on data collection, but I can't remember if it was \$50  
40 billion or what it was being devoted to catch shares and we  
41 wondered and this will be a subject that will come up in the  
42 hearing on the 22<sup>nd</sup>, whether that money is best spent there,  
43 because we're not sure how applicable the catch share program is  
44 nationwide.

45  
46 We'll continue our focus in the subcommittee on the  
47 implementation. I just wanted to say to Dr. Crabtree thank you  
48 for bringing up the fishing community issue and we hope that

1 that will become a part of the final document. We've had a  
2 recommendation that St. Croix be named a fishing community.

3  
4 We have had some difficulty trying to figure out how that is  
5 actually implemented and have been looking at legislation, but I  
6 think if we continue our discussions with NOAA, we'll be able to  
7 work out something and our recommendation from our office and  
8 from hopefully with the support of the subcommittee would be  
9 both for St. Croix and St. Thomas to be fishing communities.

10  
11 The reason that we are pushing for that is to just try to  
12 ensure, insofar as is possible, that the socioeconomic factors  
13 really become an integral part of the decision making. As  
14 usual, it's interesting to sit here and witness the workings of  
15 the council and I expect to be here with you at least for most  
16 of tomorrow as we go through the process and thank you again.

17  
18 **WINSTON LEDEE:** Thank you, Donna. Our next deponent is Holly  
19 Binns.

20  
21 **HOLLY BINNS:** Good afternoon and thank you, Chairman Piñeiro and  
22 the rest of the council. My name is Holly Binns and I am here  
23 representing the Pew Environment Group's Campaign to End  
24 Overfishing.

25  
26 We are really appreciative of the opportunity to have some input  
27 into the development of the Comprehensive Annual Catch Limit  
28 Amendment and we first wanted to start by thanking the  
29 territorial governments, the local fishermen, the council, and  
30 the National Marine Fisheries Service for your joint efforts to  
31 improve and to expand the data collection efforts in the region.  
32 I think everyone agrees this is a really important process.

33  
34 The Scientific and Statistical Committee made some pretty  
35 significant recommendations related to this and we were very  
36 pleased to see the council move forward with adopting all of  
37 their recommendations this morning. We think that was a really  
38 good step forward.

39  
40 We are here to support the council as you go through this I  
41 think pretty challenging process of developing the Annual Catch  
42 Limits Amendment for species under your jurisdiction. This is a  
43 pretty critical step for the council to take not only because  
44 it's required by the law, but because forty years of fisheries  
45 management have demonstrated that catch limits and  
46 accountability measures are an effective tool to improve the  
47 health of fish populations and the viability of fishing  
48 communities that rely on healthy fish populations as well. They

1 can also play a role in maintaining the larger marine ecosystem.

2  
3 We believe that the council has developed a good range of  
4 alternatives to account for uncertainty in the document and  
5 that's a really key provision of the revised Magnuson-Stevens  
6 Act. We do strongly urge the council to continue to follow the  
7 advice of the Southeast Fisheries Science Center on this issue  
8 by setting the ACL at 75 percent of the OFL, at a minimum. We  
9 think this is an important thing to do.

10  
11 We're concerned about some of the proposals to base the queen  
12 conch ACL on the average landings when those landings were  
13 overfishing by 80 percent. Species that are undergoing chronic  
14 overfishing should not have their allowable catch increased  
15 without proper scientific justification.

16  
17 We additionally concur with the recommendations put forward this  
18 morning by NOAA's Protected Species Division to set the  
19 parrotfish ACL conservatively. Again, we just feel it's not  
20 appropriate to base an ACL on average landings when those  
21 landings represent overfishing and that's true of most of the  
22 species represented by this amendment.

23  
24 There's pretty extensive literature that documents the important  
25 role that parrotfish play in keeping coral reefs and beaches  
26 healthy and those are both vital to the economy of this region  
27 and so it's really of particular importance that the council  
28 take steps to ensure that parrotfish are adequately protected.  
29 Thanks again for the opportunity to provide some input and we  
30 look forward to working with all of you to ensure that we've got  
31 sustainable fish populations and fishing communities for  
32 generations to come. Thanks.

33  
34 **WINSTON LEDEE:** Thank you, Holly. Our next deponent is David  
35 Olsen.

36  
37 **DAVID OLSEN:** Thank you for this opportunity. One of the  
38 problems that we have in general is that we don't think there's  
39 been adequate discussion of the impacts of the SFA, in that a  
40 number of the species it can be reasonably argued are no longer  
41 overfished, particularly those that were spawning-aggregation  
42 based for overfishing.

43  
44 Comments in the document that there is no evidence that there's  
45 been any compliance with the closures are in fact false. The  
46 MARFIN project shows releases for the two snapper fisheries  
47 during the period of the MARFIN project. I presented that at  
48 the MARFIN conference yesterday and it's been around now for a

1 year-and-a-half.

2  
3 We find the document to be unreadable and confusing and it's  
4 never going to be absorbed by any of the local fishermen who are  
5 bearing the weight of these decisions and we think that there  
6 really needs to be some work on making it palatable and  
7 understandable.

8  
9 We think there are cases where it ignores and misrepresents  
10 data, particularly, for example -- I haven't had time to go  
11 through it in detail, but the bycatch section, there's a comment  
12 that Trumble put in there that you're always worried about  
13 observer studies because the presence of the observer may cause  
14 the fishermen to behave separately.

15  
16 Yesterday in Tampa, the head of the Gulf of Mexico NOAA Observer  
17 Program was asked that question and he said the same thing, that  
18 it's something that observer programs have to live with.  
19 There's nothing peculiar to the project down here. That was  
20 used in reference to the MRAG/STFA study and in fact, the  
21 MRAG/STFA study had both an observer element and an element  
22 where the fishermen brought the catch back to shore and both of  
23 those gave statistically identical results, which in turn were  
24 statistically identical in terms of the relative abundance of  
25 the individuals and the catch per trap to the MARFIN study,  
26 which was a much larger sample size.

27  
28 There was no consideration -- There is discard information in  
29 the CCR reports that wasn't considered. The MARFIN study wasn't  
30 considered and there's also a MARFIN study from Puerto Rico that  
31 I listened to yesterday which was not included. The trap study  
32 that the council funded itself is relevant to this issue of  
33 discards and the CRP that was just recently funded for STFA is  
34 going to address the reduction of that. There's no mention of  
35 actions underway to deal with bycatch issues.

36  
37 We think it's misleading to give the impression that there's  
38 nothing known. I haven't been through the whole document, but  
39 I'm sure I'm going to find other examples where I think the  
40 document is incomplete and an example like this certainly  
41 doesn't meet the National Standard requirement for complete  
42 consideration of the available data.

43  
44 I would like to go on a point that there seems to be continuing  
45 misunderstanding about the Virgin Islands conch quota. I think  
46 I've been on record at least a half a dozen times, but the quota  
47 originated with the original Olsen and Wood paper that's in the  
48 Gulf and Caribbean in 1978.



1  
2 Those transect points have been resurveyed at least three times,  
3 including the current SEAMAP project and I think there's another  
4 publication from the resurvey. It's not something that hasn't  
5 been established. It was in the council's own conch plan and it  
6 was reanalyzed by Rich Appeldoorn, who actually recommended that  
7 the MSY for St. Croix should be reduced to 30,000 pounds.

8  
9 When I was Director of Fish and Wildlife this recent time, the  
10 landings had reached 240,000 pounds and that's eight times  
11 Rich's estimate and four times my estimate. I went to the SSOC  
12 to try and urge them to take some kind of action and they just  
13 walked away from it.

14  
15 I put together the quota based on my 60,000 pound estimate  
16 because I thought my conservation efforts were reaching a point  
17 where I was the butt of a calypso in the Christmas carnival and  
18 so it was starting -- 30,000 pounds was never going to fly and  
19 so my feeling is that management can be continuous and you can  
20 make changes and so if we needed it to come down once we started  
21 it at 60,000 -- In deference to Rich's feeling that 60,000 was  
22 too high, I reduced it by 10,000 pounds. That was an arbitrary  
23 thing.

24  
25 The recommendation then went to the Fishery Advisory Committees,  
26 who debated it, particularly in St. Croix, ad nauseam. I don't  
27 see Ed here, but it went on and on and on and they added the  
28 things like the bag limit, which Joe is wrong. That's a much  
29 more conservative bag limit. They were going out with six  
30 fishermen and getting 150 conch apiece and now they can only go  
31 out, regardless of how many fishermen, and get 200. That's a  
32 much more conservative management effort.

33  
34 They dealt with issues about meat weight to help with  
35 enforcement and average size and the recommendations that went  
36 to the commissioner came from the FACs. I was no longer  
37 Director at that point.

38  
39 When I read for the last three or four years we've been trying  
40 to find out where those 50,000 pounds came from and there's not  
41 one single document and not one single paper, it came out, as we  
42 all know, from council members and people who have been there,  
43 from the top of David Olsen's head. We have been running after  
44 David and asking him where he got those numbers, but we don't  
45 know, we don't know yet.

46  
47 I just wanted to say for the record and to round out the  
48 discussion that I personally find that insulting, but it's

1 insulting to the Virgin Islands to think that someone could just  
2 make up a quota and get it put into law and we intend, in our  
3 next testimony to Congress, to address this as indicative of a  
4 very biased decision making process that's in place.

5  
6 Now I want to talk a little bit about uncertainty. We've said  
7 repeatedly that the data from the Virgin Islands was funded on  
8 annual basis by the Science Center and reports were issued on an  
9 annual basis to the Science Center. When I left in 1982, we  
10 were manually analyzing the reports and sending the analytical  
11 results. I don't know what happened after I left.

12  
13 It was not until Roger Uwate digitized the data in I think  
14 finally 2005 or 2006 that it was available on a digital basis  
15 and I think the issues of uncertainty about the data don't  
16 reside with the fishermen who reported in good faith throughout  
17 this entire period, but with the Science Center.

18  
19 The Science Center is not an infallible entity. When I was  
20 looking at the TIP data for average lobster size to see if there  
21 had been a shift in lobster size, I found that in 2005 and 2006  
22 there was a big drop in lobster size, but I know from the MRAG  
23 study, which is the only source of data, that the average size  
24 was 111. I think what came out of TIP was 103.

25  
26 I tried to find out what that was about and what it was about  
27 was that there's no retention of the bycatch in the TIP database  
28 for those and so someone like Todd, who is looking at length-  
29 based estimates of different species, is going to find in there  
30 a big drop in size and interpret that as a population problem.  
31 There's an example of fallibility at the Science Center.

32  
33 Also, I was looking at blue tang and I've always kind of admired  
34 Todd's bubble charts. I think that's really neat the way those  
35 bubble charts come out and so I had done blue tang and they too  
36 showed a big drop and so I incorporated the sample size and got  
37 the bubbles and these two big bubbles popped out and they  
38 totaled 12,700 blue tang for 2005 and 2006.

39  
40 We only captured, in the MRAG study, 467 and a third of those  
41 were bycatch and so there's a source of uncertainty and  
42 fishermen have nothing to do with it. It's up there at the  
43 Science Center.

44  
45 We tried to attend these meetings for the data program and we  
46 are the only people present who are having to pay their own way  
47 or are unsalaried. \$600 would have gotten Jimmy and I to the  
48 St. Croix meeting and instead, they brought Bob, Steve and I

1 don't know who else. They brought a bunch of people down to St.  
2 Croix and it was \$10,000 instead of \$600.  
3  
4 Nothing we have said at any one of the meetings shows up in any  
5 of the data management recommendations. The data form that they  
6 have right now is doomed to repeat the mistakes of the current  
7 data form. Instead of having ten family groups, ten or twelve  
8 family groups, it has forty-three species.  
9  
10 The fishermen are not going to separate their catch into forty-  
11 three groups and what you're trying to move toward is something  
12 where you're getting actual at least estimates of the weights  
13 instead of coming home with 300 pounds of fish and then sorting  
14 it out among family groups on a form. You've got a roll of  
15 money and you've got a form with categories. I'm not even sure  
16 if on the data form it has the total weight. For years, until I  
17 was out of Fish and Wildlife, there was no total finfish  
18 category and the landings were just the sum of the individual  
19 families.  
20  
21 We've been talking about reducing the number of traps, which by  
22 the way, there's been absolutely no follow-up from the meeting  
23 that we were at. We're looking at the catch of trap per haul  
24 per fishermen and I'm seeing the same number over and over and  
25 over again and that number, instead of being 100 to 130 -- In  
26 the MARFIN study, the average number of traps hauled was eighty-  
27 eight and I'm seeing 312, 400, the same number over and over and  
28 over again and not consistently for every fisherman.  
29  
30 Some of those numbers, when we did a lost trap project with the  
31 biogeography people, I had fourteen of the biggest trap  
32 fishermen and they told me how many traps they had and they told  
33 me where they had them and everything and some of those numbers  
34 in the catch reports were the total trap numbers and not every  
35 time, but sometimes.  
36  
37 One fisherman was reportedly hauling 843 lobster traps a day, on  
38 average. Tony may be able to haul 843, but no one in the Virgin  
39 Islands can. We're ending up having to interview individual  
40 fishermen to find out what they actually did.  
41  
42 Winston had some numbers that I thought looked really  
43 reasonable, but then he explained to me that he was fishing out  
44 of a Boston whaler and even those were like twice what he  
45 hauled. Really, it goes back in history and it's a data  
46 management issue and there's no one fix for all the fishermen.  
47 You have to go to individual fishermen and find out what they  
48 did.

1  
2 I reject categorically the idea that you have to wait three  
3 years for the data. When I was at Fish and Wildlife, I used to  
4 look at the data on a weekly basis and there was enough data in  
5 there that I could follow what was going on in the fishery.

6  
7 For example, the conch fishery, after the passage of the quota,  
8 I estimated they were going to catch the entire quota in six  
9 weeks and maybe in 2009 I had the 2007 and 2008 data and what I  
10 found in there is that the landings totaled 89,000 pounds,  
11 nearly twice the quota, and that the landings for the first two  
12 months of the year were zero, the first two fishing months of  
13 the year. I asked Shenell Gordon, who is out at Fish and  
14 Wildlife, to look at 2008 and 2009 and she found the first two  
15 months were zero.

16  
17 That information is available. It doesn't have to sit up in  
18 Miami for years. I talked to Bill about whether or not he had a  
19 chance to look at the 2007/2008 data and he's still waiting to  
20 see it.

21  
22 We think that any ACL ought to include accountability on both  
23 sides. We think that the establishment of ACLs -- We think that  
24 you all ought to go back to where we were a couple of years ago,  
25 where we were working cooperatively.

26  
27 We are involved in a partnership for management of the resource  
28 and it's a partnership where you've decided that something is a  
29 limit that we shouldn't go above and we've agreed that we're  
30 going to try and not go above that limit, but how are we going  
31 to know? Are we going to wait three years? No, it's totally  
32 unnecessary. We think that no accountability measures should be  
33 possible if the fishermen have not received more or less  
34 continuous in-season information about the status of the  
35 fisheries.

36  
37 I went out on a Lummi Indian fishing boat and I've told this  
38 story and you're probably not looking forward to hearing it  
39 again, but we went out and the Northwest Indian Fish Commission  
40 was called all day as to what the landings were from each net  
41 set and when we went to bed, we supposedly got our quotas and  
42 they called us at 11:30 that night and said you can fish for  
43 four more hours.

44  
45 That is a model for how I think this ought to work. I think it  
46 ought to be the goal for the data management program and I think  
47 that without shared responsibilities this is going to fail and  
48 you're going to run into three years down the line like we are

1 now two years down the line with the conch quota and it's  
2 clearly been exceeded both years. You don't know that yet.

3  
4 This system isn't working and so we've been working with Sara  
5 and we find that despite the fact that she's a nasty greenie  
6 that we have a lot that we're in agreement about. Our purpose  
7 is that the resources be sustainable for the fishermen today,  
8 the fishermen tomorrow, and for their grandchildren.

9  
10 We and they share that and where we disagree is we think that  
11 this discussion process -- There's a lot of new stuff up here  
12 that's never been up here before. It is not a continuation of  
13 prior discussions. We think that's inappropriate and we intend,  
14 again, to go to Washington and testify and we intend again to  
15 voice our concerns.

16  
17 **WINSTON LEDEE:** Thank you, David. Our next deponent is Tiffany  
18 Cummins.

19  
20 **TIFFANY CUMMINS:** Good afternoon, Chairman Piñeiro and council  
21 members. Most of you probably don't know me. My name is  
22 Tiffany Cummins and I'm here today representing VICS, the Virgin  
23 Islands Conservation Society. For any of you that do not know  
24 or are not familiar, VICS is the oldest non-profit conservation  
25 organization in the U.S. Virgin Islands and since it's  
26 incorporation in 1968, VICS has supported conservation and  
27 environmental protection primarily through its chapter groups,  
28 which include SEA, or the St. Croix Environmental Association,  
29 and EAST, or the Environmental Association of St. Thomas and St.  
30 John.

31  
32 For many years, VICS has worked to protect our coastal waters  
33 and marine resources, including the fisheries. VICS recognizes  
34 the impact of coastal development and pollution, both point  
35 source and non-point source on fisheries, coral, and other  
36 marine resources.

37  
38 Over the years, VICS, SEA, and EAST have actively engaged in  
39 advocacy, including litigation, to mitigate impacts on marine  
40 water quality and important marine habitat. For a couple of  
41 examples, VICS and SEA are currently plaintiffs in litigation  
42 involving ocean discharge of territory-treated water from  
43 Anguilla Wastewater Treatment Plant and energy generation from  
44 petroleum coke, which would result in shipment and huge  
45 quantities of hazardous materials through the waters of St.  
46 Thomas and St. Croix, with the attendant risk of grounding and  
47 spills.

48

1 Today, I'm here to express our support for the work you are all  
2 doing to ensure sustainable fisheries throughout the development  
3 of a Comprehensive Annual Catch Limit Amendment. This issue  
4 being discussed at the meetings is vital to the long term  
5 recovery of species such as groupers and snappers and to prevent  
6 future population declines.

7  
8 I want to thank you all for the opportunity to be here today and  
9 we urge you to continue to move quickly to finalize this  
10 important amendment. Thank you very much.

11  
12 **EUGENIO PIÑEIRO:** Thank you very much, Tiffany. I think that  
13 with this we conclude the public hearing session.

14  
15 **ROY CRABTREE:** I just want to come back to a couple of comments  
16 that were made and one was on the document right now and whether  
17 it's adequate or not. The document is a draft and it's far from  
18 -- In our view, it's not ready to be published as a draft  
19 environmental impact statement and so there's a lot of work to  
20 be done on it.

21  
22 I recognize that it's a complicated document and it takes a lot  
23 of study to figure out and understand and I welcome anyone's  
24 suggestions as to ways to make the document more readable and  
25 more clear to people and how we can do that. There's no  
26 question we've got a lot of work on the document.

27  
28 I want to come back to one other thing that David said, which  
29 was the delivery of the data and having to wait two or three  
30 years before we find out what the landings are. I agree that's  
31 not an acceptable situation and we need to work on it.

32  
33 I'm not going to put the Science Center folks on the spot, but I  
34 would ask, Mr. Chairman, that we send a letter to Dr. Ponwith  
35 asking that at the next council meeting that someone from the  
36 Science Center kind of walk us through how the data gets from  
37 where it's collected and to the Center and how long the various  
38 steps take.

39  
40 I would like to know why is it taking so long and where are the  
41 logjams and where are we getting piled up, because I don't think  
42 we can really -- We hear about this so much and it's affecting  
43 what we're doing and I think we need to understand why is it so  
44 much of a time lag and I can tell you I don't know why it takes  
45 so long.

46  
47 You just think about it and it doesn't seem like it should, but  
48 it is and I don't know if it's workload issues or what it is and

1 so I would like to have some explanation to us about all the  
2 steps that the data goes through when we get here and how long  
3 things take, because I think that's important to all of us.

4  
5 **STEVE TURNER:** I think that's a very reasonable request and I  
6 think basically we need to work on that with our partners, the  
7 Virgin Islands folks and the Puerto Rican folks, because  
8 basically it's a three-part process.

9  
10 **EUGENIO PIÑEIRO:** I want to thank you all for a hard day's work  
11 and people who came from far away, Congresswoman Christensen and  
12 David, because I understand he was out of the island, and so I  
13 want to thank you all for a hard day of work and I expect you to  
14 have a good night and enjoy and be here at 9:00 A.M. tomorrow  
15 morning. Thank you.

16  
17 (Whereupon, the meeting recessed on April 7, 2010.)

18  
19 - - -

20  
21 April 8, 2010

22  
23 THURSDAY MORNING SESSION

24  
25 - - -

26  
27 The Caribbean Fishery Management Council reconvened at the  
28 Marriott Frenchman's Reef Hotel, St. Thomas, USVI, Thursday  
29 morning, April 8, 2010, and was called to order at 9:00 o'clock  
30 a.m. by Chairman Eugenio Piñeiro.

31  
32 **EUGENIO PIÑEIRO:** Good morning to all. Today is Thursday, April  
33 8<sup>th</sup> and we're going to resume the works of yesterday's meeting.  
34 We're going to start with a roll call.

35  
36 (Whereupon, the roll call was conducted.)

37  
38 **EUGENIO PIÑEIRO:** Go ahead, Graciela and Bill.

39  
40 **CONTINUATION OF ACLS/AMS REPORT AND DISCUSSION**

41  
42 **GRACIELA GARCIA MOLINER:** You have on the screen where you left  
43 the discussion yesterday on the ACLs. This is Action 3. Action  
44 3(a) is snapper and grouper unit allocation and management.  
45 Alternative 1 is no action, define reference points for subunits  
46 within the snapper and grouper units.

47  
48 Alternative 2 is to define aggregate reference points for the

1 snapper and grouper units for (A), Puerto Rico only; (B), USVI  
2 only; (C), both Puerto Rico and the USVI. Alternative 3 is to  
3 define aggregate reference points for the grouper unit, Puerto  
4 Rico only, the USVI only, or both Puerto Rico and the USVI.  
5 This is where you left the discussion yesterday.

6  
7 **STEVE TURNER:** I would like to reiterate what I said yesterday.  
8 We believe that the use of species-specific data in management  
9 is most consistent with the NS-1 Guidelines. In the USVI,  
10 obviously that's not yet possible, but it certainly could be in  
11 the future.

12  
13 In Puerto Rico, subunits should be used and if possible, even  
14 species-specific information, though I realize that could be  
15 difficult at this point. Obviously the question has come up  
16 with respect to dealing with unclassified groupers in Puerto  
17 Rico and that is something the council will clearly need to  
18 consider, though with the snappers the proportion of  
19 unclassified is very low and certainly subunits or species-level  
20 management should be considered.

21  
22 **MARCOS HANKE:** I endorse what Steve just said and especially for  
23 the snapper, which is a major catch for either the commercial or  
24 the recreational. The most specific data we can get from them  
25 and I believe that we have already that data already, some  
26 historic data in Puerto Rico. We should do that and I would  
27 like the other council members to express themselves and let us  
28 know and maybe discuss which is the best way to make this  
29 feasible.

30  
31 **ROY CRABTREE:** It seems to me that we certainly ought to use the  
32 subunits for snapper in Puerto Rico. The fish are identified  
33 and that's not a problem. I think with grouper there's  
34 arguments on both sides of that one. You guys are just going to  
35 have to make a call with it and we'll see how it goes.

36  
37 We can try going ahead and splitting into subunits for both of  
38 them and if we run into problems, we can come back and revisit  
39 it, but it is a lot of unidentified grouper and that potentially  
40 becomes a problem for us, but I think you could go either way on  
41 grouper.

42  
43 **MARCOS HANKE:** In terms of the grouper, the species that I have  
44 a concern in terms of the recreational fishermen is they do  
45 target a lot of red hind and we do manage, in many ways, the red  
46 hind here. I think it's not a bad idea maybe to put the red  
47 hind apart and to manage them and to have a specific number for  
48 the red hind, if that's possible, because it's a species that is



1 heavily targeted by the recreational and also commercial.

2  
3 **ROY CRABTREE:** I think what's possible right now is either to  
4 aggregate them or to split them into the subunits and I don't  
5 know, Graciela, if you can put a list of the subunits up there  
6 so we can see them, but I don't think right now we can talk  
7 about changing all the subunits.

8  
9 Now, we've got to do one more ACL amendment for all of the  
10 stocks not undergoing overfishing. If you want to come back and  
11 revisit some of this and look at changing things in that, we can  
12 do that, but I think at this stage in the document, the only  
13 decision we can make is to aggregate or split into the subunits.  
14 I'm not sure what red hind exactly is grouped with, but Graciela  
15 will show us.

16  
17 **GRACIELA GARCIA MOLINER:** You have on the screen the existing  
18 Grouper Unit 3, and that's where the red hind belongs, and  
19 Grouper Unit 4 and we approved as of yesterday Grouper Unit 5.

20  
21 **MARCOS HANKE:** Just to inform the council, for the recreational  
22 fishermen, the two species that is the major part of the catch  
23 composition are red hind and coney and we should keep that in  
24 mind in the future, in case we want to split this and have a  
25 better information out of those guys. The only problem that I  
26 see on here is if we add the coney to the red hind, trying to  
27 have better information, is that the coney, for many people,  
28 would get confused with the smaller species of groupers.

29  
30 The red hind, a lot of people know what they are and there's not  
31 as much problem identifying them, but like the suggestion that  
32 Roy made, we should keep the groupers together and maybe work  
33 the snapper subunits. **I will make a motion to keep the groupers  
34 as a group, in a single unit, and to divide the snappers into  
35 subunits.**

36  
37 **ROY CRABTREE:** The motion is that we divide the snappers into  
38 subunits and keep the grouper as an aggregate?

39  
40 **MARCOS HANKE:** Yes.

41  
42 **EUGENIO PIÑEIRO:** For snappers it's (B), USVI only. We have  
43 language already there and what we need to decide is --

44  
45 **SHEPHERD GRIMES:** I would just point out that this doesn't  
46 include Alternative 3 and if you scroll down, I think what  
47 Marcos is trying to do is basically make Alternative 3 the  
48 preferred alternative. You just need to decide whether we're

1 talking about both Puerto Rico and the USVI or --  
2  
3 **EUGENIO PIÑEIRO:** For the grouper, but for the snapper, it's  
4 Alternative 2.  
5  
6 **SHEPHERD GRIMES:** I think the way this is set up, the default is  
7 it's managed by grouper units and that's how we're going to  
8 specify it or managed by complex units. What we want to do here  
9 is say we're going to aggregate it for grouper and that leaves  
10 snapper in the default position, which is set up by complex  
11 already.  
12  
13 **ROY CRABTREE:** The motion is to make Alternative 3(C) the  
14 preferred, correct? That would be we would aggregate grouper  
15 both places, but snapper we're aggregating in the Virgin Islands  
16 and so it would be 2(B) and 3(C)? Is that how it works?  
17  
18 **BEULAH DALMIDA-SMITH:** That's exactly my question, because we  
19 need the aggregation. We're doing that in the Virgin Islands  
20 with snapper and so we can't exclude snapper and so we need to  
21 make sure -- For 2, we chose (B), but we need to choose the  
22 preferred alternative in this action and so both Alternative 2  
23 and Alternative 3 splits us, but where does that leave Puerto  
24 Rico, especially for 2? If you don't want to be included in 2,  
25 but I figure that the U.S. Virgin Islands, for the aggregate  
26 reference points for snapper and grouper units is essential for  
27 us.  
28  
29 **ROY CRABTREE:** Bill, you guys wrote it. Which ones do we  
30 choose? We want to aggregate snapper in the Virgin Islands and  
31 have units in Puerto Rico and aggregate grouper everywhere and  
32 so where does that put us?  
33  
34 **BILL ARNOLD:** The problem is that one of these subalternatives  
35 is missing and that subalternative is to allow aggregation of  
36 snapper in the USVI and deal with the subunits in Puerto Rico.  
37 I'll just put that on my long list of things I need to do and  
38 I'll get it fixed, but that's what's missing.  
39  
40 **ROY CRABTREE:** We'll rework the document to make that clear, but  
41 the motion is that we're going to aggregate snapper and grouper  
42 in the Virgin Islands and we're going to aggregate grouper in  
43 Puerto Rico, but not snapper? Did we get a second for the  
44 motion?  
45  
46 **BEULAH DALMIDA-SMITH:** Second.  
47  
48 **MIGUEL ROLON:** Roy's motion doesn't have anything to do with

1 yours. That's not what he said, but anyway, if you like what he  
2 said, it doesn't matter if --  
3  
4 **MARCOS HANKE:** I was a little confused, because I had a motion  
5 on the table and I didn't have a second and we started to  
6 discuss, but to speed up the process, what Roy said is my  
7 intention and I agree with the motion.  
8  
9 **TODD GEDAMKE:** If I'm correct, it might be a little repetitive,  
10 but if Alternative 2(B), define aggregate reference points for  
11 snapper and grouper in the USVI, was chosen and for Alternative  
12 3, define grouper aggregate reference points for -- Never mind.  
13 There is an "only" in there. I apologize.  
14  
15 **ROY CRABTREE:** I think the motion is to aggregate snapper and  
16 grouper in the USVI and aggregate grouper only, but not snapper,  
17 in Puerto Rico. Is that right, Shepherd, Mr. Attorney?  
18  
19 **SHEPHERD GRIMES:** Is that Marcos's motion?  
20  
21 **ROY CRABTREE:** Marcos, is that your motion?  
22  
23 **MARCOS HANKE:** Thank you for the language, Roy. This is the  
24 motion I intend to present if anybody can second.  
25  
26 **EUGENIO PIÑEIRO:** Beulah Dalmida-Smith seconded the motion.  
27 You're the biological father and Roy put the language. We're  
28 clear. We're good. Does the council wish to discuss it anymore  
29 or are we ready to vote? Let's vote on it.  
30  
31 **MARCOS HANKE:** Yes.  
32  
33 **ROY CRABTREE:** Yes.  
34  
35 **BEULAH DALMIDA-SMITH:** Yes.  
36  
37 **MIGUEL GARCIA:** Yes.  
38  
39 **CARLOS FARCHETTE:** Yes.  
40  
41 **EUGENIO PIÑEIRO:** Yes. I want to point out that our good friend  
42 Winston Ledee is not with us today. He's at his father's burial  
43 and so he is going to be absent for the remainder of the  
44 session. **It's six yes and one absent and the motion carries.**  
45  
46 **GRACIELA GARCIA MOLINER:** Now you need to discuss Action 3(b),  
47 commercial and recreational sector allocation and management for  
48 Puerto Rico only, because you do not have recreational data

1 available for the U.S. Virgin Islands.

2  
3 Alternative 1 is no action, do not specify sector-specific  
4 reference points. Alternative 2 is specify separate commercial  
5 and recreational annual catch limits based on the preferred  
6 management reference point time series.

7  
8 **MARCOS HANKE:** Graciela, do you have, just for the whole council  
9 to see, the numbers, the catches for the series of years? We  
10 are talking about the series of years number average or do you  
11 have any information on that?

12  
13 **GRACIELA GARCIA MOLINER:** This is based on the Alterative 2 of  
14 Action 2 that you selected yesterday and so it would be the same  
15 time series for the recreational catch specifically. It would  
16 be 2000 to 2005 for the commercial catch for Puerto Rico and St.  
17 Croix would be -- Actually, it's Puerto Rico only.

18  
19 **MARCOS HANKE:** The number for recreational was -- Do you have  
20 it?

21  
22 **GRACIELA GARCIA MOLINER:** What you have on the screen, it's  
23 Table 4.3.1. It has the recreational landings for Puerto Rico  
24 only and on the top panel it has the Puerto Rico commercial  
25 landings.

26  
27 **MARCOS HANKE:** My position on this -- I know those are the  
28 numbers we have, but at the same time, we have been talking  
29 about the fishing in Puerto Rico is 50 percent made by the  
30 recreational and I want to know which baseline we're going to  
31 use for recreational in terms of numbers. Once we decide our  
32 ACL, which number are we going to use? Are we going to estimate  
33 or are we going to use those numbers or what are we going to do?

34  
35 **GRACIELA GARCIA MOLINER:** The way that this was developed  
36 yesterday, you selected Alternative 2 for the range of years of  
37 1999 to 2005 for the commercial and 2000 to 2005 for the  
38 recreational.

39  
40 The information from MRFSS is what you see on the screen and so  
41 the numbers, it would be the first line that you have on the  
42 left-hand side. The highest landings for snappers, for example,  
43 for the recreational harvest come from Snapper Unit 1,  
44 specifically from the silk snapper.

45  
46 What you see on the screen is twofold. One, MRFSS supplies the  
47 information in numbers of fish rather than in weights of fish.  
48 There are conversion factors that go into that and the reason

1 why you have the numbers in parentheses is because those are the  
2 actual numbers of fish rather than the weight, which is not in  
3 parentheses here. Those are problems with the data that have  
4 been worked on.

5  
6 **BILL ARNOLD:** I may have misheard, Graciela, but the pounds are  
7 presented with the numbers in parentheses.

8  
9 **GRACIELA GARCIA MOLINER:** The numbers in parentheses are the  
10 numbers of fish.

11  
12 **ROY CRABTREE:** Bill, just looking at some of those, like Grouper  
13 Unit 1, there's a big drop off in the landings in 2006 and 2007.  
14 Is it pounds in parentheses or numbers in parentheses?

15  
16 **BILL ARNOLD:** Numbers in parentheses.

17  
18 **ROY CRABTREE:** The numbers don't drop off. They actually go up,  
19 but the pounds drop way off. That looks like a mistake.

20  
21 **GRACIELA GARCIA MOLINER:** The problem with the MRFSS data is  
22 that they're based on a number of sample fish to get to the  
23 weight.

24  
25 **ROY CRABTREE:** Okay. So are we setting the ACL in numbers,  
26 Bill? I believe that's what we had talked about, isn't it?

27  
28 **BILL ARNOLD:** We would prefer to set the ACL for the  
29 recreational fishery in numbers.

30  
31 **ROY CRABTREE:** I would strongly encourage you to set the ACL --  
32 It's based on average landings and so it could be set in numbers  
33 or pounds and numbers are much less variability, but I would  
34 like to hear Dr. Turner's opinion on that.

35  
36 **STEVE TURNER:** Historically, we've been a bit concerned about  
37 monitoring in number of fish as opposed to pounds. If you have  
38 a recruitment event and the fishery starts harvesting a lot of  
39 very small animals, you could get to your quota very quickly.  
40 Let's say you set your quota at 50,000 fish, but the weight of  
41 those animals is very low.

42  
43 Let's say your average animal harvested is three years old, but  
44 you end up one year harvesting a lot of two-year-olds and you  
45 will get to your quota very quickly by harvesting the two-year-  
46 olds. If you work in weight, the weight modulates that, because  
47 the two-year-olds are lighter.

48

1 While the data -- One of the things you're talking about, Roy,  
2 is the variability in the estimate of average weight and so you  
3 might develop a system to -- At the Center, we are working to  
4 develop a system that will modulate that, that will use larger  
5 numbers of fish in calculating the average weight for MRFSS,  
6 such as a minimum sample size of thirty, if that's available.

7  
8 Then if you don't have thirty fish in a cell in which you're  
9 estimating your average weight, you aggregate across multiple  
10 cells to get those thirty fish and that would tend to reduce the  
11 problem of variability in the average weight, but I think in  
12 terms of managing the fishery once you've done that, then you  
13 could be dealing with a variable time of meeting your  
14 allocation.

15  
16 **MIGUEL ROLON:** I'm trying to project once we have the ACL then  
17 how we monitor the ACL. Commercial fisheries is weight and then  
18 you have to have an equivalent of weight for the recreational  
19 sector, because they don't weigh their fish and so can you  
20 analyze both when you are going to monitor and then decide where  
21 you are?

22  
23 **ROY CRABTREE:** I think the reality of where we're stuck now is  
24 either way you go, there's down sides. Steve is right if you  
25 have a big recruitment event and they catch a lot of little fish  
26 and your ACL is in numbers, there's a good chance you're going  
27 to hit your ACL.

28  
29 On the other hand, if you go with weights and they have very low  
30 sample size, the number is going to bounce all over the place  
31 and you may go over your ACL in weight just because of the  
32 variability. Now, if the Center can find out a way to smooth  
33 that out by changing the stratification strategy for the weights  
34 and all that, that might be the best way to go, but I know in  
35 Puerto Rico -- I don't know, Bill, if you could show us numbers  
36 of fish weighed, but I bet you it's a very low number for a lot  
37 of these.

38  
39 I think because we're aggregating species that plays into it,  
40 too. It seems to me if you're aggregating and looking for an  
41 aggregate number, there ought to be some way to produce a better  
42 estimate on that, because you're aggregating a lot of things and  
43 that, it seems to me, would smooth out the chance of having one  
44 recruitment event change things, because unless you had all of  
45 the species in the aggregate, that would tend to smooth it out  
46 some, but it looks to me like there are downsides either way we  
47 go on this, unless the Center can figure out a way to smooth out  
48 the weights.

1  
2 **STEVE TURNER:** Currently for the Gulf of Mexico and the South  
3 Atlantic I have one person who works with recreational data,  
4 which I probably need more, but we are estimating the  
5 recreational landings from three different surveys for ninety-  
6 five species every time we get updated data, which is  
7 essentially every two months, and we're passing that to the  
8 Regional Office.

9  
10 We could expand that to the Caribbean and so then we would  
11 probably be dealing with 195 species. For a handful of species,  
12 we've actually gone back to the raw data, the size data, and  
13 we've done what I've talked about, develop a system for  
14 estimating average weight.

15  
16 I would expect that we would be able to develop such a system  
17 and could provide to the Regional Office information on the  
18 weight of the recreational catch. We won't be able to do that  
19 in a month or two, but I think that within nine months we could  
20 probably get that accomplished. I have another question about  
21 these numbers, but I think it's probably better to conclude this  
22 discussion before I move on to my question.

23  
24 **MIGUEL ROLON:** I would like to hear your question, because this  
25 is all related.

26  
27 **STEVE TURNER:** Did you get these numbers from the MRFSS website  
28 or did we provide these numbers to you, the weights?

29  
30 **BILL ARNOLD:** Tom Sminkey provided them.

31  
32 **STEVE TURNER:** Then I would have a problem with that, because  
33 there are cells in which fish are caught, but no fish are  
34 measured. The procedure we use at the Center handles that  
35 through an averaging system, but that's a simpler step than what  
36 I'm talking about that we're proposing.

37  
38 To be clear, what happens is there are cells, which would be  
39 private boat or charterboat, in territorial waters in the first  
40 two months of the year and some fish are caught, but no fish  
41 were measured. They look around for a couple of other strata  
42 with some fish measured. If there are no fish measured, MRFSS  
43 will say there's a catch of 20,000 fish, but they have a zero  
44 weight. I think that it's quite possible that these numbers  
45 would increase unless that problem was addressed.

46  
47 **ROY CRABTREE:** We're getting a little into the intricacies of  
48 calculations here. It looks to me like what we can go ahead and

1 decide is that we want to have separate commercial and  
2 recreational ACLs for Puerto Rico and I think we do want to have  
3 that.

4  
5 I would suggest we leave the issue of whether we're going to  
6 monitor it in numbers or pounds open for now and ask staff and  
7 the Center to work on that and we revisit that issue at the next  
8 council meeting, because I don't know which way is the best to  
9 go on it. I think that needs to be looked at.

10  
11 **MARCOS HANKE:** I understand, Roy, that the only thing for me to  
12 make an informed opinion on this, because it will depend how  
13 we're going to get those numbers for me to give my opinion and  
14 I'm trying to use this time to clarify this.

15  
16 Other points that I have is -- It's a question for you. Once  
17 you have the bag limit let's say, do the fishermen response, by  
18 recreational I'm talking about, by increasing the hook size and  
19 targeting larger species and leaving the little ones alone?

20  
21 **ROY CRABTREE:** It probably depends on how low the bag limit is.  
22 If you go down to one or two fish per person bag limit and it's  
23 easy to catch those fish, then they're going to hi-grade, I  
24 think, and they'll throw the little ones back and keep the large  
25 ones.

26  
27 I don't know if they change their hook sizes or anything, but I  
28 know in fisheries where we've gotten down to bag limits of one  
29 that that has been a concern, that people will sometimes put a  
30 small fish in the cooler and then if they catch a really big  
31 one, they'll take the small one in the cooler and throw it back  
32 over the side and put the big one in. That may happen.

33  
34 If you're talking a bag limit though of ten or something like  
35 that, I think it's a lot less likely to happen and so I think it  
36 really depends on where you come down with the bag limits, but  
37 you know you're asking me to predict what people are going to do  
38 and you know that better than me.

39  
40 **MARCOS HANKE:** I'm asking the experience in other places and my  
41 perception, my opinion, is if you set up the number in a  
42 reasonable number, a workable number, people will -- Don't  
43 forget that the majority of recreational fishermen have a  
44 tendency of being concerned with the environment and so on, but  
45 some of them not.

46  
47 Once we establish the bag limit, there is an extra incentive to  
48 catch bigger fish and I think overall it will be an extra



1 benefit from that and right now, for me, it's very hard to tell  
2 you my preference on how we're going to deal with splitting with  
3 the commercial or recreational, even though I have a tendency to  
4 split them apart, but I need to know how those numbers are going  
5 to work around, because I don't have a judgment on that.

6  
7 **MIGUEL ROLON:** Even if you don't have the number, it's a clear-  
8 cut decision, 1 or 2, leave it as it is or separate commercial  
9 and recreational. If you lump them together and you cannot say  
10 which amount of fish came from where, then you have a problem,  
11 because you will be penalizing one sector versus the other for  
12 the wrong reasons. You don't have any basis for keeping them  
13 together because of your preferred reference points and the  
14 information that you have and the realities of life out there.

15  
16 My personal recommendation is to pick 2 and see how it goes,  
17 because a possible scenario is that -- Let's say that you reach  
18 the ACL and you have a good handling on the commercial sector  
19 and you have good enforcement on the commercial sector and none  
20 on the recreational sector and then you close the commercial  
21 fishery because the other guys caught the whole thing.

22  
23 **MARCOS HANKE:** I think that Alternative 2, because of the nature  
24 of the fishing are different, and we are just saying now that  
25 probably we're going to measure the catches differently, we  
26 should separate, but I want to revisit this as soon as possible,  
27 because I really need to know which baseline and which way we're  
28 going to deal with the recreational.

29  
30 **ROY CRABTREE:** That's fine and remember you're not making a  
31 final decision and you will see this again and if you're leaning  
32 towards Alternative 2, you probably ought to go ahead and make  
33 it your preferred, so when you go to public hearings they know  
34 that's kind of the way you're thinking, but clearly you can come  
35 back in and you can look at the numbers and what the Center can  
36 tell us and you can change your mind. You're going to see this  
37 a couple more times.

38  
39 If you really just feel like you can't make a decision today,  
40 then you can just leave it open and don't choose a preferred,  
41 but generally it's better to go out to the public and let them  
42 know which way you're leaning and so you're probably better to  
43 choose a preferred and then you can come in and change it, but  
44 if you don't feel comfortable picking a preferred on this one  
45 right now, you don't have to and we can go forward on this one  
46 without a preferred.

47  
48 **MIGUEL GARCIA:** I would like to present to motion to accept

1 **Alternative 2 as the preferred alternative.**  
2  
3 **EUGENIO PIÑEIRO:** I need a second for that motion.  
4  
5 **MARCOS HANKE:** Second.  
6  
7 **EUGENIO PIÑEIRO:** Second by Marcos Hanke. I think we've had a  
8 fair amount of discussion on this. Is there any further  
9 discussion? No? Let's vote on it.  
10  
11 **CARLOS FARCHETTE:** Yes.  
12  
13 **MIGUEL GARCIA:** Yes.  
14  
15 **BEULAH DALMIDA-SMITH:** Yes.  
16  
17 **ROY CRABTREE:** Yes.  
18  
19 **MARCOS HANKE:** Yes.  
20  
21 **EUGENIO PIÑEIRO:** Yes. **It's six yes and one absent and the**  
22 **motion carries.**  
23  
24 **STEVE TURNER:** I have a little problem with Alternative 1, just  
25 in the wording. Reference points are set for a biological unit  
26 and so I think what we're talking about is management metrics or  
27 management targets or something of that nature. I don't know  
28 what the proper wording is.  
29  
30 **ROY CRABTREE:** The proper wording is ACLs. That's what we're  
31 setting. If you could fix that for us, Bill.  
32  
33 **EUGENIO PIÑEIRO:** Next, Graciela.  
34  
35 **GRACIELA GARCIA MOLINER:** Action 3(c), geographic  
36 allocation/management, Alternative 1 is no action, maintain U.S.  
37 Caribbean-wide reference points. Alternative 2 is to divide and  
38 manage annual catch limits by island group, i.e., Puerto Rico,  
39 St. Thomas/St. John, St. Croix, based on the preferred  
40 management reference points in Table 4.3.1 and Action 2, which  
41 you have selected Alternative 2 yesterday.  
42  
43 The options are use a midpoint or equidistant method for  
44 dividing the EEZ among islands, use a straight line approach for  
45 dividing the EEZ among islands, use the St. Thomas Fishermen's  
46 Association line. On the screen, you have the three  
47 alternatives.  
48

1 **MIGUEL ROLON:** Miguel and Beulah met at the council office some  
2 time ago and they discussed the three alternatives and given  
3 that this -- Although this is for the EEZ, it has some relevance  
4 in between Puerto Rico and the USVI and so we would like to hear  
5 from both of you what is your preferred alternative and why.

6  
7 **SHEPHERD GRIMES:** Before we get into the discussion of this, I  
8 have a question. Maybe it's my confusion, but looking at the  
9 document, language is written here and it says that the  
10 alternatives would restrict the landing location for products  
11 harvested in the EEZ to the closest island as defined by the  
12 specific subalternative.

13  
14 For example, if the product was harvested within the bounds of  
15 St. Croix, the St. Croix EEZ, as defined in this action, then  
16 the product would have to be landed in St. Croix. My  
17 understanding was that's not the case. This is just a  
18 monitoring thing.

19  
20 Someone could leave St. Thomas and go catch it off of Puerto  
21 Rico and come back to St. Thomas, but in reporting it, they  
22 would report it -- I guess that's a question we have to deal  
23 with, but they wouldn't be prevented from coming back from  
24 Puerto Rico to St. Thomas.

25  
26 **ROY CRABTREE:** I think the document is wrong. The fish will be  
27 counted where they're landed. The baselines are set up that  
28 way. There are probably some amount of fish that are counted in  
29 the baselines for the Virgin Islands that may have been actually  
30 caught in Puerto Rico.

31  
32 I think it's only a Puerto Rico/Virgin Islands thing, for people  
33 who fish on the boundary of them, but I think the fish have to  
34 be counted where they're landed against that ACL. The reason we  
35 need to draw these lines is if one of the islands exceeds their  
36 ACL, so that there's an accountability measure that kicks in and  
37 says the fishery is closed.

38  
39 We have to tell people that means in this area you can't fish.  
40 It's easy for St. Croix, because it's out there by itself, but  
41 with Puerto Rico and St. Thomas, I think the fish have to be  
42 counted where they're landed, because practically speaking, I  
43 don't think we have any way of verifying where fish were  
44 actually caught and so we need to reflect that in the document.

45  
46 **BEULAH DALMIDA-SMITH:** I just want Graciela to go through all  
47 the alternatives and just point out what the lines mean,  
48 equidistant line versus a straight line, just so folks can

1 understand, before I say anything else.

2  
3 **GRACIELA GARCIA MOLINER:** Let me read off the text exactly as we  
4 have it so I can give you the latitude and longitude as it's  
5 specified.

6  
7 **MIGUEL ROLON:** The only difference between the three is that the  
8 first one is equidistant line done by cartography and the other  
9 two are lines drawn by experience.

10  
11 **JOE KIMMEL:** I helped create this monster and so I guess I can  
12 explain it. Subalternative A is what I call the equidistant  
13 method and what we did is the center point of this island mass,  
14 St. Thomas, the center point of this island mass, St. Croix, and  
15 we drew several midpoints, depending on where you are on the  
16 island, and established this line here. That was the beginning  
17 of the method.

18  
19 After we did that, I extended this line and I actually extended  
20 it all the way out here, but I drew a line from where the two  
21 territorial boundaries meet, the Puerto Rico boundary and the  
22 St. Thomas boundary, and where they meet, I drew that line  
23 straight to this first line I created and that just sort of  
24 created the northern boundary for St. Croix and then at that  
25 intersection, I drew line down to I think it was 65/20. I did  
26 that just so I could get down south of St. Croix and then went  
27 due south from that that point, so that created sort of an  
28 equidistant approach and also, this line here was created by  
29 going from this boundary and that boundary and it had an  
30 equidistant line here and so that's how that line was drawn.

31  
32 Anyway, that created this St. Croix EEZ and from that point, I  
33 went north and where the two territorial boundaries, Puerto Rico  
34 and St. Thomas, met, I drew a line basically parallel to this  
35 line to get to the EEZ boundary up here and so that created this  
36 St. Thomas EEZ boundary.

37  
38 Of course, the remaining boundary is that for Puerto Rico and so  
39 that was an equidistant approach. That was just trying to do  
40 something as fair as possible, but there was some subjectivity  
41 in doing that.

42  
43 Then Subalternative B is what I call the straight line approach  
44 and I basically started in the same place. I went to the EEZ  
45 boundary here and simply extended it due east until I met the  
46 Puerto Rico territorial sea boundary and where that met, I went  
47 due south and then I went where the two boundaries met again,  
48 say Puerto Rico and St. Thomas, and drew that line due north and

1 you can see this area is a little bit smaller than this area  
2 over here.

3  
4 Then some fishermen came to me and suggested -- This was after  
5 the meeting, but they came to me and suggested a third  
6 alternative and they basically did the same thing I did, went  
7 due east, but they took the 65/10 line and just drew it straight  
8 up this way and so you get this boundary here.

9  
10 What it does though, in this particular point here, is it's a  
11 little bit west of where this version is and so the people in  
12 Puerto Rico would sacrifice a little bit of area, maybe as much  
13 as a mile or half a mile, to create that one. Those are the  
14 three basic alternatives and how they were derived.

15  
16 These two are very, very similar. Actually, all three of them  
17 are fairly similar, but these two are the most similar and what  
18 we were talking about before, how does this work, if you're  
19 fishing down say in this area for Resource X, say, and anybody  
20 can fish there. The Virgin Islands guys can fish there or  
21 Puerto Ricans can fish there or whatever and when they land  
22 their fish, they can take them back to their islands and so  
23 forth, but if the Puerto Rico ACL was met and an AM was  
24 implemented, then this area would be closed. The entire EEZ of  
25 Puerto Rico would be closed for that particular resource and so  
26 you could no longer fish here.

27  
28 You would go over here and fish, for example, or maybe up in  
29 here and fish for that same resource, but you would have to land  
30 them on those islands and you couldn't take them back through  
31 the EEZ back to Puerto Rico because that's closed and you can't  
32 possess those fish in the EEZ and so you would have to land them  
33 on these islands.

34  
35 Then, of course, if the ACL for St. Croix was met for that in  
36 this EEZ and an AM was put into place, this area would be closed  
37 and the only place you could fish would be here and land them  
38 there. That's basically how it would work.

39  
40 **SHEPHERD GRIMES:** For clarification, so we're all crystal clear  
41 on this, an ACL, regardless of which alternative you selected,  
42 there would be an ACL for each geographic region and any fish  
43 landed within that geographic region would count against the ACL  
44 for that region.

45  
46 I guess we're not getting to this just yet, but then the choice  
47 is once the accountability measure kicks in for that region, you  
48 have the issue of no more fish landed in that region and no more

1 fishing within that region and so I guess those are things we'll  
2 come to in the accountability measure section.  
3  
4 **EUGENIO PIÑEIRO:** Thank you. Joe, a cartographer drew Number 1,  
5 right?  
6  
7 **JOE KIMMEL:** I never labeled myself as a cartographer.  
8  
9 **EUGENIO PIÑEIRO:** Can you tell us where you got those lines  
10 from?  
11  
12 **JOE KIMMEL:** I have a person in the Regional Office that knows  
13 GIS and she's a good map maker and so she put it together for me  
14 in an hour or so.  
15  
16 **EUGENIO PIÑEIRO:** Before you continue, I think, David, you did  
17 Number C and would you care to --  
18  
19 **ROY CRABTREE:** Let me point out one other thing. If an ACL is  
20 exceeded and accountability measures kick in and there's a  
21 closure, our authority is just going to be to close the EEZ and  
22 it's not going to -- We can't close territorial waters. That's  
23 going to be up to the territories to decide what they're going  
24 to do, but I just want us to be clear on it. It's not going to  
25 mean you can't land, because we don't have authority to say you  
26 can't land. We can prohibit fishing for and possession in  
27 federal waters.  
28  
29 **MIGUEL ROLON:** That's what I've been trying to mention and  
30 that's why I spent two hours in Puerto Rico talking with Miguel  
31 and Beulah, because the problem with this is that without the  
32 local government concurrence, this is just another piece of  
33 paper.  
34  
35 Second, those lines are not good for the final regulations.  
36 They are good for depicting what we want and that's what Joe is  
37 trying to say here. When you have the actual regulations and  
38 you have the chart with the coordinates and everything that the  
39 fishermen can follow --  
40  
41 The other issue is whether it's to the advantage of the  
42 fishermen to fish in another area and land it and report in his  
43 area. This could be productive to that fisherman. Let's say  
44 that you are from Puerto Rico and fish the hell out of the area  
45 of St. Croix and then you reach the ACL and then you shut down  
46 Puerto Rico just for sheer greediness. There's a little bit  
47 more to this than it shows there.  
48

1 The other issue is in the case of Puerto Rico, I don't think  
2 that Miguel will be received very well by fishermen at public  
3 hearings if he gives a little inch of Puerto Rico area to  
4 anybody else.

5  
6 The other issue is in between the lines -- This is only the EEZ  
7 and Joe graciously left a line between Puerto Rico and the  
8 Virgin Islands because that's not the turf of the U.S. federal  
9 government at this time and so it would be up to you guys how to  
10 play, but the end product of this will be that you have an ACL  
11 by geographical area. You already decided that, that that's  
12 what you want.

13  
14 Then you have the three alternatives and one is just an  
15 equidistant line and the other two have rationale behind each  
16 one of them. That is different from just the equidistant line  
17 and then you have to project this into the future to see how it  
18 will be played.

19  
20 You will need monitoring by the local authorities to supply that  
21 information to the Center and to the Regional Office and so  
22 whatever information is needed to trigger or not an  
23 accountability measure and the accountability measure that  
24 everybody is thinking is that okay, we're closed and it not  
25 necessarily will be that, because you also have recreational  
26 fisheries and other involvement, but that will be the ultimate  
27 reaction, that you have the ACL and you meet your ACL, but it  
28 doesn't mean that you're overfished. It's that you met your  
29 ACL.

30  
31 You still have that buffer zone in there and then you have other  
32 bag limits and closed seasons and longer closed seasons or  
33 closed areas or whatever. This is what we're talking about when  
34 we are addressing this issue at this time.

35  
36 **DAVID OLSEN:** I think you guys are over thinking this. These  
37 are basically reporting zones and I thought the goal of all this  
38 was to know where the fish came from. If a St. Thomas fisherman  
39 goes into Puerto Rican waters and catches fish over there, even  
40 though he's a St. Thomas fisherman, if he has all the associated  
41 permits and everything to be able to fish over there, that the  
42 fish would count against the ACL for Puerto Rico and if a Puerto  
43 Rican fisherman comes into Virgin Islands waters, and a number  
44 of them fish deepwater snappers north of St. Thomas, that that  
45 would count against the St. Thomas quota.

46  
47 There's no reason to punish fishermen on the west coast of  
48 Puerto Rico for fish that are landed on the north coast of St.

1 Thomas. The reason the line that we drew, which is just  
2 slightly to the west, is just a reporting zone. I've done the  
3 GIS analysis of the probably boundary between Puerto Rico and  
4 the Virgin Islands and there's considerable overlap of the two  
5 territorial seas and any kind of settlement of that boundary  
6 would be complicated and I don't think the council wants to get  
7 into the middle of it.

8  
9 The straight line, which is just to the west of the Virgin  
10 Islands territorial sea, would be easy for fishermen to know  
11 where they were. If they were past the 65/10 line, they're in  
12 Puerto Rican waters.

13  
14 These continuously varying lines like Alternative A are going to  
15 be difficult for fishermen to follow and the recent lost trap  
16 study we've done has basically shown that there's really only  
17 one trap fisherman fishing west of 65/10 and his landings should  
18 be reported -- Those portion that are west of the boundary  
19 should be reported for that and then ones that are east of the  
20 boundary should be reported for that.

21  
22 The Subalternative C that we proposed is the simplest from the  
23 fisherman's point of view, to know where he is in the report. I  
24 think all of these things of ACL exceedance and all things like  
25 that are separate issues. I think the main issue here is to  
26 know where the fish come from.

27  
28 **ROY CRABTREE:** That's really not what these are about. These  
29 are about where accountability measures are applied and not  
30 about reporting. It's about where accountability measures are  
31 applied.

32  
33 The trouble with counting the fish from where they're reported  
34 is we have no way to verify where they're reporting and so if  
35 I'm a fisherman and I know where I'm landing, why wouldn't I  
36 report that I caught everything in somebody else's zone? That  
37 way, none of my catches are ever counted against me and somebody  
38 else gets closed.

39  
40 That's not really what these are about. These are about where  
41 accountability measures are applied. That's the only thing  
42 these will be used for. Reporting and data collection are a  
43 wholly separate issue than this.

44  
45 **MARCOS HANKE:** From what I'm seeing there in the species that we  
46 are managing, in terms of fishing grounds in which they are  
47 present there and for the lines that we see going into the open  
48 ocean and so on, that's not as important as the ones that are in



1 the shallow water or close to fishing grounds in which we fish.  
2  
3 **Considering that and considering that we have some logical**  
4 **measurements on the Subalternative A and because those lines**  
5 **that are lines that maybe will be a little confusing are not**  
6 **really main fishing grounds for most of the species we manage, I**  
7 **will make a motion to adopt Subalternative A as the preferred**  
8 **alternative.**  
9  
10 **EUGENIO PIÑEIRO:** Thank you. Is there a second for that motion?  
11  
12 **MIGUEL GARCIA:** Second.  
13  
14 **EUGENIO PIÑEIRO:** Miguel Garcia seconds the motion. Graciela,  
15 do you have it?  
16  
17 **SHEPHERD GRIMES:** I just want to summarize what I think Marcos  
18 was saying. That's the dividing line that's equally dividing  
19 the areas between the islands and that seems to be a fair thing  
20 and they're straight lines. The others are straight lines as  
21 well and maybe it's not all north and south and so it's kind of  
22 a tradeoff between ease of enforcement and ease of the public to  
23 follow the straight lines versus dividing it into more  
24 geographically even pieces. Is that correct?  
25  
26 **MARCOS HANKE:** That's a good summary of what I said and adding  
27 to that is that those lines that are not north/south/east/west  
28 are not in the main fishing grounds, most of them, and that's  
29 why I don't have a concern. My main concern right now is to  
30 make equidistance from points that are equal for both lines and  
31 I think the best way to summarize all of this is in  
32 Subalternative A and that's why I made the motion.  
33  
34 **BEULAH DALMIDA-SMITH:** Marcos definitely read my mind and that's  
35 exactly where we're going to go, Alternative A, primarily  
36 because it's a distinct line and it's already there and it's  
37 easy for the fishers to determine where they are and so forth  
38 and so on.  
39  
40 I know we have all the comments about landings and permitting  
41 and enforcement and so forth and so on, but those are more  
42 detailed information that as time goes on we will be able to act  
43 on and make sure that we're clear about those, but I think the  
44 Puerto Rican government and I -- Can you put the photo back up,  
45 Graciela?  
46  
47 Particularly Subalternative A -- If you look at the St. Croix  
48 district, compared to B, we are reducing some of the water space

1 there of the fishing grounds, particularly under that district,  
2 if we choose B. Not only that, if we look at the northern side  
3 of it, B versus A, you see that that strip is also reduced.  
4

5 I understand the STFA's comments about wanting C, but we all  
6 know that -- What I am looking at basically in my position for  
7 the Virgin Islands as a territory is that we choose one of these  
8 alternatives that will be easier for us to manage and control  
9 and something that will benefit us all, rather than just  
10 individuals.

11  
12 **EUGENIO PIÑEIRO:** Thank you, Beulah. Let's vote on it.

13  
14 **MARCOS HANKE:** Yes.

15  
16 **ROY CRABTREE:** Abstain.

17  
18 **BEULAH DALMIDA-SMITH:** Yes.

19  
20 **MIGUEL GARCIA:** Yes.

21  
22 **CARLOS FARCHETTE:** Yes.

23  
24 **EUGENIO PIÑEIRO:** Yes. We have five yes and one abstention and  
25 one absent and the motion carries.

26  
27 **ROY CRABTREE:** I abstained because I see this as a local issue  
28 and you guys ought to work it out. I don't think the federal  
29 government has much --

30  
31 **EUGENIO PIÑEIRO:** We understand. Thank you.

32  
33 **STEVE TURNER:** Just a general wording comment. My comment  
34 earlier about reference points applies throughout Action 3.  
35 Reference points needs to be changed to ACL.

36  
37 **CARLOS FARCHETTE:** I still have a question on this map grid for  
38 the EEZ, because I'm concerned that the separation of the EEZ  
39 between St. Croix and St. Thomas is -- If we decide that St.  
40 Croix and St. Thomas is going to have two different ACLs, what  
41 are going to be the restrictions as one Virgin Islands to move  
42 fish back and forth in each other's territories?

43  
44 **ROY CRABTREE:** Basically, the way it would be set up is just  
45 hypothetically if St. Croix or St. Thomas had a closure because  
46 of an accountability mechanism kicking in, then we would  
47 prohibit possession or fishing for those species in the EEZ of  
48 that area.

1  
2 Now, if you want to allow for shipment to take place, we might  
3 could put some sort of transit provision. We have, in other  
4 regions where we have closed areas and things, put provisions in  
5 to allow transit and it requires that you have to have gear  
6 stowed and all those kinds of things. Given the small vessels  
7 that folks fish in down here, that might be difficult.

8  
9 I guess is how much of that occurs? How many people are fishing  
10 in St. Croix and then bringing fish by water back into St.  
11 Thomas or vice versa? Is that really an issue we need to deal  
12 with?

13  
14 **CARLOS FARCHETTE:** There are specific species that they do that  
15 with, for example the jacks. They may try and support 5,000  
16 pounds of jacks to St. Thomas freshly caught that day or the  
17 following morning and also we have fishermen that fish in the  
18 EEZ off of Puerto Rico for deepwater snapper, but they come back  
19 to St. Croix with the catch and land it there.

20  
21 **ROY CRABTREE:** In that case though, that wouldn't be allowed if  
22 the accountability measure was triggered and that wouldn't be  
23 covered with transit or anything, but I don't know -- Shepherd,  
24 can you think of if there's a way that landed fish that are  
25 already accounted for and everything to be transported from one  
26 island group to the other?

27  
28 **SHEPHERD GRIMES:** I guess it kind of depends on how you do it.  
29 You'll run into significant enforcement and monitoring and  
30 compliance-type problems if it's a fishing boat went out and  
31 caught them and just steams up to the next island, but if it's a  
32 container vessel, a cargo-type ship, then it's not going to be a  
33 fishing vessel. It's not going to be engaged in fishing-related  
34 activities and it's not going to be subject to jurisdiction  
35 under the Magnuson Act anyway.

36  
37 If they landed in St. Croix and put it in a container and ship  
38 it over to St. Thomas -- It doesn't have to be a huge container-  
39 type ship, but that's just an example. If it's a shipping  
40 vessel and not the fishing vessel and it wasn't used for harvest  
41 in those related activities, then it's not going to be subject  
42 to our regulations.

43  
44 **CARLOS FARCHETTE:** I'm going to go back to the example of the  
45 jacks and maybe even mahi, that these guys carry them over on  
46 their own fishing vessels in 300-quart coolers. They're huge  
47 gray coolers that they put on the bow of the vessels and just  
48 shoot over to St. Thomas or St. John to sell. It's not

1 transported in any cargo vessel. It's actually transported in  
2 their own fishing vessels.

3  
4 **SHEPHERD GRIMES:** We'll just have to think about that and come  
5 up with a way of addressing it for accountability mechanisms and  
6 I guess looking a little bit ahead to the accountability  
7 mechanisms, which we'll come to in a minute, when we talked  
8 about this geographic separation, the way your accountability  
9 stuff is set up in the document now, it's all going to be years  
10 after the fact, just because of the lag in data.

11  
12 After looking at it now, some of our discussion relating to  
13 those zones isn't really relevant for what you'll do now. Maybe  
14 in the future, if you have a real-time data collection program,  
15 you might have an in-season closure, but the way it's set up  
16 now, we won't get the information and we won't know that the ACL  
17 is exceeded until three years later or something like that at  
18 this point.

19  
20 You're not going to get an immediate closure. You'll get a  
21 closure down the road and so right now, it wouldn't affect that.  
22 You catch those fish and you bring them back and forth. I would  
23 be a little bit concerned about double counting of stuff like  
24 that and that's handled, as I understand it, exclusively through  
25 the territories and so they would just need to figure out some  
26 way, if those fish were harvested in St. Croix and landed or  
27 counted at the dock in St. Croix, that they don't get counted  
28 again when they arrive in St. Thomas. That's not something we  
29 would deal with, I don't believe.

30  
31 **CARLOS FARCHETTE:** Does this also apply to HMS species? We do  
32 have St. Thomas charters that come to the nineteen-miles off of  
33 St. Croix.

34  
35 **ROY CRABTREE:** No, what we're dealing with in this amendment is  
36 just reef fish and conch and just these specific groups of reef  
37 fish, but not HMS.

38  
39 **MIGUEL ROLON:** I will ask Beulah and Miguel if they have a  
40 crystal ball to tell us whether the local governments will be  
41 able to promulgate regulations that will handle the landings  
42 issue. Really, without the concurrence of the local  
43 governments, this is not going to fly anywhere. Miguel, do you  
44 have any future-telling at this?

45  
46 **MIGUEL GARCIA:** Not a crystal ball for sure, Miguel, but we've  
47 been talking about this for a while, that we have to do better  
48 managing our fisheries resources and there's some movement in

1 Puerto Rico to start doing that with people that you already  
2 know from the fisheries laboratory and training new people and  
3 it's something that needs to be tackled and it will happen.  
4 That's my opinion at this point.

5  
6 **BEULAH DALMIDA-SMITH:** I absolutely agree. The local  
7 governments of the U.S. Virgin Islands and in listening to  
8 Miguel, yes, we will make it happen, primarily because the  
9 landings issues -- Not only that, but we've got to also look at  
10 the permitting issues and licensing issues and so forth and so  
11 on. We have to look at enforcement within the local territory,  
12 which it's there, but it's not as sufficient as it should be.

13  
14 Not only that, but the port sampling aspect of it, in order to  
15 determine the fish that comes in and where and being able to  
16 speak to those fishers and find out where they caught the  
17 species and so forth and so on, but these are things that can be  
18 done. Once again, it's going to take increased staff and the  
19 support of the council in order to make sure that we are getting  
20 those things implemented.

21  
22 **EUGENIO PIÑEIRO:** Thank you, Beulah and Miguel and Carlos for  
23 the discussion. That was good. Graciela, go ahead.

24  
25 **GRACIELA GARCIA MOLINER:** You do have, in Action 4, some  
26 management measures. 4(a), species-specific parrotfish  
27 prohibition, this is part of the discussion that you had  
28 yesterday.

29  
30 Alternative 1 is no action, do not establish species-specific  
31 prohibition on parrotfish harvest. Alternative 2 is to prohibit  
32 fishing for or possessing in the EEZ midnight parrotfish, blue  
33 parrotfish, and rainbow parrotfish. The discussion yesterday  
34 resulted in wanting a consultation regarding whether we should  
35 have these also as management measures or just the ACL equal to  
36 zero for these species, as we did for the Grouper Unit 1 and  
37 Grouper Unit 2.

38  
39 **MIGUEL ROLON:** Anyway, Alternative 2, do you want to make a  
40 motion to pick that one or discuss it more?

41  
42 **ROY CRABTREE:** I'll make a motion, if I could. **I'll move**  
43 **Alternative 2 as the preferred.** That's based on the SSC's  
44 recommendations and our discussions of yesterday and our  
45 selection of an ACL of zero. I think we had a pretty good  
46 discussion of that.

47  
48 **MIGUEL GARCIA:** I second.

1  
2 **MIGUEL ROLON:** Any further discussion?  
3  
4 **MIGUEL GARCIA:** This is not a discussion, but just a comment.  
5 For these large parrotfish species, this is something that we've  
6 been talking about in Puerto Rico for a while, to put it in  
7 within the commonwealth for these species. Any collaboration  
8 with the federal parties would be really appreciated, like a  
9 letter of intention or something that they're doing the same.  
10  
11 **MIGUEL ROLON:** All those in favor.  
12  
13 **MIGUEL GARCIA:** Yes.  
14  
15 **BEULAH DALMIDA-SMITH:** Yes.  
16  
17 **CARLOS FARCHETTE:** Yes.  
18  
19 **ROY CRABTREE:** Yes.  
20  
21 **MARCOS HANKE:** Yes.  
22  
23 **MIGUEL ROLON:** The motion carries with two absent.  
24  
25 **SHEPHERD GRIMES:** Now that we've picked a preferred alternative  
26 to prohibit fishing for and possession of these species in the  
27 EEZ, yesterday you took action to set an ACL for parrotfish and  
28 that ACL is based on average catches over a certain period of  
29 time, which is going to include these species that you just  
30 prohibited.  
31  
32 We need some discussion to indicate how it's consistent to use  
33 those average catches or you need to go back in and revisit  
34 those and somehow remove the species that you just prohibited.  
35 My point is that these species were counted in those prior  
36 landings and now you've prohibited the possession of those and  
37 so the remaining species that are allowed to be harvested need  
38 to have their landings reduced or at least we need to address  
39 the issue and explain why it's not a problem.  
40  
41 **ROY CRABTREE:** I think the problem with that is that parrotfish  
42 are reported as parrotfish and so we don't have landings broken  
43 down, but I think what's reflected in the document is these are  
44 essentially not in the commercial catch any longer and so  
45 presumably the catches in the timeframe we're looking at would  
46 have been negligible relative to the catch of other parrotfish,  
47 but I'm not sure we have an ability to break it out.  
48

1 **SHEPHERD GRIMES:** Let's make sure we incorporate that  
2 explanation in the document and look to see if we can find  
3 anything that indicates that.

4

5 **ROY CRABTREE:** I'm looking to Bill. Am I correct about that?

6

7 **BILL ARNOLD:** Over 99 percent of parrotfish landings are  
8 reported to the parrotfish category and so we would have a very  
9 difficult time teasing out these three species from the rest.

10

11 **ROY CRABTREE:** I think, Shepherd, while you have a valid point,  
12 we're doing the best we can.

13

14 **ED SCHUSTER:** If I may, the midnight and the rainbow parrots are  
15 incidental takes. They're usually targeted by recreational  
16 spear fishers or, believe it or not, they were hunted by the  
17 high-power rifles and that has been done away with from a long  
18 time ago, but these fish come humungous. You're talking  
19 anywhere from fifty to about seventy-five pounds.

20

21 **GRACIELA GARCIA MOLINER:** Two things. The information that the  
22 council has is from the presentations at the scoping meetings  
23 where the recreational spear fishermen were interested in having  
24 some kind of bag limit for these, because these are trophy fish  
25 for the recreational harvest.

26

27 **BILL ARNOLD:** I have a question for Eddie. Assuming that these  
28 are rare in the catch, in say 2005, our most recent year of  
29 reporting, would you say they would also have been rare in 1999,  
30 our earliest year of reporting, so that we could be comfortable  
31 that throughout that time period these were incidental?

32

33 **ED SCHUSTER:** I'll go back a little further, just to give you a  
34 little bit of history. Before Hugo, they were really abundant  
35 and now the reef structure that they used to feed on, and it's  
36 really shallow water, got destroyed. The older guys, older  
37 fishermen, used to hunt them from the shoreline and that was  
38 done away with.

39

40 It's fair for me to say at that timeframe that we're looking at  
41 that they're not as abundant, but as recent as maybe a month  
42 ago, I went up at a point where they frequented and I saw about  
43 fifteen of them, maybe anywhere from twenty-five pounds to about  
44 forty pounds, but that aspect of fishing for them has been done  
45 away with for at least ten or fifteen years, where guys would  
46 shoot them from the rocks with a high-powered rifle. There was  
47 no other method that you could catch them with.

48

1 These fish are humungous. They won't even go in the funnel of a  
2 fish truck unless you made a funnel specifically for those fish,  
3 but the fishermen don't -- It's not a marketable fish and so  
4 they target the more restaurant-type fish, parrotfish.

5  
6 **BEULAH DALMIDA-SMITH:** I just also want to make clear that since  
7 we have ACLs set for both commercial and recreational within the  
8 Virgin Islands, we have to ensure that even though we don't have  
9 a recreational fishery at this time that those who do fish  
10 recreationally do know that these species are not acceptable  
11 within the EEZ. We'll have to definitely make sure that that  
12 information gets out.

13  
14 **EUGENIO PIÑEIRO:** That conservation aspect is very important in  
15 order to protect that species. Thank you, Beulah. Any  
16 comments?

17  
18 **GRACIELA GARCIA MOLINER:** Action 4(b) deals with recreational  
19 bag limits. Alternative 1, no action, is do not establish bag  
20 limit restrictions on recreational reef fish harvest.  
21 Alternative 2 is specify a ten fish aggregate bag limit per  
22 person. It would not apply to a fisherman who has a valid  
23 commercial fishing license issued by Puerto Rico or the USVI for  
24 A)species in the Snapper FMP; B)species in the Grouper FMP;  
25 C)species in the Parrotfish FMU.

26  
27 Alternative 3 is to specify a five fish aggregate bag limit per  
28 person. It would not apply to a fisherman who has a valid  
29 commercial fishing license issued by Puerto Rico or the USVI for  
30 A)species in the Snapper FMP; B)species in the Grouper FMP;  
31 C)species in the Parrotfish FMU.

32  
33 Alternative 4 is specify a two fish aggregate bag limit per  
34 person. It would not apply to a fisherman who has a valid  
35 commercial fishing license issued by Puerto Rico or the USVI for  
36 A)species in the Snapper FMP; B)species in the Grouper FMP;  
37 C)species in the Parrotfish FMU.

38  
39 Finally, Alternative 5 is to establish a vessel limit. It would  
40 not apply to a fisherman who has a valid commercial fishing  
41 license issued by Puerto Rico or the USVI. It's equivalent to  
42 the aggregate bag limit for two fishers, three fishers, or four  
43 fishers. We have ten, five, or two and there is a graph on the  
44 document that actually shows the impact that it would have.

45  
46 **EUGENIO PIÑEIRO:** Now it's a matter of --

47  
48 **CARLOS FARCHETTE:** I would like to make a motion to accept



1 **Alternative 2 as the preferred alternative for recreational bag**  
2 **limits.** It will conform with what the St. Croix FAC is actually  
3 working on right now.

4  
5 **MARCOS HANKE:** Before I say as a second or whatever, I don't  
6 have it clear and I have a poor understanding. Once we decide -  
7 -

8  
9 **EUGENIO PIÑEIRO:** I need a second for discussion.

10  
11 **MARCOS HANKE:** I'll second for discussion.

12  
13 **EUGENIO PIÑEIRO:** Now discussion.

14  
15 **MARCOS HANKE:** On the bag limit for the aggregate bag limit, we  
16 can choose A, B, and C or just one of them? I don't understand  
17 how it works.

18  
19 **MIGUEL ROLON:** That's why I was getting Graciela to get the  
20 table, because that will be a huge one. You can have ten  
21 species for only A or only B or only C or for the three and then  
22 you have five or two and then the last one, you multiply  
23 whatever number you get here for two fishermen on a boat, three  
24 fishermen on a boat, or four fishermen on a boat. That will  
25 give you the total of the bag limit in any of the combinations  
26 that you may choose.

27  
28 **EUGENIO PIÑEIRO:** Thank you, Miguel. Let's start the discussion  
29 on this. First of all, I believe that the parrotfish should be  
30 zero for recreational. The three species, the large ones that  
31 we put zero, they should not -- If it's a species that is in  
32 such distress, there is no need to --

33  
34 **ROY CRABTREE:** That's already done. That previous motion says  
35 no, you can't have any of those three species and so this would  
36 be the other parrotfish.

37  
38 **EUGENIO PIÑEIRO:** That's for the other parrotfish? That's good.  
39 Then we should not lose, on the conservation side, that we have  
40 all these species are overfished or undergoing overfishing. We  
41 want the recreational to be able to participate and to fish and  
42 to release. In the case of the Snapper Unit 1, as you all know,  
43 it's a snapper that once you get it up to the surface, you  
44 cannot put it down again.

45  
46 I would not support the motion in the sense of ten, but two is  
47 too low and maybe five for a fisherman would be a better number  
48 and allow maybe four fishermen in a boat and so they can have

1 twenty.

2  
3 Regarding the grouper, more or less in the same line, but we  
4 should never forget that these are overfished species and  
5 undergoing overfishing and that we have to make it sustainable.  
6 That's what we are here for. We have to make it sustainable and  
7 we have to take the necessary steps for that protection.

8  
9 **MIGUEL ROLON:** Just to ask Carlos to clarify your intentions.  
10 The way that the motion reads, in your case you are saying ten  
11 fish for all districts, the three groups?

12  
13 **CARLOS FARCHETTE:** No, that would be per group.

14  
15 **MIGUEL ROLON:** I know and so you have ten for each one of A, B,  
16 and C species, except for the three that we excluded, and also  
17 you said that in the St. Croix the Fisheries Advisory -- Is that  
18 what they are considering? Is that something similar to this?  
19 Can you explain for the record?

20  
21 **CARLOS FARCHETTE:** The St. Croix FAC is presently working on  
22 recreational licenses and permits and bag limits and actually, I  
23 kind of made an error, because I wanted to edit the Alternative  
24 2, because what we're going is ten fish per person and no more  
25 than thirty per boat and so if you take six people, you're still  
26 only allowed thirty per boat.

27  
28 **ROY CRABTREE:** Is it ten fish period of any species or is it ten  
29 snapper or ten grouper?

30  
31 **CARLOS FARCHETTE:** Aggregate snapper and aggregate grouper.

32  
33 **ROY CRABTREE:** You can have ten snapper and you can also have  
34 ten grouper?

35  
36 **CARLOS FARCHETTE:** Right.

37  
38 **MARCOS HANKE:** Following many points here, one is that I was the  
39 pusher, the guy that really wanted this, because I think it's a  
40 great tool. Second, what Roy just said earlier in the morning  
41 is that if you restrict the bag limit that we're going to  
42 encounter other problems of people keep fishing and releasing  
43 the little ones and environmental damage or the fishery damage  
44 will be higher.

45  
46 What I think the best tool to limit the catch and not to take  
47 twenty people on the boat and fish a lot of fish, which is the  
48 intention of this, to restrict in some way but keep the industry

1 going, is to keep the ten fish bag limit and maximum of four  
2 anglers.

3  
4 That also will touch the part of -- That's not enough fish for a  
5 person that is doing illegal commercial fishing to go out and  
6 fish and to make a profit. That's not enough fish to make a  
7 profit for the illegal fishermen that are doing that, some of  
8 them. I think that's a reasonable number and restricting the  
9 amount of fishermen like this is going to restrict -- Not more  
10 than four fishers, which will be forty fish per group.

11  
12 **ROY CRABTREE:** You can't restrict the number of fishermen on the  
13 boat.

14  
15 **MARCOS HANKE:** No, I means in terms of the --

16  
17 **ROY CRABTREE:** To me, if you can bring in forty snapper, forty  
18 grouper, and forty parrotfish, that's a lot of fish. I think  
19 that's more than the average commercial fisherman brings in in a  
20 trip in Puerto Rico.

21  
22 **MIGUEL ROLON:** The other thing is you're talking about only one  
23 guy and we have 200,000 fishermen that call themselves  
24 recreational and so the potential for getting way ahead -- The  
25 other thing is for recreational fishermen we have almost zero  
26 enforcement and so you're telling the commercial fishermen not  
27 to fish a certain amount, but then you're telling the  
28 recreational fishermen to take thirty fish -- The way that he  
29 wrote it, you get thirty fish out of that and then you multiply  
30 that by four and you're at 120 fish per boat per day of the  
31 three species.

32  
33 Then talking about profit, these people can make more money  
34 illegally selling. They are not supposed to sell anything if  
35 they are recreational catching, but they do sell it and they can  
36 pay for the fuel and they can pay for their mother-in-law's  
37 birthday cake out of that money, because the price they get is a  
38 lot of money.

39  
40 Not only that, they out compete with the commercial fishermen  
41 because they sell that for half the price of the commercial  
42 fishermen and so you clog the market and you -- Be careful what  
43 you ask for.

44  
45 Anyway, you are asking for your preferred alternative, but you  
46 need to develop the record of what really you want, because you  
47 have to look at the whole picture in terms of an overfished  
48 species or suffering overfishing and how you're allowed to

1 remove from that stock to make it rebound or rehabilitate.

2

3 **EUGENIO PIÑEIRO:** That's my point, Miguel, and thank you.

4

5 **SHEPHERD GRIMES:** I think we may be coming at this from the  
6 wrong direction. We need to look at why do we want a bag limit?  
7 We had the tables yesterday and it would be great to have it now  
8 or at a subsequent meeting where here's a preferred alternative  
9 that you selected for annual catch limits and the associated  
10 measures that you have and here are the 2006/2007 landings and  
11 based on what we have, are we going to have an overage or are we  
12 going to come close to it?

13

14 Some of the information yesterday showed that we were going to  
15 need significant reductions in recreational landings in order to  
16 constrain them to the ACL. That indicates that we might have a  
17 management problem and therefore, we need to implement  
18 restrictions.

19

20 We don't need to be coming at this and saying we need to  
21 implement bag limits because it seems like a reasonable thing to  
22 do. We have these numbers now and we need a basis for  
23 developing the measures we want to develop and we need to be as  
24 detailed as we can with that, which I think should include at  
25 least the kind of tables and the kind of data that we looked at  
26 yesterday related to estimated catches in 2006/2007 and  
27 estimated ACL that's going to come out of the years that we've  
28 chosen, and where do we stand?

29

30 I think if based on that analysis the recreational or the  
31 commercial harvest is not going to come anywhere near the ACL  
32 that we've set, I don't think we really have a compelling  
33 justification for implementing a low bag limit.

34

35 **ROY CRABTREE:** If you think about it this way, Shepherd, we've  
36 chosen a baseline at this point of 1999 to 2005 and then we  
37 reduced by 25 percent based on uncertainty and so if your goal  
38 is to try and ensure that you don't exceed your ACL and if you  
39 assume the recreational catches are going to be roughly close to  
40 what they were during that baseline period, it would seem to me  
41 you would want to come in and get about a 25 percent reduction  
42 and even then you would still have a 50/50 chance of going over.

43

44 I have some notes here. For example, if you wanted to get like  
45 a 20 percent reduction, then you could go with ten snapper, five  
46 grouper, and two parrotfish, because you've got to remember  
47 apparently not very many people bring in a whole lot of  
48 parrotfish and so a ten parrotfish bag limit -- I think Bill has

1 some analyses to that.  
2  
3 If you put a ten fish bag limit on parrotfish, it's not going to  
4 affect much of anyone, because almost nobody recreationally  
5 brings in that many parrotfish. People bring in more snapper  
6 than they do grouper, typically, but to me, I think the goal  
7 here was to avoid going over the ACL so you didn't end up with a  
8 closure.  
9  
10 It would make sense to me to try and get to something that's  
11 going to get you about a 25 percent reduction from where we've  
12 been, in order to avoid that.  
13  
14 **EUGENIO PIÑEIRO:** What about taking a five-minute coffee break  
15 and then we'll get back together? We'll get our strength back.  
16  
17 (Whereupon, a brief recess was taken.)  
18  
19 **EUGENIO PIÑEIRO:** We're going to resume the work. Carlos, I  
20 think you have something here.  
21  
22 **CARLOS FARCHETTE:** I would like to withdraw my previous motion.  
23 After reviewing the minutes for the Fisheries Advisory  
24 Committee, it's actually a ten aggregate catch of fish.  
25  
26 **EUGENIO PIÑEIRO:** Thank you, Carlos.  
27  
28 **MIGUEL ROLON:** So Carlos and Marcos, this motion will be then to  
29 -- We need to translate it into the outline that we have and  
30 then if this is approved, we will ask Graciela and Bill to walk  
31 us through what we are doing here or if we have to have separate  
32 language.  
33  
34 Bill, if this motion is approved, then we can follow the outline  
35 and translate this motion into the outline or do we have to  
36 rewrite the outline and refer to the different alternatives?  
37  
38 **BILL ARNOLD:** If possible, I would add this as Alternative 6 to  
39 Action 4(b).  
40  
41 **MIGUEL ROLON:** That will be a new alternative and it would be  
42 the preferred alternative if it were approved?  
43  
44 **BILL ARNOLD:** Yes.  
45  
46 **MIGUEL ROLON:** Okay. That will be the mechanism.  
47  
48 **ROY CRABTREE:** The motion is to add this and make it the

1 preferred? Is that correct? There's an aggregate bag limit for  
2 snapper, grouper, and parrotfish of ten and so the two  
3 parrotfish count against the ten?

4  
5 **MARCOS HANKE:** To make it even more clear, not more than six per  
6 boat for parrotfish.

7  
8 **EUGENIO PIÑEIRO:** Let's go back to it. Are you supporting the  
9 two parrotfish instead of the ten that you said in your first  
10 motion? I think that's good, because it has a very important  
11 conservation consequence to it. That's what I have to say about  
12 it.

13  
14 **MARCOS HANKE:** For all the many reasons that I've been pushing  
15 the bag limit, the idea of this council is to manage the fishery  
16 for the long term managing for the health of the fishing and for  
17 the health of the industry, to be able to operate and for the  
18 people to keep enjoying the sport, in this case, for the  
19 recreational.

20  
21 We are sending a message there that can be revisited in the  
22 future that knowing that there is difference between the islands  
23 and between the catch composition and so on, we are keeping  
24 those two parrotfish for the benefit, respecting that knowing  
25 there is people that fish recreational on the islands for the  
26 parrotfish and we want, to the extent possible, to respect that  
27 and to keep the most -- I'm losing the word here, but for the  
28 mechanism to really work and to be accepted by the people and  
29 for the regulations to be respected and in place in a good  
30 manner.

31  
32 **EUGENIO PIÑEIRO:** Further comments?

33  
34 **MIGUEL ROLON:** After you vote, then you say this is a preferred  
35 or you may want to add language that this would be your  
36 preferred option or something like that. Not at this time, but  
37 just to make sure that that's your intent, as Roy mentioned  
38 before. I suggest that you vote on this one.

39  
40 **MARCOS HANKE:** Has he moved this motion already or has he --  
41 Yes?

42  
43 **MIGUEL ROLON:** It's seconded also.

44  
45 **GRACIELA GARCIA MOLINER:** He moved the removal of the previous  
46 motion and Marcos seconded that one.

47  
48 **MIGUEL ROLON:** He withdrew his motion and there's no need for

1 that. It's just withdraw the motion and that's the substitute  
2 motion. That's the one that he seconded.

3  
4 **EUGENIO PIÑEIRO:** Right and so I think we're ready to vote then  
5 unless there's more discussion.

6  
7 **BEULAH DALMIDA-SMITH:** I just want to say with this in mind and  
8 with the fact that we're trying to be compatible with  
9 territorial and the EEZ that the FACs revisit this and this is  
10 something that we can incorporate within territorial waters  
11 also, because I do think it's more conservative than what was  
12 intended before.

13  
14 **STEVE TURNER:** There could be thirty snapper per boat?

15  
16 **CARLOS FARCHETTE:** If I were as a recreational fisher to go  
17 target yellowtail, which is one of the biggest problems we're  
18 having with illegal fishing on St. Croix, is that a recreational  
19 fisherman with no bag limit presently can go and harvest 160  
20 pounds of yellowtail and then sell it under the table. This  
21 would restrict them to thirty fish per boat on the yellowtail  
22 fishery. You really can't sell that and make a profit or get  
23 into a business doing this.

24  
25 **STEVE TURNER:** Would other alternatives under this section also  
26 be potentially implemented, such as some bag limit for snappers,  
27 et cetera, or would you just have one preferred alternative?

28  
29 **MIGUEL ROLON:** The way it reads now, and that's why I referring  
30 to the outline, is that the preferred alternative then -- A  
31 possible scenario would be thirty snappers or thirty groupers  
32 and zero parrotfish or a twenty-four combination of those two,  
33 but only six of the parrotfish. Your question is you're asking  
34 whether they would be adding also another specific restriction  
35 or a specific quota for the others and it seems that the spirit  
36 of their discussion is no, at this time.

37  
38 Remember that this refers to the species that are being  
39 considered in the management unit that are overfished or  
40 suffering overfishing.

41  
42 **ROY CRABTREE:** No, this includes all grouper and all snapper  
43 that are in the FMP.

44  
45 **MIGUEL ROLON:** No, the idea that I had the beginning was the  
46 overfishing and overfished and that's why I said you need to  
47 clarify exactly that for the record as to what we want.

1 **ROY CRABTREE:** The amendment includes all grouper and all  
2 snapper and not just the ones that are overfished or  
3 overfishing.  
4  
5 **MARCOS HANKE:** I want to remark that remember for the public and  
6 for the people that are going to listen to this record that we  
7 didn't have any bag limit or any management that helped the  
8 enforcement and helped in restricting some way this fishery that  
9 we are trying to organize here. This is a great step in the  
10 right direction as far as I understand.  
11  
12 **MIGUEL ROLON:** Marcos, you also mentioned that the parrotfish,  
13 of course, would not include the three that you previously voted  
14 on, the midnight and the other guys. It's clear for everybody  
15 that the parrotfish that you're referring to do not include the  
16 midnight and the rainbow.  
17  
18 **EUGENIO PIÑEIRO:** I think we've had enough discussion and I  
19 think we can vote on this one. Marcos, would you start?  
20  
21 **MARCOS HANKE:** Yes.  
22  
23 **ROY CRABTREE:** Yes.  
24  
25 **BEULAH DALMIDA-SMITH:** Yes.  
26  
27 **MIGUEL GARCIA:** Yes.  
28  
29 **CARLOS FARCHETTE:** Yes.  
30  
31 **EUGENIO PIÑEIRO:** Yes. **The motion carries six yes and one**  
32 **absent.**  
33  
34 **GRACIELA GARCIA MOLINER:** You have Action 5, which are the  
35 accountability measures, and Action 6, which is the framework.  
36 Those two are the last ones.  
37  
38 **MIGUEL ROLON:** Can we do it in half an hour?  
39  
40 **GRACIELA GARCIA MOLINER:** I believe so, because you already had  
41 discussion on AMs. Triggering accountability measures,  
42 Alternative 1, no action, is do not trigger accountability  
43 measures.  
44  
45 Alternative 2 is trigger accountability measures if the annual  
46 catch limit is exceeded based upon on A)a single year of  
47 landings beginning with landings from 2010; B)a single year of  
48 landings beginning with landings from 2010 and then a two-year



1 average of landings in 2011, an average of 2010 plus 2011, and  
2 thereafter, et cetera; C) a single year of landings beginning  
3 with landings from 2010, a two-year average of landings in 2011,  
4 then a three-year average of landings in 2012.

5  
6 Alternative 3 is trigger accountability measures if the annual  
7 catch limit is exceeded as defined below and NMFS, in  
8 consultation, which is what you had selected already, with the  
9 Caribbean Fishery Management Council and its SSC, determines the  
10 overage occurred because catches increased versus data  
11 collection and monitoring improved. A single year of landings  
12 effective beginning 2010, a single year of landings effective  
13 beginning 2010 and then a two-year average of landings effective  
14 2011 and thereafter or a single year of landings effective  
15 beginning 2010, a two-year average of landings effective 2011  
16 and then a three-year average of landings effective 2012 and  
17 thereafter.

18  
19 You had, in Action 2, selected the consultation with NMFS and  
20 the council and the SSC. Now it's a matter of a selection of a  
21 preferred alternative for when are they triggered, a single  
22 year, a two-year or a three-year average.

23  
24 **MIGUEL ROLON:** Graciela, it's not when, but the datasets that  
25 you're going to pick for the triggering. Isn't that the  
26 question?

27  
28 **GRACIELA GARCIA MOLINER:** Excuse me?

29  
30 **MIGUEL ROLON:** The question is to pick any of those three.

31  
32 **GRACIELA GARCIA MOLINER:** Alternative 3 includes the  
33 consultation, so that if they are increasing, it's increasing  
34 because of a specific --

35  
36 **MIGUEL ROLON:** That's the point of the question, is they need to  
37 pick between A, B, and C now.

38  
39 **BEULAH DALMIDA-SMITH:** I move that Alternative 3 is the  
40 preferred alternative.

41  
42 **MARCOS HANKE:** Second.

43  
44 **EUGENIO PIÑEIRO:** Second by Marcos.

45  
46 **ROY CRABTREE:** Could I offer a friendly amendment that we go  
47 with Alternative 3C? Would that be acceptable? C allows you to  
48 use a three-year and you can see it spells out how those are

1 going to be averaged.  
2  
3 **EUGENIO PIÑEIRO:** Discussion on this motion?  
4  
5 **MARCOS HANKE:** The motion now is the preferred alternative will  
6 be then 3C.  
7  
8 **ROY CRABTREE:** Just for some discussion, I think given the  
9 current data system that we have right now, that's a good way to  
10 go. I think using the running average would help smooth some of  
11 this out.  
12  
13 I think with all of this if we find ourselves a year-and-a-half  
14 or two years from now with a much better data collection system,  
15 then we'll come back in and relook at this and figure it out,  
16 but I think with what we have right now, 3C is a reasonable way  
17 to go.  
18  
19 **EUGENIO PIÑEIRO:** We've discussed that rationale earlier and so  
20 I think we're --  
21  
22 **BILL ARNOLD:** I just wanted to mention to Shep that, as we  
23 discussed yesterday, I don't think that's the exact wording we  
24 want in that alternative and I think you wanted the "unless"  
25 instead of the "and".  
26  
27 **SHEPHERD GRIMES:** Yes, that's correct and that's a global change  
28 in this document, to sort of shift that burden of proof. One of  
29 the things I want us to build into this document that we don't  
30 have to have a bunch of discussion now, but some detail as to  
31 how that determination is going to be made by the Center, or at  
32 least what factors they're going to review in deciding whether  
33 it was improved reporting or actually increased catch.  
34  
35 **EUGENIO PIÑEIRO:** We're ready to vote.  
36  
37 **CARLOS FARCHETTE:** Yes.  
38  
39 **MIGUEL GARCIA:** Yes.  
40  
41 **BEULAH DALMIDA-SMITH:** Yes.  
42  
43 **MARCOS HANKE:** Yes.  
44  
45 **ROY CRABTREE:** Yes.  
46  
47 **EUGENIO PIÑEIRO:** Yes. It's six yes and one absent and the  
48 motion carries.

1  
2 **STEVE TURNER:** The wording change with respect to "and" and  
3 "unless" for NMFS finding that this is due to real increase as  
4 opposed to better data collection applied to this action as well  
5 as other actions, correct? Thank you.  
6  
7 **EUGENIO PIÑEIRO:** Thank you, Steve. Graciela?  
8  
9 **GRACIELA GARCIA MOLINER:** Action 5(b) is applying accountability  
10 measures. Alternative 1 is no action, do not apply  
11 accountability measures. Alternative 2 is if accountability  
12 measures are triggered for a species or species group, then  
13 reduce the length of the fishing season for that species or  
14 species group the year following the trigger determination by  
15 the amount needed to prevent such an overage from occurring  
16 again. The needed changes will remain in effect until modified  
17 at the request of the council.  
18  
19 Alternative 3 is accountability measures are triggered for a  
20 species or species group, then reduce the length of the fishing  
21 season for that species or species group the year following the  
22 trigger determination by the amount needed to prevent such an  
23 overage from occurring again and to pay back the overage. The  
24 needed changes will remain in effect until modified at the  
25 request of the council.  
26  
27 **MIGUEL ROLON:** Graciela, will you explain the difference between  
28 the two for the benefit of the group? One has the payback and  
29 the other doesn't. Can you explain what payback is?  
30  
31 **GRACIELA GARCIA MOLINER:** It would be reduced from the total  
32 amount the next year.  
33  
34 **MIGUEL ROLON:** In other words, in the first one, you just reduce  
35 the length of the fishing season and in the second one, not only  
36 do you do that, but for the next year following that -- Let's  
37 say that you went over by 100,000, then you will have 100,000  
38 less to start with that fishing year. That's the payback.  
39  
40 **GRACIELA GARCIA MOLINER:** Your quota the next year will be  
41 reduced by that amount.  
42  
43 **ROY CRABTREE:** If you have an ACL of 500,000 pounds and if you  
44 run over it by 100,000, then you would reduce the ACL for the  
45 next year to 400,000 and so you're going to end up shorting even  
46 more. If you have an ACL of 200,000 pounds and you go over by  
47 200,000 pounds, then the ACL for the next year would be zero and  
48 the fishery would be closed all year. The third one is going to

1 be a lot more painful.

2  
3 **MARCOS HANKE:** We are discussing here -- Does this apply for  
4 recreational and commercial, for both? If that's the case, I  
5 would like to put on the table for discussion one idea. If  
6 there is an overrun on the quota, on the poundage, and instead  
7 of cutting the year -- Just to use an example, 100,000 pounds  
8 that will correspond to six months of the year, of the next  
9 season open, once that's the case, to limit the catches per boat  
10 -- In the case of the recreational, I know that it's workable to  
11 extend the fishing season throughout the year.

12  
13 **ROY CRABTREE:** I think what could happen, Marcos, is if we find  
14 ourselves in a situation where the recreational fishery went  
15 over and so we have to have an accountability measure kick in,  
16 the council could come in and put some other management measure  
17 in place through a framework action or an interim rule or  
18 something like that that could replace the accountability  
19 measure. Shepherd, there's no reason -- If the council came up  
20 with something else that would address the problem, they could  
21 do that at the time.

22  
23 **MARCOS HANKE:** We can say that each boat could go out throughout  
24 the year and catch one fish?

25  
26 **ROY CRABTREE:** You could do that. You would need to take an  
27 action. It's hard for us sitting here to plan all that out, but  
28 I think if we get in that situation that yes, you could do  
29 something like that at that time.

30  
31 **SHEPHERD GRIMES:** I just wanted to point out, and correct me,  
32 Dr. Arnold, if I'm wrong, but the last sentence on here, and  
33 it's just for Alternative 3, but the needed changes will remain  
34 in effect until modified at the request of the council. That's  
35 not true for the overage part, because the overage part -- Once  
36 you've paid it back, you've paid it back and the restrictions  
37 that would be implemented in the following year would only be  
38 those that we deemed necessary to constrain harvest to the  
39 original ACL and not the ACL as reduced by the prior year's  
40 overage.

41  
42 **BILL ARNOLD:** You're right, Shep, but that's not the way this  
43 reads. This would have to be modified to account for that.

44  
45 **ROY CRABTREE:** I think we need to make that modification to it,  
46 Bill, because it doesn't make sense to me to continuously pay  
47 back a single overrun. Let's do that. Staff will just have to  
48 work on that. They'll just work on that before we see it again

1 and fix it.

2  
3 The question is do you want to have paybacks or not have  
4 paybacks? If you don't want paybacks, then you would select  
5 Alternative 2. If you do want to have paybacks, you would  
6 select Alternative 3.

7  
8 **BEULAH DALMIDA-SMITH:** I move that we select Alternative 2 as  
9 the preferred alternative.

10  
11 **EUGENIO PIÑEIRO:** Thank you, Beulah. Do we have any seconds?

12  
13 **CARLOS FARCHETTE:** Second.

14  
15 **EUGENIO PIÑEIRO:** Second by Carlos Farchette.

16  
17 **MIGUEL ROLON:** For discussion, if this is applied to something  
18 that is overfished or suffering overfishing, Number 2 is not a  
19 great deal to rebuild a stock. It may be good for the other  
20 species, but how can you go with Number 2 when you a fishery  
21 suffering overfishing or is overfished? That's just a question.

22  
23 **EUGENIO PIÑEIRO:** It's less painful than Number 3, which implies  
24 a payback.

25  
26 **ROY CRABTREE:** The reality is we have -- It's very difficult to  
27 know where we are in rebuilding plans here, because we don't  
28 have any biomass estimates. Most of the rebuilding plans we  
29 have in place now were put in place just because of informed  
30 judgment calls about things.

31  
32 Until we significantly upgrade the science we have and our  
33 ability to assessments, we really don't have much way of knowing  
34 whether we're making adequate progress rebuilding these stocks  
35 or whether these stocks are already rebuilt.

36  
37 I'm hoping we're going to make a lot of progress on that in the  
38 next couple of years and I think when we get to the point where  
39 we have a definitive stock assessment that says a stock is  
40 overfished and here's where it is and here's what needs to  
41 happen, we can revisit all of this, but right now, we're in such  
42 a difficult situation in terms of knowing the status of the  
43 stocks that it's really different than other areas of the  
44 country, where they have more definitive information.

45  
46 **EUGENIO PIÑEIRO:** Any more comments? Then let's vote on it.

47  
48 **CARLOS FARCHETTE:** Yes.

1  
2 **MIGUEL GARCIA:** Yes.  
3  
4 **BEULAH DALMIDA-SMITH:** Yes.  
5  
6 **ROY CRABTREE:** Yes.  
7  
8 **MARCOS HANKE:** Yes.  
9  
10 **EUGENIO PIÑEIRO:** Yes. **It's six yes and one absent and the**  
11 **motion carries.**  
12  
13 **GRACIELA GARCIA MOLINER:** Action 6 deals with the framework and  
14 this is the last action in the document. It's already been  
15 modified and so we'll show you what needs to be deleted from the  
16 huge list that you have here. The first one is 6(a), to  
17 establish framework measures for the Reef Fish FMP.  
18  
19 Alternative 1 is no action, do not establish framework measures  
20 for the Reef Fish FMP. Alternative 2 is establish framework  
21 procedures for the Reef Fish FMP to provide a mechanism to  
22 independently adjust the following management measures through  
23 framework action. This will include quota requirements,  
24 seasonal closures, area closures, fishing year, trip/bag limit,  
25 size limits, gear restrictions or prohibitions, permitting  
26 restrictions, timeframe for recovery of overfished species,  
27 rebuilding plans, fishery management units, total allowable  
28 catch, annual catch limits, accountability measures, annual  
29 catch targets, maximum sustainable yield, optimum yield, minimum  
30 stock size threshold, maximum fishing mortality threshold,  
31 overfishing limit, acceptable biological catch, and actions to  
32 minimize the interaction of fishing gear with endangered species  
33 or marine mammals.  
34  
35 Alternative 3 is to establish framework procedures for the Reef  
36 Fish FMP to provide the council with a mechanism to  
37 independently adjust a subset of management measures outlined in  
38 Alternative 2.  
39  
40 **MIGUEL ROLON:** Graciela, on Number 2, is anything missing?  
41  
42 **GRACIELA GARCIA MOLINER:** No, in fact, the list I believe has  
43 been shortened, because there are things that --  
44  
45 **MIGUEL ROLON:** We did a framework for I guess it was reef fish  
46 and lobster one time and we thought that we had everything and  
47 then when we tried to do the framework, we found that we  
48 couldn't do it and we had to go through an amendment and jump up

1 and down for four years. I just want to make sure that the  
2 council is satisfied with a framework that would allow us to do  
3 all that and for the record, you are good with it.

4  
5 **SHEPHERD GRIMES:** We're going through this identical process in  
6 the Gulf of Mexico and I think we need to look at frameworks  
7 from two perspectives. There are two main things that you can  
8 adjust, the substance of what you can change via framework and  
9 the procedure through which you change things under your  
10 framework.

11  
12 This addresses just the substance of it and I intend to work  
13 with your staff and with Dr. Crabtree's staff once we get back  
14 and this action will hopefully change to look a lot like what --  
15 At least your options will look a lot like what I have  
16 personally drafted and have been dealing with the Gulf Council  
17 on.

18  
19 I think that just sets it up so that you include some discussion  
20 in terms of substance and here are the things you can do and I  
21 think you want to allow yourself a lot of options in terms of  
22 what you can change, MSY proxies and overfishing limits and all  
23 that kind of stuff, size limits and bag limits.

24  
25 The other side of the question then is process. Can you do it  
26 via one council meeting or do you want to make it mandatory that  
27 you have a council meeting and that you send it to your SSC or  
28 that you send it to your AP? These are all things that we would  
29 need to address.

30  
31 I think what I've done in the Gulf and what I would encourage us  
32 to do here is set out one alternative that allows us to change  
33 everything we want or can change within the bounds of the law  
34 with very little process and then we set out another alternative  
35 that has a bunch of process with very few things that can be  
36 changed and so that establishes the bookends of what you're  
37 going to consider and then my guess is we'll end up developing  
38 another alternative that's sort of a compromise between those  
39 extremes and that will be what you end up going with, but I just  
40 wanted to lay that all out. That's the decision process we're  
41 going to have to go through and this will probably look a fair  
42 amount different next time you see it, assuming you are  
43 agreeable and everyone else that we deal with is agreeable.

44  
45 **ROY CRABTREE:** I'm agreeable with that and I don't think this is  
46 anything that we're going to get much public input on and so I'm  
47 agreeable to that and I think we could just hold off on  
48 preferred alternatives on this one until we come back to the

1 next meeting and they've reworked it. I think that would be  
2 fine. This is more of a procedural kind of thing.

3  
4 **MIGUEL ROLON:** I have a question for Roy and Shep. After we  
5 finish today, the next step will be to clean the document and  
6 incorporate everything that you guys have decided, including  
7 what you are talking about now, and then that's the document  
8 that we take to public hearings during the summer. Do you need  
9 any motion here regarding what you just said?

10  
11 **SHEPHERD GRIMES:** No. Your alternatives will change and so  
12 there wouldn't be any point in picking a preferred at this stage  
13 and again, as something Dr. Crabtree said, I doubt you would get  
14 that much public input on it, but regardless, they'll know the  
15 options are there and hopefully we'll rework it and I believe  
16 you said public hearings in the summer and so we shouldn't have  
17 any problem getting this stuff incorporated into the document by  
18 summer. In a nutshell, no action and we'll get it all squared  
19 away so that what the public sees is going to be largely the  
20 same as what you finally vote on.

21  
22 **MIGUEL ROLON:** Mr. Chairman, I believe that will conclude this  
23 part of the agenda.

24  
25 **GRACIELA GARCIA MOLINER:** It will also to the framework for  
26 queen conch, which is the next item.

27  
28 **ROY CRABTREE:** We're largely finished with the document now?  
29 There's one other aspect of the document. I would like to bring  
30 up another aspect of the document and I don't think you have to  
31 make any decisions about this today, but this is the issue of  
32 the economic impacts portion of the document and particularly  
33 the reliance of different communities on the fishery.

34  
35 I think what the document has now, it has discussions of  
36 different towns or places in Puerto Rico and St. Croix and St.  
37 Thomas that are judged to be substantially dependent upon  
38 fishing and I think the question that has arisen is do we want  
39 to designate in this, for the purposes of this amendment at  
40 least, that some of these areas are fishing communities?

41  
42 I think you're all aware there was a technical report put out by  
43 the Science Center I guess it was about a year ago that  
44 addressed St. Croix and described it as a fishing community and  
45 I think you could probably identify some areas in St. Thomas as  
46 fishing communities and some areas in Puerto Rico.

47  
48 I'm not asking you to make any decision on that today,



1 necessarily, but what I think we ought to ask is that someone  
2 either from the Regional Office, probably, or the Center at the  
3 next council meeting kind of walk us through what areas have  
4 been identified and what their dependence might be and give us  
5 some background on fishing communities and then at that point we  
6 could have some more informed discussions about what might be  
7 fishing communities and then you can decide, in this document,  
8 do you want to go ahead and say that the council has determined  
9 that these areas meet the criteria to be a fishing community or  
10 something like that.

11  
12 **MIGUEL ROLON:** Roy, very briefly, what will be the consequences  
13 of declaring any of these areas fishing communities?

14  
15 **ROY CRABTREE:** I'll defer to Shepherd.

16  
17 **SHEPHERD GRIMES:** Substantively, not much. It's not going to  
18 get any community out of being subject to the restrictions.  
19 It's just an analytical burden, largely. It will create these  
20 communities and it will identify a framework, if you will, for  
21 the analysis, so that they can look at individual communities.

22  
23 It would make the fishing community eligible for participation  
24 in any potential limited access privilege program or catch share  
25 type program that you might implement, but they could form  
26 regional fishery associations and do the same things and so  
27 ultimately, I think it is just an analytical burden.

28  
29 **ROY CRABTREE:** Yes, but let's not diminish the importance of  
30 that, because I think it serves to underscore what the real  
31 economic impacts of this are and the social impacts of these and  
32 that's something we have an obligation to take into  
33 consideration and look at.

34  
35 Shep is exactly right that it doesn't relieve us of the  
36 requirement to have ACLs and prevent overfishing and do these  
37 other things, but I think it does help us better understand the  
38 impacts of what we're doing and I think that's important and I  
39 think it's important to you as a council and I think it's  
40 important to our constituents.

41  
42 **MIGUEL ROLON:** That's precisely what I was thinking. I went  
43 through the whole document that asks the question of can St.  
44 Croix be considered as a fishing community and also there's some  
45 interest by Delegate Christensen on this issue and I believe, as  
46 Roy was saying, that there's a little bit more to this area. It  
47 has more relevance and interest from the point of view of the  
48 fishing and everything.

1  
2 Also, I understand from hearing some of the discussion in  
3 Congress from some of the people that once you declare a fishing  
4 community, there are NGOs and other people who will be able to  
5 study the area better and assess the economic impact of measures  
6 and look at the socioeconomic issues that sometimes you don't  
7 have the money or the personnel or whatever to do it. It's  
8 important that the council consider this in their discussions.

9  
10 Roy, let's say we go to public hearings in the summer and we get  
11 the document the way we see it now and we have the presentation  
12 the next meeting regarding this issue and the next step will be  
13 when we come back from public hearings to prepare the document  
14 for your perusal to make a final decision and then submit it to  
15 the Secretary. I just want to lay out the schedule of events so  
16 we are on time for the December deadline.

17  
18 **ROY CRABTREE:** We probably need to talk about the schedule,  
19 because we need to talk about when is our next meeting going to  
20 be and when all these things are going to happen and so we need  
21 to figure that out.

22  
23 I would ask that staff, for now -- If this goes to public  
24 hearing before we have another meeting, then I would ask that  
25 you go in the document and just put a paragraph in there  
26 somewhere that says the council is concerned about fishing  
27 communities and is still looking at what may or may not be a  
28 fishing community and that's something we could highlight at the  
29 public hearings and maybe we could get some input from folks as  
30 to where they think might meet that kind of thing or something  
31 like that.

32  
33 I'm not sure, Miguel, right now what we're thinking in terms of  
34 when the next meeting might be and would we have a meeting  
35 before we go out to public hearings? The other part of all this  
36 is we've got to get this thing finished up and get General  
37 Counsel review and publish a draft environmental impact  
38 statement and presumably that's going to happen sometime in the  
39 summer and then that will have a forty-five-day public comment  
40 period and all that needs to happen before we take final action.

41  
42 At some point today we need to talk about timing and meetings  
43 and let's remember too that while we're working on this that we  
44 need to get going on the second ACL amendment, which needs to be  
45 put in place sometime next year for the rest of our stocks. I  
46 think that's going to be a much easier task than this has been,  
47 because I assume we will follow largely the same process we've  
48 followed. This does not do everything. There's still other

1 stocks that we haven't done yet and are going to need to do, but  
2 I think it will be a much easier task.

3  
4 You can recall we had discussion I think at the last council  
5 meeting about pulling potentially everything into this amendment  
6 and the council didn't want to go that path and so we've got a  
7 second amendment to do. We need to think about that as we go  
8 down the path of doing this too, because if we have a meeting  
9 while this is all in public hearings and comments -- We could  
10 have a meeting and talk about the second one and start pulling  
11 some things together there.

12  
13 **MIGUEL ROLON:** That will be your decision actually and then we  
14 need to be mindful of the workload that the task team is having  
15 now and their schedules. The council could meet anytime you  
16 want really.

17  
18 **SHEPHERD GRIMES:** Today though, if you want to send it to public  
19 hearing, the council will need to make a decision and vote to  
20 send this out to public hearing and you'll need to pick  
21 locations. Currently now, I think your next meeting is August  
22 or at least that's your normal schedule.

23  
24 **MIGUEL ROLON:** The normal schedule is July, but we said before  
25 that if Roy or the group is ready, we can have more than two  
26 meetings even. We'll have as many meetings as we need to finish  
27 this on time.

28  
29 **ROY CRABTREE:** I think we ought to approve it to go out to  
30 public hearings at this meeting and then I think maybe over  
31 lunch folks can talk about -- Shepherd, if you could get with  
32 Bill and Graciela and maybe talk about when do we think we might  
33 be at a DEIS stage and kind of time that out and then maybe  
34 after lunch we could think about that timing.

35  
36 We certainly, I think with relatively little work, could pull  
37 together a scoping document and options -- I guess we need a  
38 scoping document for the next ACL amendment and we need to think  
39 about scoping that and it might be possible, Miguel, to scope  
40 that in addition to the public hearings on this. I don't know  
41 how you would want to do that. Maybe that's too confusing to  
42 folks. Maybe we could come back after lunch though when they  
43 talk a little bit about the timing of this document and then  
44 talk about when we do the next meeting.

45  
46 **MIGUEL ROLON:** That's precisely my point. Yesterday when we  
47 heard David Olsen, he said something like this document doesn't  
48 look like anything that we discussed before and it will be very

1 difficult to go to public hearings with the scoping for 2011 and  
2 this one here, although we may not have any -- Although the  
3 people who are working on it don't have any problem, I believe  
4 that probably the best way, Mr. Chairman, is to follow Roy's  
5 suggestion and then come back after lunch and discuss the  
6 schedule and everything.

7  
8 Just to give you an idea, I need thirty days for the contracts  
9 and everything for the public hearings and so if we approve this  
10 to go to public hearings, then we're talking about the end of  
11 May or June and then we'll be ready maybe by the first week of  
12 August to come back and discuss it, only this part.

13  
14 Then the other one, 2011, it could be any time that you  
15 determine, because I believe that once we go through this  
16 process it will be a matter of plugging in the other species  
17 here and there and it will be easier to follow. If you all  
18 remember how you voted this time, it will be easier to vote for  
19 the second time.

20  
21 **EUGENIO PIÑEIRO:** We'll go to lunch and, Roy, would you like the  
22 state governments to contact someone in your office for the  
23 fishing communities, to identify some of the fishing communities  
24 from the state governments?

25  
26 **ROY CRABTREE:** I think if the territories have some input on  
27 that, that they could provide that to Mr. Steele's group or you  
28 could email me any input on that and we can pass that on to our  
29 economists and social science folks who are looking at it, but  
30 certainly if the territories have some communities they would  
31 like to highlight, I think that would be very helpful.

32  
33 **BEULAH DALMIDA-SMITH:** I think that's something that can be  
34 done. I will get with the Delegate's office and retrieve all  
35 the information that has been done and given to her so that we  
36 can make sure that we have something to submit to you. I do  
37 have a question. I don't know in terms of the economics of  
38 designating a fishing communities would seem so great, because  
39 we do have areas within the territory that I'm sure will be  
40 characterized as such.

41  
42 Apparently it seems that we don't know where we're going right  
43 now and we're trying to find information, but I'm thinking if  
44 there will be monies available to the local government that  
45 would allow them to assist with these communities in terms of  
46 not just the studies, but to revitalize or to assist the  
47 fishermen with equipment that may be needed and so forth to  
48 enhance their fishing viability, those are things that I would

1 like to see on behalf of the fishers of the Virgin Islands.

2

3 **EUGENIO PIÑEIRO:** Roy, do you want to answer that?

4

5 **ROY CRABTREE:** Funding always depends on appropriations from  
6 Congress and so right now I don't have any funds to provide for  
7 those outside of our normal grants and cooperative research  
8 programs and those sorts of things, but nonetheless, I still  
9 think this is an important thing for us to do.

10

11 **EUGENIO PIÑEIRO:** Thank you. Let's do lunch and be here by 1:30  
12 to wrap this thing up.

13

14 (Whereupon, the meeting recessed for lunch on April 8, 2010.)

15

16

- - -

17

18

April 8, 2010

19

20

THURSDAY AFTERNOON SESSION

21

22

- - -

23

24 The Caribbean Fishery Management Council reconvened at the  
25 Marriott Frenchman's Reef Hotel, St. Thomas, USVI, Thursday  
26 afternoon, April 8, 2010, and was called to order at 1:30  
27 o'clock p.m. by Chairman Eugenio Piñeiro.

28

29 **EUGENIO PIÑEIRO:** Good afternoon. We're back in business.

30

31 **GRACIELA GARCIA MOLINER:** What you have on the screen is the  
32 proposed schedule for the ACL Amendment and so if the council  
33 approves it for public hearings today, then there will be the  
34 publishing of the DEIS, the draft environmental statement,  
35 probably around July 1, 2010. There is a forty-five-day comment  
36 period and public hearings will be held during July for a late  
37 August council meeting for final action. Any questions?

38

39 **MARCOS HANKE:** I don't understand. There is a forty-five-day  
40 comment period and you can do the public hearings in July still?

41

42 **GRACIELA GARCIA MOLINER:** They're two parallel processes. You  
43 can go to public hearings, but the DEIS comment period runs for  
44 forty-five days. You'll get two sources of input.

45

46 **MIGUEL ROLON:** Given that you have the requirement for the  
47 environmental impact statement purposes and then this  
48 requirement that we have that rather than have them run in June

1 that we run them parallel.

2  
3 We will have two or three weeks of public hearings while the  
4 comment period for the DEIS keeps running. At the end of the  
5 forty-five-day period, then you have the summary of the comments  
6 received presented to you.

7  
8 **GRACIELA GARCIA MOLINER:** There are two things that we need to  
9 clarify. One has to do with the fishing community information  
10 and whether that should be held off this document or whether  
11 comments can be included, as Dr. Crabtree suggested, in the  
12 document, so that it won't hold the development of the ACL  
13 Amendment. That's number one.

14  
15 Number two, there are changes that need to take place in the  
16 document. It has to be edited and it has to be reworded and  
17 there has to be some consultation regarding some of the wording  
18 in the document, but probably they are not significant in the  
19 sense that they can be done and then sent to you for the final  
20 public hearing draft before it goes out and then a council  
21 meeting after the public hearings.

22  
23 **EUGENIO PIÑEIRO:** I don't see any problem with that. Does any  
24 council member have any objection to that? No?

25  
26 **MIGUEL ROLON:** The other thing that you asked is a tentative  
27 date for the August meeting. I understand from conversations at  
28 lunch that the South Atlantic Council has a meeting in the third  
29 week, the Gulf Council. Is the last week open for you guys?

30  
31 **SHEPHERD GRIMES:** The Gulf Council meeting is the week of the  
32 16<sup>th</sup>. My only comment on this is it doesn't leave you much time.  
33 The forty-five-day comment period is going to end in the middle  
34 of August. You're going to have to incorporate the comments on  
35 the DEIS into your final EIS, which would be nice if you could  
36 have it done before the meeting. That would be my only concern  
37 with this schedule.

38  
39 **EUGENIO PIÑEIRO:** Remember we're not going to meet until perhaps  
40 the fourth week of August, most likely.

41  
42 **SHEPHERD GRIMES:** I understand that, but the comment period is  
43 over on August 15 under this schedule and that leaves your staff  
44 a week to prepare things and turn it around. That's just a  
45 tight timeline it seems to me.

46  
47 **MIGUEL ROLON:** Shep is right. We won't have enough time to  
48 prepare a document and send it to you guys in time. Is there

1 any possibility of moving the DEIS starting date in June  
2 sometime?  
3  
4 **GRACIELA GARCIA MOLINER:** After the discussion this morning,  
5 there is going to be quite a change in terms of the recreational  
6 fishing data and so that needs to be incorporated. That's one  
7 of the holdups. It could be done before, depending on data  
8 availability and on the incorporation of the data into the  
9 document and the review by the team. That's the one main issue  
10 that might impact the schedule.  
11  
12 **MIGUEL ROLON:** How many days do you need to finish the document  
13 for the DEIS from here to --  
14  
15 **GRACIELA GARCIA MOLINER:** All that time, six weeks.  
16  
17 **MIGUEL ROLON:** In that case, maybe what we should be doing is to  
18 move into September some time and have the meeting during the  
19 month of September.  
20  
21 **SHEPHERD GRIMES:** Do we really need three months? It's April 8  
22 now and you've got most of April and May and June and it's going  
23 to take that long to reorganize the existing document and get it  
24 out? I think you could just say this July 1 date and no later  
25 than, but let's get it done as soon as we can.  
26  
27 **MIGUEL ROLON:** Anyway, we don't need to do this right now, but I  
28 need to have a schedule, a tentative schedule, for you guys.  
29 Remember we need to finish this whole process by December and we  
30 want to make sure.  
31  
32 We are betting that we will not receive any significant comment  
33 that we have to rewrite half of the document during the public  
34 hearings, but you never know. We can open then the month of  
35 September. The chair and the staff could work this according to  
36 --  
37  
38 **EUGENIO PIÑEIRO:** According to the speed they work. It could be  
39 late August or September.  
40  
41 **MIGUEL ROLON:** That's what I said before about the workload and  
42 all that. If the task team can do this in two months, then we  
43 can have the meeting by August.  
44  
45 **EUGENIO PIÑEIRO:** Roy, can you do it by the last week of August?  
46  
47 **ROY CRABTREE:** It's coming up. I just want to point out that I  
48 think I've said a couple of times at this meeting that you're

1 going to have a couple more times to review this. Now, the  
2 schedule you're looking at means you're going to have one more  
3 time to review this and so if you want to have a couple more  
4 times to review it, you need to schedule a meeting before you  
5 take final action and it's really up to you how comfortable you  
6 are, but if you want to see this thing after it's revised, then  
7 we would need to meet somewhere between now and August. I just  
8 want to point it out to you so no one is surprised.

9  
10 **EUGENIO PIÑEIRO:** What is your calendar?

11  
12 **BEULAH DALMIDA-SMITH:** Do we necessarily have to meet to review  
13 the next document?

14  
15 **MIGUEL ROLON:** Yes. Well, it all depends, as Roy said. If you  
16 guys are trusting of the task team and you trust that they will  
17 prepare the document as you said that you want it and then you  
18 understand everything that they are going to write in the final  
19 document, it's fine.

20  
21 **ROY CRABTREE:** When the DEIS goes out, that will be distributed  
22 to the council and you can all get copies of it. It's just if  
23 you want to talk about it and make any changes to it, then we  
24 would have to have a meeting.

25  
26 **BEULAH DALMIDA-SMITH:** That was my question, whether or not it  
27 can be distributed and we can make comments electronically  
28 rather than having to physically sit and meet and talk about it,  
29 if that's okay.

30  
31 **SHEPHERD GRIMES:** You need to meet as a group, but I would say  
32 at this point, unless you were going to revisit preferreds or  
33 select preferreds in areas where you haven't, there's really  
34 nothing for you to discuss again until you have public comments  
35 back on the document and then you can make changes in response  
36 to those comments.

37  
38 You will most definitely have to look at it one more time,  
39 because you have actions where you have no preferred alternative  
40 and you'll have to select those and incorporate comments and any  
41 potential responses to comments and then take final action on  
42 the document.

43  
44 I really don't see a whole lot of utility in you revisting it  
45 until you've gone through and had public hearings and gotten  
46 comments back from the public hearings and from the DEIS comment  
47 process. That's up to you if you want to do it again. You can  
48 always do it again.



1  
2 **MIGUEL ROLON:** I would propose to leave the table as it is and  
3 then you have the flexibility of getting the meeting during  
4 August or September and then we can ask Roy some other time  
5 about his schedule and then you can move on to the rest of the  
6 agenda, but we haven't finished yet. The other thing is I  
7 believe that we still have a pending motion to send this to  
8 public hearings.

9  
10 **EUGENIO PIÑEIRO:** I need a motion to send this to public  
11 hearings.

12  
13 **MARCOS HANKE:** So moved to send this document to public hearings  
14 after modification by the staff.

15  
16 **EUGENIO PIÑEIRO:** Second?

17  
18 **CARLOS FARCHETTE:** Second.

19  
20 **EUGENIO PIÑEIRO:** Carlos Farchette seconds. All those in favor  
21 say aye; all those opposed. The motion carries and it's  
22 unanimous with one absent. We're going to send the ACL to  
23 public hearings. The next item on the agenda is our catch share  
24 project with Dr. Walter Keithly.

25  
26 **MIGUEL ROLON:** By the way, thank you, Graciela and Bill and the  
27 rest of the staff. That was an excellent job. Excellent work.

28  
29 **CATCH SHARE PROJECT**

30  
31 **WALTER KEITHLY:** Thank you, Mr. Chairman. While we're loading  
32 up the presentation, I'll just give you a quick little bit of  
33 background. Again, I'm going to, to some extent, repeat what I  
34 said at the previous meeting.

35  
36 I know catch shares are a relatively new concept to a number of  
37 individuals in the room and so I'm going to, to some extent,  
38 build on what I presented at the last meeting. With your  
39 permission, anybody on the council certainly, if they have an  
40 interest in asking questions during my presentation, I would  
41 hope they could do so, because, again, I don't want to confuse  
42 anybody at this stage.

43  
44 The second point is if I start to get longwinded, as somebody in  
45 the audience told me I did yesterday, feel free to tell me to  
46 speed it up, because I know it's running late in the afternoon  
47 and everybody has had a long day and so I'm going to try to be  
48 relatively quick here.

1  
2 So an update and let's just start off, again, the same as I  
3 presented last time and what is a catch share? It's a new term.  
4 Some of you may have heard it as LAPPs, limited access privilege  
5 programs, and so forth, but what we do under a catch share  
6 program is that we take a total allowable catch and then we  
7 simply divide it among individuals or entities. It could be  
8 individuals, cooperatives, communities, and so forth.

9  
10 Each recipient of a catch share is directly accountable to stop  
11 fishing when its specific quota is reached and so each  
12 individual or entity will receive a share or potentially receive  
13 a portion of the total TAC or ACL now. You must stop fishing  
14 after you've fished your portion of that total TAC.

15  
16 Again, it encompasses several different management strategies.  
17 Fishing privileges can be allotted to a wide range of interest  
18 groups, as I mentioned, including individuals, regional  
19 associations, and fishing communities. The discussion of  
20 fishing communities Dr. Crabtree brought up right before lunch  
21 and NOAA General Counsel addressed some of the issues with  
22 fishing communities with respect to catch shares.

23  
24 They are potentially very important and a useful concept, which  
25 I'm going to bring up later in the discussion, because I think  
26 that that may be a very important concept that may be considered  
27 in the Caribbean here.

28  
29 Finally, catch shares do not negate the need to specify an ACL.  
30 Again, you pick the ACL or you determine the annual catch limit  
31 initially and then you divide that catch limit among individuals  
32 or entities.

33  
34 What does EDF have to say, the Environmental Defense Fund? I  
35 don't often quote from the Environmental Defense Fund, but  
36 they've been a proponent of catch shares for some time and been  
37 actively involved in trying to build catch shares throughout  
38 much of the world and again, we do have them throughout the  
39 world now. There's over 300 catch share programs throughout the  
40 world and most of them are just individual quotas, but it's more  
41 and more moving toward cooperatives, associations, and so forth.

42  
43 What EDF says is fundamentally, catch share participants know up  
44 front how much fish they can catch and/or the area to which they  
45 are allowed exclusive access. I'll stop there for a second.  
46 Again, if it's divided -- If you have a total ACL just divided  
47 among individuals, each individual or entity that is allowed to  
48 fish knows what his share is going to be, how much he is allowed

1 to catch.  
2  
3 You can also have what we call turfs or territorial use rights,  
4 where basically individuals are appropriated a given amount of  
5 geographical area.  
6  
7 Continuing on, this provides clarity and security for the  
8 fishermen in return for individual accountability to remain  
9 within their designated amount of catch. Again, you have a  
10 security now, something that's not the case if you have an open  
11 access fishery. You know how much you're going to be allowed to  
12 catch. You're accountable for that though and so you have  
13 security, but you also have accountability that must be taken  
14 into account.  
15  
16 You know what your total catch is going to be, though you may be  
17 able to purchase additional share, quota, from other individuals  
18 that have quota. As EDF finally says, catch shares are highly  
19 flexible and can be customized. That is certainty true and that  
20 is one of the main benefits of catch shares, that they are  
21 highly flexible.  
22  
23 After you're allocated the privilege to harvest a certain amount  
24 of the total TAC or ACL, to a large extent, you get to determine  
25 how you're going to do that and when you're going to do that.  
26 As we've seen in many catch share programs throughout the world,  
27 basically many of the regulations are withdrawn after catch  
28 shares are established.  
29  
30 Fishing seasons are often extended and you have more flexibility  
31 in terms of the gear you wish to use and when and where you go  
32 fishing and so they are in fact highly flexible and as we'll  
33 look at in just a minute, how we set them up determines the  
34 amount of flexibility in such a program.  
35  
36 First of all though, why do we see the increased interest in  
37 catch shares? Certainly, again, we've had Environmental Defense  
38 and economists and other organizations pushing catch shares for  
39 some time now and again, they started back in the 1970s really,  
40 but they've grown tremendously just in the last couple of years,  
41 but more recently, what we have is the MSRA, which basically  
42 requires an end to overfishing by 2011 and 2010 for stocks that  
43 are currently undergoing overfishing.  
44  
45 The reauthorization requires the use of ACLs to prevent  
46 overfishing and again, what you've been talking about basically  
47 the last two days. Catch shares are what's called LAPPs in the  
48 MSRA and they have been found to mitigate many of the problems

1 often encountered in the more traditional fishery management  
2 techniques.

3  
4 They have been found to be very useful for preventing  
5 overfishing. They have been found very useful in increasing  
6 profits to fishermen. They have been found to be successful in  
7 reducing bycatch. There are in fact a number of benefits that  
8 are often associated and empirically tested now and shown to be  
9 valid with respect to catch shares.

10  
11 As the NOAA draft catch share policy states, to achieve long-  
12 term ecological and economic sustainability of the nation's  
13 fishery resources and fishing communities, NOAA encourages the  
14 consideration and adoption of catch shares wherever appropriate  
15 in fishery management and ecosystem plans and it goes on and on.  
16 Anyway, again, their use is to prevent overfishing, but also,  
17 hopefully in some instances, to protect fishing communities.

18  
19 So far I've been pretty much waving the flag on catch shares and  
20 you can't go wrong with them. However, as I stated at the last  
21 meeting, and a quote directly what I said in December, there's  
22 no guarantee that catch shares are going to outperform other  
23 management approaches and outcome is dependent upon both the  
24 fishery being considered and the management objectives.

25  
26 I do find it hard to believe that catch shares, if you have  
27 proper monitoring, which we'll get into in a minute, can perform  
28 any worse than other management systems, but certainly they  
29 don't necessarily perform better and as Representative  
30 Christensen stated yesterday when she came up to talk at the end  
31 of the day -- She gave a very interesting presentation and she  
32 expressed a fair amount of skepticism or possibly a better word  
33 is concern regarding catch shares.

34  
35 Certainly you should have concern with catch shares. It's not  
36 necessarily going to be applicable for every fishery. It's kind  
37 of like a marriage. You want to take it slowly and you don't  
38 want to rush into that type of thing and catch shares are the  
39 same type of a program.

40  
41 Again, while they have been often successful and I'm not sure  
42 they can work any worse than current management policies, if you  
43 want an optimal catch share which is going to achieve the  
44 objectives that you have set forth, take your time to develop it  
45 right or them, possibly.

46  
47 Hopefully I left you with the impression at the last meeting  
48 that catch shares or workable catch shares in the U.S. Caribbean

1 is going to represent a challenge. Like Representative  
2 Christensen, I'm somewhat skeptical. My skepticism or caution  
3 is whether, after investments and so forth, whether they're  
4 going to work any better than the methods that we have, but a  
5 lot of that has to deal with monitoring, which we're going to  
6 get into, enforcement and monitoring.

7  
8 Again, issues that I brought up at the last meeting, is real-  
9 time monitoring adequate or can appropriate steps be taken?  
10 That I consider to be the number one issue. Certainly we've  
11 discussed or you've discussed the last couple of days  
12 jurisdictional issues and stock assessments, we all know the  
13 problems or potential problems. They're less than perfect stock  
14 assessments.

15  
16 Incomplete catch histories, because somehow you have to  
17 initially allocate the TAC or the ACL, and I have down there  
18 collection of cost recovery fees and basically it can be a  
19 problem, especially I think in the Virgin Islands, where much of  
20 the product is sold directly, but we'll talk about that too and  
21 I state that permitting is a prerequisite and that's probably an  
22 overly strong statement. It's not necessarily a prerequisite, I  
23 don't think. However, I've just never seen any catch share go  
24 into existence without permitting first of all. In fact, the  
25 catch share itself is a permitting process though.

26  
27 Finally, will the industry be receptive to the concept of catch  
28 shares? As I mentioned last time and I was wrong about the  
29 referendum, I did check it up and NOAA General Counsel, as  
30 usual, was correct and it's just in the Gulf and the Northeast  
31 that require referendums.

32  
33 Anyway, after bringing about some of the concerns, some of the  
34 issues, though, let's look in a little bit more detail at some  
35 of these issues. Again, I went back last night and rewrote a  
36 little bit of this, but as you discussed last night or  
37 yesterday, real-time monitoring is a problem.

38  
39 Dr. Crabtree stated that he certainly hopes that in the next  
40 couple of years he will have a much better monitoring system.  
41 While I expressed the same hope, I would not bet my house on it.  
42 Given that to be the case, I think we have to look at how can we  
43 develop a catch share program given the current situation and  
44 given the current data collection system in the U.S. Caribbean.

45  
46 This is where I think that FCs, fishing communities, which we'll  
47 define in a second, or your regional fishery associations, can  
48 help to play a key role in the process.

1  
2 Again, just definitions and Reauthorized Magnuson -- Any  
3 document you get from the government is going to have a lot of  
4 definitions and legalese and this is no exception, but in this  
5 case it is -- I shouldn't say in this case, but in most cases,  
6 these definitions are critical and it's no exception here.

7  
8 I just want to go over two definitions. First of all is the  
9 term of the fishing community and it's a community which is  
10 substantially dependent on or substantially engaged in the  
11 harvest or processing of fishery resources to meet social and  
12 economic needs and it includes fishing vessel owners and on and  
13 on and on.

14  
15 As you see, certainly as Dr. Crabtree was stating before, right  
16 before lunch, there probably are fishing communities in the U.S.  
17 Caribbean and these communities, I think, can play a role in the  
18 development of catch share programs.

19  
20 Regional fishery associations and again, these are direct quotes  
21 or taken verbatim out of the Reauthorized Magnuson Act. The  
22 association means an association formed for the mutual benefit  
23 of members to meet social and economic needs in a region or  
24 subregion and is comprised of persons engaging in the harvest or  
25 processing of fishery resources in that specific region or  
26 subregion.

27  
28 I'm just giving you the general definitions here. The  
29 Reauthorized Act is a lot more detailed in terms of criteria and  
30 so forth and we're not going to get into it. It's not relevant  
31 at this stage. If you choose to pursue going down the line and  
32 looking at fishing communities or regional associations, fishing  
33 associations, then certainly the criteria become much more  
34 relevant, but at this stage I just want to give you a general  
35 impression of what these terms mean.

36  
37 Fishing communities and regional fishery associations could  
38 develop their own operations plans and ask for what I'll call a  
39 catch share and so in other words a community -- Again, I'm not  
40 getting into the detail at this stage. It does get confusing  
41 and at some point if you all wish to pursue it, we'll certainly  
42 need some legal help from NOAA General Counsel probably, but the  
43 main point being -- Look down to the third point there.

44  
45 It's that a fishing community or a regional fishery association  
46 would have to provide to the council and the Secretary of  
47 Commerce and operations plan and in that plan, it would likely  
48 have to specify how it's going to harvest that portion of the

1 TAC or ACL that has been given.

2  
3 In that, you can also require that provisions for monitoring the  
4 catch also be provided. In other words, basically put it on the  
5 regional fishery associations or fishing communities to  
6 determine how they can go about monitoring themselves and  
7 basically looking at joint management of the fisheries.

8  
9 As I mentioned, or I think it did and I meant to if I did not,  
10 but that was a major reason for NMFS/NOAA's increased emphasis  
11 on catch shares. That allows for joint stewardship of the  
12 resource and management of the resource.

13  
14 Just some points to consider though, initially RFAs, or regional  
15 fishery associations, cannot receive catch shares as part of the  
16 initial allocation and here's one of the bigger problems likely  
17 to come about on developing catch shares in the Caribbean, is  
18 that we don't have complete landings records for everyone.

19  
20 Generally, historically, at least in the U.S., in most catch  
21 share programs, initial allocations were based on historical  
22 landings of the participants. There are some exceptions, but  
23 one of the major challenges you're going to face in the  
24 Caribbean is that we don't have landings records for all  
25 individuals. That's part of the reason that fishing communities  
26 may be more feasible, in that the council or NOAA/NMFS can  
27 allocate a portion directly to that fishing community.

28  
29 Fishing communities may be advantageous when there are limited  
30 individual catch records and again, the one thing I really want  
31 to stress is that when you receive -- If you're eligible for  
32 receiving an initial catch share and you actually receive it,  
33 you become a participant, that's some instant wealth being  
34 generated for the individuals, generally.

35  
36 That share becomes worthwhile. You have the right, the  
37 privilege, to harvest that species for some length of time and  
38 there's some technical issues on how long. It's possibly ten  
39 years with automatic renewal almost, but we won't get into the  
40 details, but it is -- In other fisheries, they find that the  
41 catch share, what you're given, becomes very valuable over time  
42 and so that initial allocation is often the largest sticking  
43 point in many of these catch share programs.

44  
45 One point I want to bring up is, again, just trying to think  
46 through everything in my own mind on how a program like this  
47 might be set up, given current conditions, in terms of  
48 monitoring and so forth, is that not everybody has to be in that

1 catch share program.

2  
3 You could have a segment of the fishing fleet outside the  
4 program. Those that are in the program receive their catch  
5 share and to some extent, they can have the flexibility to catch  
6 that portion that they're eligible to catch, that they have the  
7 privilege to harvest, in any manner they want, within reason.

8  
9 Others outside the program may have to follow the regulations or  
10 would have to follow, potentially, other regulations that might  
11 be coming down the pike associated with ACLs and so forth.  
12 Again, increased flexibility, but the other point is keep in  
13 mind that the purpose -- I shouldn't say purpose, but catch  
14 shares can be very, very flexible and it depends on how you set  
15 up the program. Again, it does bring in joint management.

16  
17 Problem Number 2 is federal versus commonwealth jurisdiction or  
18 territorial jurisdiction. Again, I probably don't have time --  
19 I didn't check to see what time I came up here, but there are  
20 certain ways to work around that. If you're say an RFA,  
21 regional fishery association, it could be worked out so that you  
22 agree to a certain total catch in both state and federal waters  
23 as long as that operations plan that you provide to the council,  
24 which is then to the Secretary of Commerce or NOAA, details how  
25 you're going to catch a certain amount, whatever your allowed  
26 catch is going to be.

27  
28 Again, it's very flexible and so certain issues like that can be  
29 worked around or you can have just a catch share pertaining to  
30 federal waters and so forth.

31  
32 Number 3 is stock assessments and, again, we've heard over the  
33 last couple of days that our knowledge of the stocks are  
34 somewhat limited and I think that's a nice way to put it,  
35 somewhat limited. You're still going to pick an ACL, as you've  
36 been doing over the last two days.

37  
38 Right or wrong, it may be high or it may be low, but one nice  
39 thing about catch shares is that given that the value that  
40 accrues to the participants in the program, those that are  
41 eligible for catch share and those that receive it, they have a  
42 vested interest in seeing the long-run health of that stock.

43  
44 If in fact you're fishing down, the price that they would be  
45 able to receive for their quota share would be going down and so  
46 they have a vested interest in protection of a stock and so,  
47 again, it becomes more of a joint process between the management  
48 agency and the fishermen in terms of moving towards an



1 appropriate TAC.

2  
3 Again, if things are being overfished and catch per unit of  
4 effort is going down, everything else, basically your cost per  
5 unit of catch, goes up and the value of that quota share that  
6 you have goes down. You can bet that fishermen are going to  
7 fight that and so it's in their interest for a protected stock,  
8 a healthy stock. It again brings in more joint management and  
9 so you do have a lot of the feedback from fishermen.

10  
11 Other problems, again, I asked is industry going to be receptive  
12 and all I want to say there is that a community system, fishing  
13 community system, or an RFA system, regional fishery association  
14 system, that brings fishermen more into the process and gets  
15 them directly involved in the management system ought to make  
16 fishermen more amenable, in general, to a catch share program.

17  
18 Again, it's not to say that everybody is going to be happy,  
19 especially those that may not receive an initial allocation may  
20 not be happy. It certainly changes the dynamics of the fishery  
21 and there are social issues to consider.

22  
23 Just very quickly, I wanted to just touch on designing the catch  
24 share program. Before you begin, you need to identify your  
25 goals, what are the goals of a catch share program. Again, each  
26 program, the Northeast program -- I've looked at several of the  
27 larger programs and they tend to have a certain amount of the  
28 same goals, but they also have some different goals.

29  
30 What sectors do you want to include? Again, in this case, it  
31 would probably be just, at least initially, commercial fisheries  
32 and so forth and who are the stakeholders and who is going to be  
33 the participants and this type of information I'm going to need  
34 help on determining.

35  
36 I have my own ideas on what some of the goals may be, but  
37 certainly it would be very helpful to have input from  
38 participants, from the council and so forth.

39  
40 I won't get into this, other than saying these are steps --  
41 Again, I listed a source you can look at if you want to get into  
42 more detail. It's a brand new document, just about three months  
43 old here, where it's an Environmental Defense document on --  
44 It's a design manual for developing catch share programs.  
45 Again, it's brand new and it shows how rapidly these catch share  
46 programs are evolving.

47  
48 Again, we've talked about most of these a little bit already.

1 Assigning the privilege and is that going to be historical  
2 participants in the fishery and investments in the fishery and  
3 there's a lot of different criteria and they're all spelled out,  
4 to some extent, in the Reauthorized Magnuson Act. Again, as we  
5 delve into a possible system in more detail, there will  
6 certainly be considerable discussion of who are going to be the  
7 participants and so forth.

8  
9 Just, as I mentioned previously, one of the first steps is  
10 development of a white paper based on literature and examination  
11 of other catch share programs and I have up there what I said in  
12 December, based on small-scale fisheries. I can tell you  
13 there's not a lot of literature out there on catch share  
14 programs in small-scale fisheries and so they actually have them  
15 in very remote areas, even of Mexico. Now it's the turf  
16 programs, the territorial use, where it's geographically  
17 distributed for their lobster fishery.

18  
19 There's one in the spiny lobster fishery, one of the few  
20 examples of a real situation where they're very data limited and  
21 so forth where they did develop a catch share program, but  
22 basically, what I'm doing is I'm writing this document now and  
23 basically looking at two scenarios.

24  
25 It's the scenario of how can we develop a catch share program  
26 under the current data collection and monitoring system and then  
27 also under a real-time monitoring system and, again, like you  
28 would see elsewhere. As Dr. Crabtree mentioned yesterday, in  
29 the Gulf, I think there's just a two-week lag or something of  
30 that nature, which certainly we hope to get down here.

31  
32 Again, I think it's best to also do it given the current  
33 situation, the current data collection and monitoring system. I  
34 need input on a number of issues, including program goals, as I  
35 mentioned, species area, even gear to consider, and design of  
36 program, et cetera.

37  
38 Anyway, to make a long story short, what I'm asking the council  
39 for is I think it would be very useful at this stage, if you  
40 want to pursue catch shares, to form a committee or committees  
41 that can provide input into the design and so forth of a catch  
42 share program.

43  
44 I say committee or committees because on the proposal I wrote  
45 initially I had suggested writing this paper on an overall catch  
46 share program and then breaking out specific catch share  
47 programs after that, depending on how the council wants to  
48 handle this. It may just be going directly to an individual

1 area or so forth. The west coast of Puerto Rico has been  
2 discussed as a possible starting point.

3  
4 Again, I want to be out in the field working through initial  
5 steps of this by the summer. I'll finish up the white paper  
6 here in the next month or so and it will be very helpful at that  
7 stage, by June or so, to have a committee that we can bounce  
8 ideas and discussions of catch share programs with and again,  
9 that's how most of these catch share programs are developed, is  
10 through committee meetings.

11  
12 Anyway, I plan to hold several meetings with the relevant  
13 parties throughout basically the summer and the fall and to try  
14 to get consensus on catch shares and then, finally, after  
15 consensus is reached and so forth, we'll report back to the  
16 council and I'll provide a brief summary of what -- First of  
17 all, we'll look and see whether catch shares have any  
18 feasibility and then possibly some specific discussion of how  
19 the council may wish to set up a catch share program. That will  
20 be presented to the council.

21  
22 With that, I'll open it for questions. I did want to mention  
23 one thing that I forgot in the presentation and that is  
24 regardless of whether it's a community or an RFA, at some point  
25 -- It may be premature at this stage, but as some point the  
26 council itself has to specify criteria on what constitutes a  
27 fishing community or a regional fishery association and so  
28 forth.

29  
30 Again, maybe down the line and, again, the Reauthorized  
31 Magnuson-Stevens Act certainly has considerable discussion on  
32 criteria that have to be considered for fishing communities and  
33 RFAs, but, again, that may be down the line, but it's just to  
34 keep in mind at this stage. Any questions?

35  
36 **MIGUEL ROLON:** Not a question, but the council was requested in  
37 2008 -- A specific request came from the west coast fishermen of  
38 Puerto Rico to look into the possibility of a limited entry and  
39 then after several discussions, they thought it would be a good  
40 idea to look at the whole thing from the point of view of a  
41 catch share.

42  
43 Number one, because they have kind of a unique situation where a  
44 group is homogeneous and the fish on the west coast of Puerto  
45 Rico -- Their target species are common to all of them and in  
46 addition, we have funding for assisting especially the local  
47 governments, because that's another issue.

1 Catch shares have to be with the local government. It doesn't  
2 fly alone in the EEZ. It is important that we, from the get go,  
3 involve the local governments and the fishermen in that area.  
4 The other possibility was the St. Thomas/St. John fishermen.  
5 They already started with a moratorium and then after that, we  
6 discussed with Eddie Schuster and the other fishermen in the  
7 area -- At one particular meeting they came with the idea of  
8 having sort of a limited entry similar to the medallion that  
9 they have for some taxi associations. There's an interest  
10 there. I've been trying to set up the discussion for the  
11 council members.

12  
13 **WALTER KEITHLY:** Let me just interject one comment and that is  
14 simply that I agree with you entirely that it's best to look at  
15 a fishery which is relatively homogeneous and simple at this  
16 stage. It's nice to take on something that they can control, to  
17 some extent. I would agree with you that that area would  
18 probably be a nice area to start, especially, as you mentioned,  
19 that the west coast has expressed interest in limited entry at  
20 least.

21  
22 **MIGUEL ROLON:** Based on that, Mr. Chairman, our idea here, ours,  
23 in talking to Walter on the phone and to some other people,  
24 perhaps we can start on the west coast of Puerto Rico. Number  
25 one, because we have the request and number two, that's the way  
26 we've said before. Let's see how it works.

27  
28 With the timeframe of having this meeting in the summer, there's  
29 some issues of the logistics, but the staff can help you with  
30 that. For example, maybe we need translation services and we  
31 will have to contact the key people.

32  
33 This group, the major portion of this group, are associated with  
34 the Rincon Fishermen Association, where our Chairman works  
35 there. We have a complete knowledge of who are the players and  
36 where they are and how they can interact with this panel.

37  
38 Then Miguel Garcia, Dr. Garcia, in the past has expressed the  
39 desire of the Department of Natural Resources to participate  
40 somehow. I don't know how many people, Miguel, you think  
41 initially the department can involve in this, but at least the  
42 people from the laboratory, Daniel, who has the information and  
43 maybe Aida, but I don't know, who has the information. Also,  
44 the permit system people that they have in the department can  
45 give you an idea who has a permit at this time to fish for that  
46 fishery.

47  
48 There's a lot of elements that we need to outline for the first

1 series of meetings in the summer. The idea here is if the  
2 council concurs, then we can give the authorization for Dr.  
3 Keithly and the staff to work together with the local government  
4 and the fishers and see how it goes and then that could be a  
5 test case.

6  
7 The ever present issue of enforcement is there. There's a cost  
8 involved and we need to see how the local government and the  
9 federal government are willing and able to participate. The  
10 issue of the goals and objective -- Why do you want a catch  
11 share in the west coast area of Puerto Rico? Maybe rather than  
12 setting the goal here, we can take it to the panel and discuss  
13 it and get a good feedback from them on how to handle the next  
14 meeting.

15  
16 **WALTER KEITHLY:** I absolutely agree. It's kind of like when I  
17 mentioned the point earlier about the stock assessments, that  
18 the fishermen have a better idea what out there, oftentimes,  
19 than the managers do. They're out there every day and they know  
20 if something is on the decline.

21  
22 The fishermen certainly know a lot more than I do about their  
23 own fishery and the quirks involved and so forth, which will be  
24 needed in setting up any catch share program. I would be very  
25 supportive of that.

26  
27 **MIGUEL ROLON:** I understand that Juan Agar from the Center also  
28 showed some interest in helping and even if he cannot be present  
29 at any of the meetings, he has a lot of literature and projects  
30 that he has worked with Daniel Matos on regarding the statistics  
31 and all that. Maybe he can contribute.

32  
33 **WALTER KEITHLY:** Who was this?

34  
35 **MIGUEL ROLON:** Juan Agar.

36  
37 **WALTER KEITHLY:** I've talked to his supervisor and his  
38 supervisor has certainly said that he could assist with portions  
39 of it and be at the meeting with me, yes. I've already cleared  
40 that with his supervisor and so forth.

41  
42 **BEULAH DALMIDA-SMITH:** Walter, have you met with any of the  
43 fishing associations here in St. Thomas/St. John or the St.  
44 Croix District yet and what is the semblance of their feedback  
45 in terms of whether or not they would like to see a catch share  
46 program developed here?

47  
48 **WALTER KEITHLY:** Talking with Dave Olsen, I know that some of

1 the members are not in favor of catch shares at this time or  
2 have expressed concerns. Now, I don't know the basis for the  
3 concerns necessarily, whether it's that they don't understand  
4 them completely or whether they're just philosophically opposed  
5 to catch shares or what. I'm not sure what the situation is.

6  
7 **BEULAH DALMIDA-SMITH:** It seems to me in the future a viable  
8 program that we may be able to -- We're lacking so many of the  
9 requirements, fishing for homogeneous species, limited entry.  
10 We're not fishing communities yet and things of that nature, but  
11 I understand that several fishermen may be traveling to testify  
12 next week at some point on catch shares and so I was just  
13 interested to know what their point of view has been and where  
14 they intend for this to go.

15  
16 **WALTER KEITHLY:** Let me just add something to that though.  
17 You're never going to have unanimity on agreement on catch  
18 shares. Again, those that expect a nice initial allocation are  
19 likely to be in favor of catch shares. Those that are going to  
20 be left out of the system and they may have to later buy into  
21 the system -- Again, that can be arranged in different ways and  
22 all, but they're likely to be opposed.

23  
24 Again, as I mentioned, once you become eligible and a  
25 participant and you receive your quota share, that's worth some  
26 income right there. That's worth money and so, again, it's not  
27 to be unexpected that some individuals and entities are going to  
28 be opposed to catch shares and I'll say this, having mostly  
29 worked in the Gulf and a paper that I wrote several years ago, a  
30 decade ago --

31  
32 To do so, I had to go back through all the minutes of the  
33 council meetings back to 1993 or something, when they first  
34 started discussion of at that time an ITQ, an individual  
35 transferable quota, for red snapper and public hearings and so  
36 forth, clearly a large percentage of the fishermen were opposed  
37 to an ITQ at that stage.

38  
39 Over time, as they learned more, you saw increased support for  
40 the IFQ program and now I think, more so now than ever, there's  
41 wide acceptance for IFQ programs or catch share programs in the  
42 Gulf. A lot of that just had to do with education. It  
43 certainly is an educational process. It's a totally different  
44 way of managing.

45  
46 Rather than having a top-down management process, where the  
47 agency is telling everybody exactly what to do, the best of all  
48 situations is if everybody is given their individual catch share

1 and can fish it however they wish. It's almost a bottom-up -- I  
2 shouldn't say bottom-up, but it's a totally different management  
3 system and so it takes some getting used to and there's  
4 certainly a lot of -- How do I want to say this?

5  
6 A lot of what you see on the internet and so forth is not  
7 necessarily accurate. Just as there's people that think that  
8 catch shares will solve every problem -- The proponents of catch  
9 shares tend to over express or they give too much weight to  
10 catch shares and think that they can solve every problem. The  
11 flip side is opponents are opposed to them no matter way.  
12 Somewhere in the middle is probably the truth.

13  
14 **ED SCHUSTER:** I've just got a question. In our fishery, talking  
15 about the Virgin Islands, we don't actually target a specific  
16 species per se on a single fishing trip, for example, like  
17 halibut or salmon, like what they do up north.

18  
19 Would it be difficult to have that catch share into our fishery?  
20 You might have a fisherman that may be pulling traps and then he  
21 sees some pelagics and he goes after that and that has been the  
22 problem on our catch reports. I just want to know if it would  
23 be difficult to have that in our fishery.

24  
25 **WALTER KEITHLY:** Let me answer that in two ways. First of all,  
26 what you often have is multispecies and not just on the same  
27 trip, but the same gear, that will catch a number of species, a  
28 fish trap, for example.

29  
30 If that's the case, then you probably want to include or it may  
31 be preferable to include several of those different species in a  
32 catch share program. It makes it somewhat more complicated, but  
33 they've been doing it now. What has been learned over the years  
34 in terms of developing catch share programs for multispecies  
35 fisheries has increased tremendously and they can do it. It's  
36 not without any problems, but certainly it can be done.

37  
38 The issue that you brought up if they're able to target  
39 different species altogether, pelagics as they're going in and  
40 out of dock and the trap fishery while they're out there, that's  
41 no problem at all. You don't have to have every fishery under  
42 that catch share program. You could just have the pot fishery,  
43 for example, under the catch share program. The example that  
44 you're giving where they can actually target different species  
45 is not a problem at all in having a catch share program for just  
46 part of that fishery.

47  
48 **MARCOS HANKE:** How will the catch share program that you

1 presented apply to charter business and to recreational, if in  
2 some way?

3  
4 **WALTER KEITHLY:** You're bringing up some real new territory  
5 there. They are just now in other areas and so forth beginning  
6 to look at catch shares in recreational fisheries. I don't know  
7 of any program where it's been done yet.

8  
9 I know the halibut fishery in Alaska and the North Pacific was  
10 looking at catch shares for the charterboat industry and to be  
11 honest, I haven't kept up on it and so I don't know where it  
12 stands now. Dr. Crabtree or Shep or somebody else may know, but  
13 basically -- Let me just finish this one point.

14  
15 Basically all you have is -- The principle is the same. You  
16 have your overarching TAC or ACL and then you have different  
17 quotas under that ACL and I've called them quotas and they're  
18 being treated a little bit differently here in the last couple  
19 of days, but the commercial industry will have their quota under  
20 the ACL and the recreational fishery, say the private boats,  
21 would have their quota under it and the charterboats would have  
22 their own separate quota under it.

23  
24 Then that catch share would be broken up among the participants,  
25 possibly, in that charterboat industry, if that's what you would  
26 be interested in doing. I think Shep may have an answer on it.  
27 He may have kept up with it more than I did.

28  
29 **SHEPHERD GRIMES:** The Alaska Region and the North Pacific  
30 Fishery Management Council had submitted a proposal to include  
31 charterboat operators under their halibut -- I think it was just  
32 the halibut IFQ program, but it never went anywhere. It didn't  
33 end up getting implemented and I actually think there were some  
34 problems with it post-submittal and the council withdrew it.

35  
36 As you know, now the Gulf Council is actively debating the issue  
37 of whether or not the for-hire sector wants to be included in  
38 some sort of catch share program and it's because they're all  
39 permitted and there's a limited number of participants, at least  
40 in terms of permitted vessels. It's much more amenable to that  
41 probably than the private recreational sector, which is more  
42 opposed to catch shares.

43  
44 **WALTER KEITHLY:** I do have the same recollection as you do in  
45 terms of the North Pacific charterboats. I've read it, but I  
46 can't remember the details on what happened. I think it never  
47 was approved for whatever reason. It may have been that they  
48 withdrew it.



1  
2 **MARCOS HANKE:** Part of my question is related to the issue that  
3 in Puerto Rico we have not a very clear, but like a dual  
4 interpretation for the charter, if we are recreational or  
5 commercial.

6  
7 My opinion is that we are more likely to be -- If we have to  
8 decide, we are more like the commercial fishermen than the  
9 recreational fishermen, because we are limited and we have some  
10 licenses and we live from the resource and make money directly  
11 from it and so on. That is something for you guys to keep in  
12 consideration, that if this is in any way somehow going to be  
13 standardized throughout the nation, it's something that needs to  
14 be solved.

15  
16 **WALTER KEITHLY:** I agree and, again, I would ask you to keep in  
17 mind that if at some point you're interested -- I know that  
18 there's real data problems in the Caribbean, but at this point  
19 you're doing an ACL -- This is not exactly how you've been  
20 defining it the last couple of days, but the way I look at it is  
21 you have -- Let's just say for Puerto Rico, but an ACL in total  
22 and then that's divided between the different sectors. The way  
23 it is now, it's the commercial and recreational.

24  
25 What you would have to have is a separate quota being given for  
26 the charterboat industry. You would actually have three  
27 separate quotas and each one would be binding that if one sector  
28 reached that quota, it would have to stop fishing at that point.

29  
30 The private boat sector, for example, may not have to be under a  
31 catch share program. It's still under its quota under the ACL  
32 and if it reaches its catch limit, it would be shut down or  
33 further catches that year would be prohibited or whatever.

34  
35 **MIGUEL GARCIA:** Does the catch and release count as catch?

36  
37 **WALTER KEITHLY:** Does release count as catch?

38  
39 **MIGUEL GARCIA:** Catch and release.

40  
41 **WALTER KEITHLY:** With a catch and release -- Unless there's  
42 mortality, first of all, associated with it, it doesn't matter.  
43 If you have mortality, then that should be built into the stock  
44 assessment. The answer is it can be taken into account.

45  
46 New England, for example, where it's all sector-based, or a lot  
47 of it, on the brand new groundfish, they do have, I believe, it  
48 built in that if your true allocation as an individual here, or

1 in this case a sector, is two-million pounds, what you would be  
2 allowed to harvest is 1.8 million pounds, because the other  
3 200,000 pounds would be considered discard mortality from  
4 undersized fish or whatever. It can be either built directly  
5 into an individual entity's catch share or hopefully also into  
6 the stock assessment itself. Hopefully both of them.

7  
8 **MIGUEL GARCIA:** The reason that I ask is that you say that in  
9 the case of the charterboats, where actually their main goal is  
10 for people to feel that they're fishing -- It's not that much a  
11 matter of bringing up a couple of hundred pounds to the dock.

12  
13 What you say about once you have reached the quota that you have  
14 to stop fishing and the question is can they still take people  
15 out fishing, but the fish, the activity, would be catch and  
16 release? That's where the question comes from.

17  
18 **WALTER KEITHLY:** That's actually a very good question and all I  
19 can say is you can build it in. The other thing is if there's  
20 low mortality, fishing mortality, associated with releasing the  
21 fish, then it wouldn't matter. Now, if it's bottom fishing in  
22 500 feet or whatever for snapper, there's probably a pretty high  
23 mortality and certainly the council, I would hope, would build  
24 that into any ACLs and so forth and into the individual catch  
25 shares.

26  
27 **CARLOS FARCHETTE:** I've got a question about catch shares. Is  
28 it dependent upon accurate and timely submission of catch  
29 records? Right now, we're having this issue with the amount of  
30 time it takes to get total numbers.

31  
32 **WALTER KEITHLY:** Again, that's a good question and as I hope I  
33 emphasized a little bit in the discussion, generally most catch  
34 shares that we've seen are based on very timely records. What  
35 we're seeing with the reauthorization is increased emphasis on  
36 community programs, fishing communities, and regional fishing  
37 associations, in which they develop that operational plan.

38  
39 In that plan, they can specify how they're going to monitor  
40 individual catches within their sector or within their  
41 association or community. It would still have to be approved by  
42 the council or at least the Regional Administrator or the  
43 Secretary of Commerce.

44  
45 One thing I was thinking of in terms of either the RFA or a  
46 community is that for receiving a catch share that they agree,  
47 possibly, to land at a specific dock and at a specific time or  
48 something of that nature. Again, they develop their own

1 operational plan and part of that plan would have to be how they  
2 can monitor themselves.

3  
4 If NOAA Fisheries or if the Secretary of Commerce decides that  
5 it's inadequate, they would, I'm sure, turn it down. It really  
6 puts the emphasis or the onus on the association or the  
7 community to build a good operations plan that will show that  
8 they are truly interested in monitoring themselves and not  
9 fishing or catching beyond what their allocation has been.

10  
11 **MARCOS HANKE:** Once we're finished with the presentation, I  
12 would like a little time to make a question to Roy about what I  
13 just put on the table about charters, because we discussed today  
14 specifically recreational and commercial and there's a little  
15 hanging stone, in my opinion, of how the charter will be treated  
16 on this. At least for the record I need to know.

17  
18 **MIGUEL ROLON:** You don't know how the charter will be treated.  
19 In fact, you don't know anything how this will pan out. If I  
20 were you guys, let's prioritize where you want to start and get  
21 the simple one. The only one that you have requested so far,  
22 officially, is the west coast of Puerto Rico.

23  
24 We can start in the summer with that exercise. We need to  
25 provide, for example, the group some outreach and education  
26 material, at least a brochure with a question-and-answer  
27 section, before they go into the meeting, so they know what  
28 we're talking about and what they're expected to talk about.

29  
30 Then we'll have a series of maybe an official presentation  
31 similar to this one and what is it that we call catch shares and  
32 where it comes from and what are the alternatives, et cetera.  
33 We'll let them also develop the goals and objectives and  
34 proposals for the councils to consider and especially the local  
35 governments.

36  
37 In the case, again, of the catch shares, there is a heavy  
38 involvement of the local folks. That's where the fishermen come  
39 from and that's where they're going to be landing the fish and  
40 that's where they're going to get the permits, et cetera, et  
41 cetera. I don't know how many charterboats they have in the  
42 west coast in that fishery. I know of one.

43  
44 From that meeting, we can get a feeling of how the different  
45 sectors will see themselves in the possible development of a  
46 catch share program. Maybe at the end of the exercise people  
47 will say I know what it is, but I don't want it and that will be  
48 it, at least for that group and then we'll move into other

1 groups.

2  
3 The issue with catch shares is that this administration started  
4 very strongly with catch shares, because somebody wrote this  
5 paper and they examined 11,000 catch shares and limited entry  
6 and iterations of the same theme all around the world and they  
7 found that in most areas where you have this management tool  
8 that the fisheries are better off, because you set the quota to  
9 the fishermen and let them play with it and they're responsible  
10 with it.

11  
12 They also are very clear. Mark Holliday has been saying this  
13 all along in the guidance that they prepare, that it's not a  
14 one-size-fits-all. Even if an area like this that's so small,  
15 you may have an approach to catch shares on the Puerto Rico west  
16 coast that may not be suitable for St. Croix, let's say, and  
17 vice versa. There are different iterations of the same thing.

18  
19 You have to keep in mind that whatever we do, it has to be under  
20 the ACL umbrella and so let's say you have 1,000 fish for Puerto  
21 Rico of the deepwater snapper, that group, and you have thirty  
22 fishermen who fish and want to have a catch share program and  
23 then you have twenty fishermen who don't want to be a member of  
24 the catch share program and so you need to at that time decide  
25 how you're going to allocate that, 300 for this and 200 for the  
26 other one.

27  
28 At this time, Mr. Chairman, all these are questions and I  
29 believe that we should get our feet wet, maybe deeper, and come  
30 back to the council the next meeting or the appropriate meeting  
31 with the experience of having met with this group of fishers and  
32 looking at what the constraints or the way that we can  
33 facilitate the participation of the local government and then  
34 come back with the specific issues that you can address.

35  
36 The catch share program is a very data-hungry animal. It also  
37 is heavy on enforcement. At the beginning, people trust each  
38 other and during the process of maturity of the catch share,  
39 they don't like each other that well. Then most people believe  
40 that the catch share is good because they're going to have a lot  
41 of money coming in, but they don't think.

42  
43 It's like the Amway presentation. You look at the Amway  
44 presentation and it's all this money, but you don't see all the  
45 work you have to do and so it's the same thing. I believe that  
46 if you all agree, we don't have to have a big motion for this,  
47 but if you all agree, then we can start with this project in the  
48 summer and then come back to the council with a report on what

1 happened during those months.

2  
3 **EUGENIO PIÑEIRO:** Any objection from any council member to start  
4 this project on the west coast in the summer? So be it. Go to  
5 work, Walter.

6  
7 **WALTER KEITHLY:** Thank you very much and thank you for your  
8 attention.

9  
10 **EUGENIO PIÑEIRO:** Our next presentation is the Trap Reduction  
11 Program Update with Tony Iarocci.

12  
13 **MIGUEL ROLON:** Tony, before you start, let me brief especially  
14 people who were not here before. This idea came when we were  
15 discussing at a point in time at the council the issue of traps  
16 and the management of traps.

17  
18 Dr. Roy Crabtree thought it was a good idea to recruit somebody  
19 like Tony. As I said before, Tony is a well known fisherman  
20 throughout the Southeast and has ample experience on these  
21 issues and the council then adopted Roy's idea and we hired Tony  
22 Iarocci to start working on the possibility of developing a trap  
23 reduction program and/or limited entry for the U.S. Virgin  
24 Islands.

25  
26 Especially at this time it is important because the fishermen,  
27 the U.S. Virgin Islands fishermen, have been working on this, in  
28 some form or another, in the past. Tony met with the fishermen  
29 in St. Thomas and in St. Croix, fishermen in St. Thomas and St.  
30 John. We had a good exchange of information and what you are  
31 going to hear today is a summary of both meetings and perhaps a  
32 schedule of events of what will be next. Don't feel afraid to  
33 make any questions. He's not afraid of answering them. Thank  
34 you, Tony.

35  
36 **TRAP REDUCTION PROGRAM UPDATE**

37  
38 **TONY IAROCCI:** Thank you, Miguel. First off, I want to thank  
39 you for this opportunity and I want to personally thank Diana  
40 and Miguel for all the help with my traveling and organizing  
41 this. Walter, before I do start on this trap limitation  
42 program, I want to touch base on something that Jimmy had talked  
43 about, a catch shares program for fisheries scientists.

44  
45 I think at this time that there's a lot of support with the  
46 fishing industry to look at limited entry and scientists down  
47 here and so Jimmy would like to have a meeting tonight at  
48 Betsy's to start talking about a catch shares program on

1 fisheries science and thanks for that, Jimmy.  
2  
3 The main focus of this, and Miguel had touched on it, but  
4 there's been a lot of talk about limited entry in this trap  
5 reduction here. It's been done and I've been a part of this in  
6 other places, the Gulf of Mexico, South America, Nicaragua,  
7 throughout some other countries.  
8  
9 Right now, the main focus is to get the importance of having the  
10 fishermen be at the forefront of this and going ahead and coming  
11 up with alternatives or options to come before the council,  
12 through working with the Fish and Wildlife and the council.  
13  
14 We have structured two steering committees and or are starting  
15 to. We've got names that are recommended from both St. Thomas  
16 and St. Croix to put this out. It will go to Fish and Wildlife  
17 after this to formalize the membership and then set up a  
18 structure on where we're going to go, setting up an agenda,  
19 meetings, and goals and priorities.  
20  
21 I can't stress enough the importance of the partnership here  
22 between Fish and Wildlife, the council, and most important, the  
23 fishing industry. You've got two focal points on each island,  
24 the St. Thomas Association and the St. Croix group, who I hope  
25 are taking the lead and has put a lot of time. The St. Thomas  
26 Association has put a lot of work into this already and they  
27 have a lot of information and they're willing to come to the  
28 table and share with at a later date.  
29  
30 There are some funding issues that have to be discussed.  
31 There's talk of different types of traps, trap definition. Todd  
32 has got some great information on a study that he's doing that  
33 the fishermen are looking to work with on St. Croix and it's  
34 just making sure that we keep open communications, follow-up,  
35 and the right people are at the table and we do give the  
36 fishermen the benefit of the doubt to come ahead and work  
37 through this to start with.  
38  
39 There's been a lot of -- I just got back from Nicaragua and  
40 Turks and Caicos, working on fisheries issues, but primarily  
41 fish traps. A lot of people out there want to totally ban fish  
42 traps, but everywhere I go, and when you work throughout the  
43 Caribbean, it's a cultural and it's a heritage. They've fished  
44 traps for years, but it is time -- Times have changed.  
45  
46 It's time to look at regulations that are coming forth,  
47 especially in the federal fisheries. You've got Magnuson and  
48 you've got a lot of things that are changing right now and too

1 many traps in other places have done the wrong thing. Any kind  
2 of over regulated or under regulated fishery with no  
3 enforcement, you have a problem with fisheries and the same  
4 thing stands forth with fish traps.

5  
6 I was talking to a guy last week in Nicaragua who had put a  
7 program together and I told him I was coming down here and he  
8 said, what are the fishermen doing? Are they waiting until  
9 somebody -- I said no, the fishermen are being proactive and  
10 coming to the table and working with the local government and  
11 the federal government to try to put something together and he  
12 applauded the efforts and the same thing in Turks and Caicos.  
13 Everybody wants to know what we're doing here.

14  
15 The worst thing was a lot of negative stuff came out on GCFI. I  
16 think David was a little bit a part of that. Once things get  
17 generated and things blow up, you don't get a chance to rebut a  
18 lot of times and this process right here in no way -- Being the  
19 outsider, I'm not pushing an agenda and I'm not pushing to do  
20 things fast. I want to give the fishermen the time and the  
21 opportunity to do it right.

22  
23 With that said, once we formalize the steering committee and,  
24 Beulah, I've got a list I'll go through later, but once we do  
25 that, we can move forward with getting something together and  
26 setting up meetings and then hopefully bringing in some of the  
27 council members and maybe the NGO people, but that's the  
28 fishermen's prerogative of how they want to do this stuff.

29  
30 I can go on and on, but it's late, but I want to go through and  
31 let me just give you a list of names that are up for  
32 consideration to be on this. From St. Thomas, it will be Tony  
33 Blanchard, Winston Ledee, David Bryant, Julian Magras, Ricky  
34 Laplace, Claude Berry. These would be voting members. Non-  
35 voting members would be David Olsen, Jed Brown, and myself.

36  
37 The main thing, and I want to stress this, is to have a balance  
38 of association members and independent fishermen and also to  
39 address the areas like on St. Thomas if there's the French  
40 community, the north side, then the comparison of big trap  
41 fishermen that are fishing the bigger boats, a lot of traps,  
42 down to the smaller scale guys, so everybody is represented. We  
43 don't want to leave anybody away from the table when we come to  
44 this.

45  
46 On St. Croix, it will be Tom Daley, Ed Schuster, Jenson  
47 Martinez, Homer Kelly, Carlos Farchette, Jesus Nueves, and it  
48 will be David Olsen, Jed Brown, and myself, again, non-voting.

1  
2 If there are any questions, please go ahead and ask me, but I  
3 look forward to working with everybody on this process. I do  
4 leave tomorrow for St. Croix to go ahead and start the process  
5 rolling there and do some more port sampling. I did port sample  
6 last time and I think they have a great process there, but I  
7 think they need a few more people to help and do that.

8  
9 I heard some great things in testimony yesterday. Beulah had  
10 stated something about education and funding. This whole  
11 process is about education. We need to educate one another.  
12 It's the time for the fishermen to educate the council members  
13 and Fish and Wildlife and work closer.

14  
15 Better data means better regulation and better enforcement means  
16 better management. It's time, I think, for everybody -- There's  
17 been a lot of being the outsider and I've heard a lot of  
18 negative things about not working with this one and that one and  
19 I think it's time hopefully we can put a lot of that aside and  
20 move forward with this and let the fishermen take the lead and  
21 hopefully come up with some kind of a management plan or the  
22 start of a management plan that this council and Fish and  
23 Wildlife can move forward with in the process.

24  
25 With that said -- Like I said, I could go through a lot of  
26 stuff, but if you've got any questions or anything like that,  
27 then we can move on. Thank you.

28  
29 **MIGUEL ROLON:** Tony, I don't know if you mentioned it before,  
30 but remember at the meeting we discussed why it was important to  
31 have the non-voting members in the group. It's that these non-  
32 voting members are technical people who can help the discussions  
33 of the voting members whenever they need and that way, they will  
34 be better informed to make the decisions they need to make and  
35 also, the voting members are commercial fishermen who fish with  
36 traps, outside or inside the associations.

37  
38 In St. Thomas, we have the association fishermen and also in St.  
39 Croix Eddie is the chair of the St. Croix Fishermen's  
40 Association and so in both areas, we have almost the same setup.

41  
42 The other thing that we learned is that in St. Croix we may have  
43 one or two heavy hitters, people who really have a lot of traps  
44 and they have been fishing traps all their lives, and then you  
45 have fishermen who have a small number of traps and they are not  
46 as active as these others, but in St. Thomas, the trap fishermen  
47 really are a solid group.

48



1 The other issue was that we all decided to include all traps,  
2 rather than separating lobster pots from fish traps from those  
3 in between. It's an important concept for you to understand and  
4 also, Tony, can you tell us what will be the next steps? The  
5 council will be supplying some economic assistance to the  
6 Division of Fish and Wildlife so this can get the ball rolling,  
7 but can you illustrate to us what is expected in the next few  
8 months?

9  
10 **TONY IAROCCI:** Sure, Miguel. Like I said, I will be going to  
11 St. Croix tomorrow and spending a couple of days there. The  
12 next step will be this list. Beulah has this list and I am  
13 going to turn this presentation over to Beulah to follow up with  
14 this. She will have this list and Fish and Wildlife will  
15 formalize the list and then hopefully we'll set up the first  
16 meeting and then they'll elect a chairman and hopefully we'll  
17 set up a schedule and be able to communicate back and forth.

18  
19 The one thing I want to make sure we do have is open  
20 communication through this and, Miguel, you brought up an  
21 important point about trap definition and different types of  
22 traps.

23  
24 A lot of people are talking about combining the combination of a  
25 trap being something that catches both fish and lobster. We  
26 were talking in the last couple of days about maybe putting  
27 together some smaller wire, per se, just lobster traps, for the  
28 smaller boats to fish, to take the pressure off of the fish trap  
29 and give the fishermen another option to fish these traps.

30  
31 Like I said, that's something that the fishermen need to come to  
32 the table with and discuss. There's been a lot of good  
33 discussion with this. Winston had a great proposal and he's  
34 been involved with this. I think the St. Thomas Association for  
35 years -- They've got numbers together and they've got data  
36 together and like I said, I think it's time where that stuff  
37 comes to the table and everybody gets to share that and move  
38 forward with this.

39  
40 One thing I do want to stress is the timing. I think the timing  
41 is perfect to do this right now. A lot of the industry is ready  
42 to play with this process right now. The council supports it  
43 and Fish and Wildlife is behind and the most important thing,  
44 like I said, is industry is behind it.

45  
46 Once we do go ahead and set this up and, please, if there are  
47 any other recommendations for these steering committees, please  
48 get them to Beulah and make sure, but like I said, we are

1 considering mostly the representatives that are there and the  
2 trap fishermen. We want to make sure that the trap fishermen  
3 are there, but the meetings will be open and we'll try to make  
4 sure that everybody is involved with the process. If there's no  
5 questions, Beulah, if you would like to add to that.

6  
7 **BEULAH DALMIDA-SMITH:** I think you did a great job, Tony. I  
8 have nothing else to say, rather than once I get the list I will  
9 definitely make the confirmation and then we'll proceed, which  
10 means we'll set up the first meeting and make sure we have a  
11 committee in place and we'll go from there.

12  
13 I think it's a really good idea. Tony is right that the timing  
14 is right to do this. We have the support of the fishers and  
15 DFW, DPNR, and we'll do what we can to ensure that we make this  
16 a success and with Tony's help. I just want to say too that my  
17 Chief of Fisheries Assistant Director Jed Brown will be the key  
18 lead for DFW on this project, but I will be involved to the  
19 extent that I can be.

20  
21 **TONY IAROCCI:** Thank you and once again, I want to stress this  
22 fact. We do have two fishing associations here that have been  
23 involved in this through the past and I hope that we can not  
24 only work through those guys, but make sure the whole fishing  
25 industry is at the table.

26  
27 Once you do have a limited entry program or are working on that  
28 -- You talk catch shares or you talk limited entry, but  
29 fishermen right now everywhere, I don't care what you're talking  
30 about, but they're just looking at all these regulations,  
31 whether it's a charter fisherman, like Marcos is talking about  
32 looking at these catch shares -- They're looking at all this  
33 stuff coming down at the same time and give them the benefit of  
34 the doubt and not try to push too much on them at this time,  
35 because when you look at what's happening --

36  
37 I go back to the States next week and I'm chairing a steering  
38 committee because of the national protest they just had in D.C.  
39 5,000 fishermen showed up there and we're putting a meeting  
40 together in Orlando and Miguel and I talked about this a little  
41 bit and, Genio, I talked to you about it.

42  
43 I want to make sure that once this meeting does come together in  
44 Orlando with NMFS and some of the people from the council that  
45 somebody representing the Caribbean Council and your issues are  
46 at this meeting, because I think, like I said, it's time that  
47 all the councils are into the big picture. Anyway, like I said,  
48 I can help or any input from anybody, please get it to us.

1 Thank you.

2  
3 **MIGUEL ROLON:** Tony, what type of representation are you  
4 expecting at this meeting, commercial fishermen from the council  
5 or other or recreational?  
6

7 **TONY IAROCCI:** What it is, Miguel, is it's a -- People had asked  
8 me, because we put together this protest together and it went  
9 really well. Recreational and commercial fishermen came  
10 together up there and over 5,000 people showed up and talked  
11 about fixing NMFS and Magnuson and the council process and how  
12 are we going to work through this and how are we going to do  
13 better things.  
14

15 I had suggested to the Gulf and South Atlantic and some of the  
16 commercial fishing associations with representation from people  
17 in D.C. to start regionally in Orlando in June. Next week is  
18 the steering committee. There's like eight of us that are going  
19 to meet. We're working on an agenda and an invite list and  
20 we'll focus on some of the issues.  
21

22 There's issues here, but it's basically the same issues, ACLs,  
23 catch shares, better science, data, cooperative research, make  
24 sure you have the proper representations on the councils and  
25 what we want to do is cover regionally and that's what I had  
26 told the steering committee, that I would like to bring somebody  
27 in from the Caribbean to make sure that the Caribbean is  
28 covered, because there's a lot of issues and a lot of times we  
29 discuss stuff up there and the Caribbean is always the Caribbean  
30 and I think it's time when we start talking about the Southeast  
31 Region, especially with other people and not with NMFS -- NMFS  
32 is always focused on all the regions they cover. They cover  
33 everything, but to get more focus on this area and to help  
34 structure and bring people from here up there into the big  
35 picture and put this together.  
36

37 What it will be is basically a theme of common ground, trying to  
38 see where some of the heads of some of the big NGO groups, NMFS,  
39 the councils, fishing associations, council members that are  
40 part of this thing, to see where we can go and move forward.  
41

42 What the Caribbean representative would be asked to work on is  
43 some of the national stuff, but look at locally what they think  
44 would be -- Maybe to help get funding for cooperative research  
45 or where that would come in. We can talk about who would be the  
46 person later, but there will be a seat open at this in Orlando  
47 and it will take place the same time that the South Atlantic  
48 Council meeting is going on too in June. It's going to be like

1 a back-to-back and so it should be a fun-filled week, to say the  
2 least.

3  
4 **EUGENIO PIÑEIRO:** Thank you, Tony. Next on the agenda we are  
5 supposed to have the enforcement reports, but some of you have  
6 to leave by four and so is there any objection if we put Joe  
7 Kimmel now and then we can do that later? Okay, Joe.

8  
9 **PRESENTATION ON QUEEN CONCH REGULATORY AMENDMENT**

10  
11 **JOE KIMMEL:** Thank you, Mr. Chairman. This is a little  
12 presentation on a regulatory amendment that we're working on in  
13 the region and it's on the Queen Conch FMP for both Puerto Rico  
14 and the Virgin Islands.

15  
16 The purpose and need for this, back in June of 2008, the U.S.  
17 Virgin Islands altered its regulations and established a 50,000  
18 pound quota in St. Croix and also a 50,000 pound quota in St.  
19 Thomas/St. John. It also expanded its closed season. It's now  
20 June 1 through October 31. It's one month on either side of  
21 what the old closed season was.

22  
23 Then in May of 2009, the council was notified that the quota in  
24 St. Croix was reached and they recommended a closure in the  
25 federal waters. Currently, the federal regulations are that  
26 there is no quota and also, Lank Bank is open between October 1  
27 and June 30.

28  
29 In other words, it's closed July 1 through September 30 and  
30 that's one month later than -- It closes one month later than  
31 the current USVI regulations and it opens one month earlier than  
32 the USVI regulations. They are asking for compatible  
33 regulations and that's what started us on this regulatory  
34 amendment.

35  
36 It was first recommended that an emergency regulation be done,  
37 but it was determined that what was requested doesn't fit the  
38 criteria for emergency measures and so we started working on an  
39 interim rule and at the same time, we were working on a  
40 permanent regulation that was going to be Amendment 3 to the  
41 Queen Conch FMP and it was going to do the same thing that we're  
42 doing here, plus we added a framework and there was a little bit  
43 more holistic compatibility written into that amendment.

44  
45 However, things changed. We discovered that the framework  
46 existed for the Queen Conch FMP and so rather than go the full  
47 plan amendment route, we decided to go with a regulatory  
48 amendment as a permanent regulation for this fishery and we

1 continued working on the interim rule, but just about a month  
2 ago we were advised by General Counsel that maybe the interim  
3 rule wasn't the right way to go and so now we're only working on  
4 a regulatory amendment to develop compatible regulations for  
5 queen conch.

6  
7 I gave you a little bit of background, but the Queen Conch FMP  
8 was implemented in 1997. In 2005, Queen Conch Amendment 1 and  
9 that was when we prohibited the commercial and recreational  
10 harvest and possession of queen conch in federal waters in the  
11 U.S. Caribbean, the exception being Lang Bank would remain open.

12  
13 We're also working on Queen Conch Amendment 2 and that's the  
14 current ACL Amendment that's under development that we reviewed  
15 today. There's a couple of amendments in progress on queen  
16 conch as we speak, the regulatory amendment and also the ACL  
17 Amendment.

18  
19 This is just a picture of the animal that we're talking about.  
20 This is a juvenile queen conch. It looks like it was found on  
21 the grass beds and you can tell it's juvenile because the flared  
22 lip has not formed and you can see that the shell is sort of  
23 what they call the paper thin stage. It's not really filled out  
24 and robust and grown to maturity yet.

25  
26 This is the area where we're talking about. Lang Bank is the  
27 area shaded there. That's east of 64/34 west and it's also  
28 bounded with the 100-fathom curve and the 100-fathom curve is  
29 the blue line here and then this is the 300-fathom curve on the  
30 outside and in 1,800 feet of water, there's not too many queen  
31 conch in that neck of the woods, because queen conch eat algae  
32 and there's not a whole lot of the algae that they like to eat  
33 at that depth, if any at all.

34  
35 The dotted line represents the three-mile territorial sea of St.  
36 Croix and so this is the EEZ that we're talking about developing  
37 compatible regulations for with this regulatory amendment.

38  
39 This is just some reported landings. I show you this because it  
40 just gives you an idea of who lands queen conch in the U.S.  
41 Virgin Islands. These are the years here and these are the  
42 locations where it was landed and these are the amounts, in  
43 pounds, of conch that were landed and you can see 98, 99, 97  
44 percent of queen conch were landed in the St. Croix area. Just  
45 a small percentage has been landed in St. Thomas/St. John and so  
46 this is really for the St. Croix area.

47  
48 These are the actions in our regulatory amendment, the

1 compatible regulations. There's a no action alternative not  
2 doing anything, leaving it as it is. Of course, Alternative 2  
3 is to establish compatible closure regulations with the U.S.  
4 Virgin Islands and a closure to address the quota and also to  
5 expand the seasonal closure, to make it the same as it is for  
6 the local government, June 1 through October 31.

7  
8 The quota closure will be once we're notified by the local  
9 government or the council that the 50,000 pound quota has been  
10 met. We will begin a mechanism to close the fishery in the EEZ.

11  
12 This is basically what I just said, a compatible closure when  
13 the territorial quota is met. Whenever that quota is met, it  
14 will be closed from that point on until November 1 and that's  
15 compatible with the USVI regulations.

16  
17 Closed season, right now it's July 1 through September 30 and we  
18 are proposing to close it June 1 through October 31 and that's  
19 compatible. There are a couple of things that are not in here  
20 that are in the local regulation and they deal with bag limits  
21 and trip limits and we didn't change our regulations to be  
22 compatible with the U.S. Virgin Island regulations, mainly  
23 because of the actions, in that it deals with the recreational  
24 bag limit, is not as conservative as what we have in the federal  
25 regulations and since this fishery is undergoing overfishing and  
26 is overfished, we'll not include that in our compatible  
27 regulations. Are there any questions on this regulatory  
28 amendment?

29  
30 **MIGUEL ROLON:** A question and a comment. The AP panel and the  
31 SSC were asked to look at this issue again. From the SSC, you  
32 already have what they said. They have no basis for changing  
33 the number that they suggested to the council before. In the  
34 case of the queen conch, Mr. Chairman, although he already did  
35 it, but for the record today, to refresh your memory, to allow  
36 Eddie to give us the one line that the AP recommends to the  
37 council to consider at this time.

38  
39 **ED SCHUSTER:** When we met on the 24<sup>th</sup> of March, the AP, there was  
40 a recommendation that was made and that it's the queen conch  
41 quotas should be reviewed by the local government and the  
42 federal government should adopt these regulations in the EEZ,  
43 rather than closing it off of St. Croix.

44  
45 You touched on some of them here, two of them here, but what I  
46 would like to see is you guys on the federal side adopt what we  
47 have changed in our state waters or local waters, which would be  
48 as a management or preservation method, what we used was before

1 you could harvest 150 conch per license. If you had four  
2 fishers on one boat, you could have 600 conch.

3  
4 What we did is we reduced it to 200 per boat, regardless of how  
5 many divers you had onboard. That seems to be working in our  
6 state and I would like to see it be transformed over to federal  
7 waters.

8  
9 The other thing I would like to see is, and I mentioned it  
10 earlier before, is duplication. Is there any way that you guys  
11 could look into the duplication of these reportings of guys that  
12 have fishing licenses that are not actually fishermen, but  
13 they've vendors and they purchase the conch from commercial  
14 divers or fishermen and in order to be in compliance with local  
15 DPNR or DFW requirement of filling out a catch report to obtain  
16 the fishing license, this is why they put these catches on their  
17 catch report that has been purchased, but not actually  
18 harvested. That's another one that you have to find out what's  
19 going on with that.

20  
21 There was one more thing I wanted to say. Actually, there was  
22 some concern about the conch not being harvested as much or  
23 maybe there's a possibility of underreporting. I know for one  
24 thing for sure, that where the guys were harvesting the conch to  
25 actually give to a guy that purchased the conch wholesale and he  
26 is no longer doing that. You're going to see a drastic drop in  
27 the numbers.

28  
29 I'm not going to stick my head out on the block for anybody, but  
30 I know for a fact that they have not been selling this  
31 particular individual any more conch and I spoke to the guys and  
32 I told them that you've got to be careful when you start  
33 exploiting your resources and you're asking for trouble. That's  
34 something to take into consideration also, that there's no  
35 longer a wholesaler in the area.

36  
37 **JOE KIMMEL:** Eddie, we cannot take action at this particular  
38 meeting, because queen conch are not on the agenda and General  
39 Counsel has advised me that they can't take action to submit  
40 this regulatory amendment to the Secretary for review or even  
41 selection of alternatives, preferred alternatives.

42  
43 Because it's in the state it's in, I would guess that it's the  
44 council's prerogative to make whatever changes it wants to make  
45 to this regulatory amendment and we certainly will listen to  
46 that.

47  
48 **MIGUEL ROLON:** What is the pleasure of the council, to leave it

1 as is or address the issue that's been brought by the AP or  
2 what?

3  
4 **SHEPHERD GRIMES:** I'm not comfortable with you taking any kind  
5 of action on it. You didn't put it on the agenda and if you're  
6 going to vote to add new alternatives and new actions to it,  
7 you've got to put it on the agenda. Action doesn't mean just  
8 final action. If it did, you would only have to put things on  
9 the agenda once. At this point, I don't think there's much of  
10 anything you can do other than discuss the document.

11  
12 **MIGUEL ROLON:** Do you want to discuss it or not?

13  
14 **ROY CRABTREE:** Where that leaves us is if you decide you do want  
15 to add those things in, we'll have to put it on the agenda and  
16 come back at the next meeting and add it in then and then come  
17 back to the meeting after that, which will put us in December,  
18 and take final action on it then. That means we may or may not  
19 be able to get it done in time to have compatible closures next  
20 summer, but I would think we probably could get a rulemaking  
21 done at that point.

22  
23 **BEULAH DALMIDA-SMITH:** I would definitely like to see some  
24 movement on it and so if we can just go ahead and discuss it and  
25 then, as Dr. Crabtree said, then we can implement it later.

26  
27 **ROY CRABTREE:** We can't take final action to submit it at this  
28 meeting anyway and so we could -- Our next meeting is likely  
29 going to be in August and so the earliest we could vote to  
30 submit this to the Secretary would be at the August meeting, I  
31 guess, is what it looks like.

32  
33 **BEULAH DALMIDA-SMITH:** Joe, can we go back to the slide with the  
34 alternatives? I wanted to make a comment about how essential it  
35 is to definitely have the compatibility, particularly because  
36 the last time we sent out the closures for Lang Bank versus the  
37 local closure, it created confusion.

38  
39 Folks thought locally that we were closing the local waters  
40 ahead or vice versa and so that compatibility in that aspect is  
41 very, very important, in addition to everything else. I  
42 appreciate what Mr. Schuster said about complying with the local  
43 regulations and seeing that throughout the whole territorial and  
44 EEZ and so I think it's essential.

45  
46 **EUGENIO PIÑEIRO:** Thank you, Beulah. Roy, then what are we  
47 going to do with this? Beulah just recognized Ed Schuster and  
48 the AP's report and then we would go into the August meeting for



1 final action on this?

2  
3 **ROY CRABTREE:** We can bring the document finished back to you at  
4 the August meeting and you can vote on it then and make your  
5 decision if you want to submit it to the Secretary and do it.  
6 The other issues that Ed brought up, if you wanted to pursue  
7 those changes, we would either have to delay this one for  
8 another meeting or we could do a second regulatory amendment and  
9 look at those changes in something else.

10  
11 **MIGUEL ROLON:** The whole idea behind this is that the fishermen  
12 are not very happy with the 50,000, period. The local  
13 government is trying to move the 50,000, but there's nowhere to  
14 go. It doesn't have the basis yet to either double that amount  
15 or make it half of it. We are kind of in limbo regarding St.  
16 Croix's queen conch fishery.

17  
18 The St. Thomas Association and the AP, in different meetings,  
19 discussed this in St. Croix and they are under the impression  
20 that there could be the possibility for St. Croix to the USVI  
21 government to review this number and come up with a different  
22 number than we have now, the 50,000.

23  
24 In the case of the federal government, if we have kind of a  
25 flexible management measure that allows us to adopt in the EEZ  
26 whatever the local government decides in terms of the number --  
27 What we're doing is compatible regulations and this is what the  
28 U.S. Virgin Islands asked the council a long time ago, is that  
29 whenever they have the quota met, then the EEZ would close the  
30 fishery to be able to make it effective, the law that the U.S.  
31 Virgin Islands has in their area of jurisdiction.

32  
33 We have no quarrels with that one, except the numbers of queen  
34 conch that you can remove. If we are discussing this now and  
35 the council doesn't see anything that jumps at you, then it's a  
36 matter of putting this same document that you have now at the  
37 next meeting as an agenda item that we'll call final decision on  
38 the thing.

39  
40 If you have something in the document that you believe should be  
41 changed, then I propose that we have two meetings, one for the  
42 changes and one for the final approval. It still might be iffy  
43 if we are ready for the next year. Dr. David Olsen yesterday in  
44 the five-minute comment period, he said that it seems that twice  
45 that quota has been surpassed by 30,000 or better, but we don't  
46 know that, because we don't have the numbers yet. It's some  
47 information that he presented yesterday that he got from  
48 reliable sources.

1  
2 Those are the issues really that we're discussing and so, Joe,  
3 after this, just the discussion. Do you see anything that will  
4 make the document different that requires to have different  
5 language between here and the next meeting?

6  
7 **JOE KIMMEL:** I don't. There are some things that the council  
8 could decide to put into the amendment that would make some  
9 changes, but in terms of whether they're substantive or not, I  
10 don't really think so. I've got one last slide here and what  
11 you see in red there is what the local government has decided to  
12 do and what will be in place in the federal waters will be  
13 what's in black.

14  
15 You can see there is some difference there, but it's not a great  
16 deal of difference. I think the most important thing to do is  
17 to close when the quota is reached and that's already built into  
18 the amendment and also extend the closed season so that's  
19 compatible with the local government and that's already built  
20 into the amendment.

21  
22 I think if you go with those sorts of things that you won't be  
23 totally compatible, but it will be close. It will be very close  
24 and while there will be still some confusion, it will be a minor  
25 sort of situation relative to what it is right now.

26  
27 **CARLOS FARCHETTE:** This question is actually for Graciela. The  
28 study that's being conducted on conch, it's a SEDAR study? Is  
29 that the name of that?

30  
31 **GRACIELA GARCIA MOLINER:** No, that's the SEAMAP fishery  
32 independent survey.

33  
34 **CARLOS FARCHETTE:** Do you believe that those results would be  
35 ready for the August meeting, so that we can take a look at  
36 actual numbers?

37  
38 **GRACIELA GARCIA MOLINER:** I would defer to Beulah Dalmida-Smith.

39  
40 **BEULAH DALMIDA-SMITH:** Yes. As a matter of a fact, I understand  
41 that we're waiting on more dive before we can make any judgment  
42 call and if I have to don that scuba gear myself and get down  
43 there and make that dive, it will be done. I will assure that  
44 we do have those numbers before that meeting.

45  
46 **EUGENIO PIÑEIRO:** I trust you will.

47  
48 **CARLOS FARCHETTE:** I think that would help us scientifically to

1 have some type of better understanding of what the stock  
2 assessment is of the conch fishery before we can either increase  
3 it or leave it the same or decrease these numbers.

4  
5 **MIGUEL ROLON:** That's the issue, Carlos. The way this is set  
6 up, the federal government doesn't care -- They defer to the  
7 local government to determine that quota. Once they justify the  
8 quota, under the same parameters of the MSA, your protected  
9 resources and you're taking into consideration all the things  
10 that we have, then we will have the compatible regulations  
11 adopting whatever quota they have and the mechanism for  
12 enforcing that quota, closing and opening the seasons and all  
13 that.

14  
15 The little details, although they are little, when you're  
16 fishing out there and especially one of you guys who are still  
17 working and not retired, they are big. You have half a conch  
18 more than you are supposed to and then you are in trouble. It's  
19 a little bit confusing for the fishermen.

20  
21 They don't know how come in this area I can have six and then I  
22 step in this other area and I can have four. It's a little bit  
23 confusing and so my feeling is that perhaps we follow what Roy  
24 was saying as a possible scenario and make sure that the U.S.  
25 Virgin Islands does that last dive and so you have another  
26 element of judgment. They can come up with a number, a  
27 different number.

28  
29 Then incorporate that red stuff that you have there in the  
30 document and we'll take a look at it at the fall meeting, the  
31 beginning of the fall, and then we'll prepare to have a final  
32 action by the November/December meeting.

33  
34 **GRACIELA GARCIA MOLINER:** A couple of things for clarification.  
35 There is not going to be a stock assessment, per se, because one  
36 of the problems that we have with queen conch is that we don't  
37 have the metrics for effort. SEDAR already reviewed queen conch  
38 for a stock assessment and that was one of the main conclusions.

39  
40 What the SEAMAP fishery-independent survey is going to do for  
41 you, it's going to show you indications of the density of the  
42 populations around St. Croix, whether they're increasing or not.  
43 That's what is coming out of there.

44  
45 You can request and we can find out who from the Division or  
46 from SEAMAP can do a presentation and do a comparison of the  
47 various surveys that have been conducted here to see the changes  
48 in density for the area, but in terms of, for example, the bag

1 limits, there is a big difference from what the territory has  
2 versus what the EEZ has. There's a potential big difference if  
3 you have two people onboard. That's a hundred conch difference.  
4 If you have three people onboard, that's a 250 conch difference.

5  
6 It's an issue that would require more than what we have in the  
7 document right now, but as far as we understood from the  
8 request, the main issue was to deal with the seasonal closure.

9  
10 **JOE KIMMEL:** I want to address some of that. If you decide to  
11 make changes to this regulatory amendment at the next meeting,  
12 modify it and adjust the alternatives and maybe add or subtract  
13 others, then you're opening the box and so anything is fair  
14 game.

15  
16 One of the possibilities that might happen is that somebody  
17 might recommend that the EEZ simply be closed to queen conch and  
18 that way it would -- You wouldn't have this compatibility  
19 problem in the sense of closing when the quota was reached and  
20 so forth. You have to look at everything that could happen to  
21 decide whether to go that route or not.

22  
23 **ED SCHUSTER:** I have some concerns and my concerns are a couple  
24 of things. That six per person per day, not more than twenty-  
25 four per boat, it's still not etched in stone and it did not go  
26 to public comment. As a matter of a fact, we're still going  
27 through it as for recreational.

28  
29 Maybe this is one of the alternatives that were put on there,  
30 because I know that it's not one particular alternative and we  
31 have always tried to -- If there's a federal regulation, we have  
32 always tried to come into compatibility with it. I would not  
33 have this up there, per se, that that's what it is and etched in  
34 stone. The other thing is, Graciela, you mentioned that it's a  
35 density survey that was being done by whom?

36  
37 **GRACIELA GARCIA MOLINER:** SEAMAP Caribbean. It's a survey  
38 that's been conducted in the area since 1989/1990 and every five  
39 years they do conch assessments and so the DPNR, who is in  
40 charge of the SEAMAP funding, they get specific monies to survey  
41 transects around the island of St. Croix and so they are  
42 conducting that now and St. Thomas, but in this case, St. Croix  
43 is the one of the interest. They are completing the survey, but  
44 I believe that they still have a couple of dives left to do.

45  
46 **ED SCHUSTER:** I'm glad you mentioned this, because, again, it  
47 comes back to not having the involvement with doing these  
48 studies with the fishermen. Every five years you go in and you

1 do a density survey. As far as I understand it from when they  
2 were doing this density survey, I was asked to get some GPS  
3 coordinates and so obviously you're still surveying these areas  
4 that you have done in the last five years.

5  
6 If you're not going to do a total analysis or do new areas to  
7 discover where exactly these conch are moving or where they're  
8 migrating from or whatever, you're not going to have a clear  
9 picture of what's on the shelf and these kinds of surveys is  
10 what comes back and it shows that the fishery is declining.

11  
12 If you don't involve the fishermen, you're not going to have a  
13 clear picture. You can't depend on these surveys running  
14 transects on the bottom to determine the livelihood of  
15 fishermen. I'm sorry to sound like this now this late into the  
16 presentation, but you can't do it and apparently when they were  
17 doing it, they had some sort of difficulty, because I was asked  
18 to get GPS coordinates.

19  
20 When you start asking trade secrets of the fishermen, they get  
21 skeptical and they get concerned, because they don't want any  
22 more closures. If they're surviving off of these areas, why  
23 should they give up their trade secrets and it's a possibility  
24 that it's going to become a closed area.

25  
26 If you have something, a study, that's going to involve the  
27 fishermen, you might have that kind of relationship. I don't  
28 want to seem like I'm totally against it, but I have my concerns  
29 that it may come back and haunt the fishermen, because if you  
30 survey -- There's no fence. There's no kind of restrictions  
31 that keep these animals from moving from one place to the next.

32  
33 You go five years later to the same place that you surveyed,  
34 it's not going to be there. At least Jed or somebody, Beulah  
35 maybe, they should have at least given you some sort of feedback  
36 to know exactly what has been surveyed and what is it looking  
37 like, to maybe get some sort of fisherman involvement. As far  
38 as I understand, they were asking for GPS coordinates to go and  
39 survey new areas.

40  
41 **GRACIELA GARCIA MOLINER:** Two things. One, it is a fishery-  
42 independent survey and so what we're trying to do, there is a  
43 protocol that has been established and there is a stratification  
44 by depth and habitat and things like that. This is independent  
45 of the fishery, just to have the scientific information.

46  
47 It so happens that the densities appear to be increasing for  
48 both the juvenile and the adult conch. What needs to be done

1 next is that if that is the case, then you have to look at the  
2 time periods when the regulations came into place, to see if you  
3 detect any changes.

4  
5 In addition to that, there is additional money that is coming  
6 for surveys in which the commercial fishermen are going to be  
7 tagged to work on the surveys and so that's coming, but SEAMAP,  
8 it's something that has already been ongoing since the early  
9 1990s. It's just a very slow process because of very small  
10 funding that they get and very small time for doing most of what  
11 they have to do, but the indication is that the densities are  
12 coming back for both juveniles and adults.

13  
14 **ED SCHUSTER:** If you had made that comment previously, I would  
15 have not even gone into there, because we know that they have  
16 been increasing. For years we've been saying that and we know  
17 where to find them, but now if you had mentioned that before, I  
18 would have never had said what I said, but thank you anyway.

19  
20 **GRACIELA GARCIA MOLINER:** There is also another side of the  
21 story and that's another survey where the fishermen tell where  
22 they used to harvest conch, so that you can use that as a  
23 comparison for what's happening now. All these things are  
24 happening, but it's just that they're not completed yet.

25  
26 **MIGUEL ROLON:** Listen, guys, the person who really needs to do  
27 something about this is the local government. Get your numbers  
28 and get your facts together and get your act together and then  
29 we'll follow suit in the EEZ. Otherwise, it will be very  
30 difficult for the federal government to sustain an open fishery  
31 when you cannot demonstrate that your actions will maintain the  
32 sustainability status of those fisheries and that's what Joe was  
33 saying.

34  
35 If you open this, somebody may come and ask to close the whole  
36 thing. It may happen and it may not. We don't know, but what  
37 Joe is saying is that's what the process calls for. Again, we  
38 are not making any decision here. We are just trying to develop  
39 some friendly discussion.

40  
41 For the next meeting, do you want to take all this one more time  
42 and so we don't have final action, but we just maybe want to  
43 communicate in between these two meetings with Joe, so we can  
44 assess the progress that you're making and then we can make a  
45 decision at that time and Joe can decide we're ready for final  
46 action or not and put it on the agenda.

47  
48 If not, then we follow what Roy was saying and we get this

1 meeting and then at the December meeting, I hope that everybody  
2 will come back ready for the final action, so that the next  
3 year, 2011, will be the year that we actually implement the  
4 compatible regulations. That way, the U.S. Virgin Islands will  
5 have ample opportunity to get into the discussions of what Eddie  
6 was saying and the mechanisms that you have to work this out.

7  
8 **BEULAH DALMIDA-SMITH:** Well spoken, Miguel. I just want to say  
9 on behalf of the local government that we are trying. We have  
10 our limitations. We do have serious limitations and one of them  
11 is staff, staff that could assist us in getting these things,  
12 data and compilation and doing the dives necessary and so forth  
13 and so on.

14  
15 Trust that as soon as things improve that things will get better  
16 and we will be more on the forefront and more productive and  
17 efficient in what we do.

18  
19 **CARLOS FARCHETTE:** I have a comment about this bag limit,  
20 because I see an enforcement issue up there with the commercial  
21 harvest. Whose jurisdiction is going to supersede enforcement  
22 if they harvest 600 conch in the EEZ and the patrol boat is two  
23 miles out and they see them coming in? They're legal harvesting  
24 in the EEZ, however it's illegal within state waters.

25  
26 Another comment on the recreational side is I really don't see  
27 an issue with that and I have to verify that, but I think that  
28 the recreational harvest in the EEZ is actually zero and there's  
29 no recreational harvest all the way out there.

30  
31 **MIGUEL ROLON:** Beulah, the council can assist the Division of  
32 Fish and Wildlife if you need to meet in St. Croix with the  
33 fishers on an official meeting, but it will be the local  
34 government, because you know the constraints that we have.

35  
36 Then we can have a meeting with especially Eddie and the group  
37 and even bring David Olsen over to the table to discuss it and  
38 you can use liaison funds with some of the additional funding  
39 that you have and that way, you will be ready. If you do this  
40 in May, as soon as you can, or June, then we'll be ready to talk  
41 to Joe Kimmel and tell him this is what the U.S. Virgin Islands  
42 government is planning to do and what will be the next step.

43  
44 When we come back to the next meeting, we will be all informed  
45 and what Carlos Farchette is saying is what I was trying to say  
46 before. Remember that every management measure, no matter if  
47 it's local or federal, has to take into consideration the  
48 enforceability of it, because otherwise it will be very

1 unpractical and maybe unfair. All those considerations could be  
2 taken maybe to an agenda of a meeting when you deem it  
3 necessary.

4  
5 **EUGENIO PIÑEIRO:** We are going to move into Enforcement Reports.  
6 Miguel, Puerto Rico.

7  
8 **ENFORCEMENT REPORTS**

9  
10 **MIGUEL GARCIA:** I asked for that information, but I have to  
11 admit that that from Puerto Rico I'm still waiting. I would  
12 like to be sure that we add that information for the summary of  
13 the meeting, to have that in the paper version, please.

14  
15 **EUGENIO PIÑEIRO:** Thank you, Miguel. U.S. Virgin Islands  
16 Report?

17  
18 **ROBERTO TAPIA:** Good afternoon, council members and members of  
19 the audience. My name is Roberto Tapia and I'm the Assistant  
20 Director for the Division of Environmental Protection,  
21 Department of Planning and Natural Resources.

22  
23 While this is fresh in my mind right now, I would like to  
24 address a comment that Mr. Schuster made and I want to assure  
25 him that the Department of Planning and Natural Resources did  
26 look into the field of vendors using their licenses to sell  
27 these catches illegally.

28  
29 The Department has taken steps with Fish and Wildlife, Licenses  
30 and Consumers, and Agriculture. We have devised a plan as of  
31 next year. This year, when they do their catch report, those  
32 licenses will either be revoked or they will have to get  
33 something differently versus the same licenses the fishermen  
34 have and so we have addressed that situation and we have put a  
35 cap on that little loop that was in the Division of Licensing.

36  
37 This is a combined report for the Virgin Islands for the red  
38 hind closed season from December to February 28 and the mutton  
39 snapper closed from March 1 to June 30. Dockside boating hours  
40 combined is 302 and sea patrol hours are 226 and our educational  
41 is twenty-seven. Boat inspections are thirty-one and citations  
42 are seven and fish gear trap inspections are ninety-nine and  
43 near-shore patrol is twenty, meaning hours.

44  
45 In respect to the difference between St. Croix and St. Thomas,  
46 it varies in difference because of equipment malfunction. Our  
47 equipment is down and we don't have enough personnel.

48



1 A breakdown for St. Croix hours would be dockside boating hours  
2 would be ninety, sea patrol hours would be twenty, citations  
3 would be seven, educational hours would be seventeen, fish boat  
4 inspections would be twenty-six, fish trap inspection will be  
5 thirty-four and near-shore patrol will be twenty.

6  
7 For St. Thomas, the citations we don't have any. Educational  
8 hours, we only have ten. Boat inspections, we have five and  
9 gear trap, which would be the fish traps, we have 165. It's  
10 just to show you that we do have a lot of trap fishermen here in  
11 St. Thomas versus what we have in St. Croix. Any questions?

12  
13 **EUGENIO PIÑEIRO:** Thank you very much.

14  
15 **MR. SCHUSTER:** I've got a question. How often -- I heard you  
16 mention twenty-six hours of daily inspections and how often does  
17 your officers inspect these vessels? I'm just curious. If you  
18 have six officers and you have 240 fishermen, how does that fit  
19 into a daily inspection of twenty-six hours and you're already  
20 four months into the year?

21  
22 **ROBERTO TAPIA:** It can go either way. It can be two officers or  
23 one officer, whether they're doing it inshore or offshore.  
24 Those hours start from the time they leave the dock and get to  
25 the area and get back. It's not necessarily twenty-six hours  
26 speaking to fishermen. That's from the time they leave the dock  
27 until they return. Those hours are counted.

28  
29 **EUGENIO PIÑEIRO:** Thank you very much for your report. Our next  
30 report is NOAA/NMFS and Ken Henline.

31  
32 **KEN HENLINE:** My name is Ken Henline and I'm a NOAA agent in  
33 Puerto Rico and I want to thank the council for allowing me to  
34 join you all this meeting. I greatly appreciate it. What I'm  
35 going to do, I'm going to cover some cases, what I call indirect  
36 cases, but it has some importance with the USVI and Puerto Rico.

37  
38 One of them was an excellent case done by U.S. Fish and Wildlife  
39 and Len Rios regarding importing black coral into St. Thomas  
40 under false label, which finally the conclusion was the arrest  
41 of two Chinese nationals.

42  
43 We continue to work with Elkhorn cases. We intercept Elkhorn  
44 being shipped in the U.S. Post Office mail on a daily basis and  
45 we have cases clear from Florida and Pennsylvania and  
46 California.

47  
48 We continue to work on the import of Caribbean spiny lobsters

1 regarding the size and the meat prohibitions and lastly, we've  
2 have two whale strandings in Puerto Rico in the last month.  
3 There appears to be no human interaction, but it was due  
4 probably from disease or starvation.

5  
6 I want to cover a little bit on training. NOAA continues  
7 training with federal and state agencies regarding our fisheries  
8 here and that includes DACO, which is the consumer affairs in  
9 Puerto Rico, FDA, the Border Patrol, the Coast Guard, and DNR in  
10 Puerto Rico and the USVI. We're intensely trying to improve the  
11 JEA program here in the USVI and Puerto Rico.

12  
13 The cases we have here are relatively small to speak of, but the  
14 importance of the cases was the joint effort that dealt with  
15 working together with the Coast Guard, DNR, and NOAA. We had a  
16 seizure, a commercial conch seizure, a whelk seizure, and we  
17 also had a six yellowtail snapper seizure.

18  
19 Like I say, once again, the importance of this was that DNR,  
20 NOAA, and Coast Guard all worked together in doing this and so  
21 it shows a great improvement of us working together regarding  
22 protecting the fisheries and lastly, which is the worst of all,  
23 is that two rangers were recently killed in Puerto Rico, if you  
24 didn't know that. They were ambushed and murdered. Right now,  
25 they captured the three assailants and they are in federal  
26 court. They are charging them with carjacking and so keep those  
27 families in your prayers and does anyone have any questions?

28  
29 **ED SCHUSTER:** How much pounds of Elkhorn and Staghorn coral were  
30 confiscated and I hope it wasn't any commercial fishermen by  
31 chance, but tourists maybe.

32  
33 **KEN HENLINE:** Usually those type of seizures with the Elkhorn is  
34 tourists, but the poundages -- We should go by pieces. We're  
35 looking at large pieces and just from the last council meeting,  
36 I would say three large pieces has been intercepted by customs  
37 and so I don't know what the poundage would be.

38  
39 **GRACIELA GARCIA MOLINER:** I have a report to make regarding  
40 undersized conch. There is a piece of conch meat outside my  
41 window here from a very small piece of conch.

42  
43 **EUGENIO PIÑEIRO:** I want to thank Ken Henline for that excellent  
44 report. Ken, thank you very much and we have the Coast Guard  
45 report, but they are not here today and so we are going to leave  
46 that for the next meeting and we'll go immediately to the  
47 Administrative Committee recommendations.

48

1                                   **ADMINISTRATIVE COMMITTEE RECOMMENDATIONS**

2  
3 **MIGUEL ROLON:** The Administrative Committee met yesterday and we  
4 discussed several issues. Some are motions and some are just to  
5 inform the council of some of the decisions made by the  
6 Administrative Committee, administrative decisions that is.

7  
8 The easiest one is that the Administrative Committee -- As you  
9 know, the council works in a way that allows the Chair and the  
10 Executive Director to help the local governments with some  
11 funding on discretionary issues.

12  
13 At this time, we inform that the council is helping both Puerto  
14 Rico and the U.S. Virgin Islands with the lionfish regional  
15 program. You'll receive an email from Christina Cabrera and the  
16 first conference is taking place this Friday, tomorrow at six  
17 o'clock. That is good news and then the Virgin Islands already  
18 has a management plan for the lionfish and the council is going  
19 to contribute with the dissemination of that plan or any other  
20 future education and outreach.

21  
22 We have allocated monies for the Division of Fish and Wildlife  
23 to work on the trap reduction program and you have seen this  
24 thoroughly already and also, there is some funding to assist the  
25 Division of Fish and Wildlife in harmonizing the fishery  
26 datasets that you have in St. Thomas and St. John especially and  
27 we mentioned that Beulah and Dr. David Olsen are going to talk  
28 about the possibility of joining efforts in looking at these  
29 datasets.

30  
31 The fishermen of the St. Thomas Fishermen's Association  
32 expressed that they are willing to give a waiver to the Division  
33 of Fish and Wildlife so Dr. Olsen can work with this  
34 information. That will be our contribution to the local  
35 government.

36  
37 The first motion is that the committee would like the council to  
38 reappoint to the Advisory Panel the following people: Pat Skov,  
39 Tom Daley, Nelson Crespo, Jesse Rivera, Roberto Reyes Nuñez,  
40 Julian Magras, and Jimmy Magner. Just say so moved and vote.

41  
42 **MARCOS HANKE:** So moved.

43  
44 **CARLOS FARCHETTE:** Second.

45  
46 **EUGENIO PIÑEIRO:** Those in favor say aye; any opposed. The  
47 motion carries.

1 **MIGUEL ROLON:** The other one is that the council is considering  
2 the possibility of paying a stipend to the Advisory Panel  
3 members. That's a specific recommendation discussed at the  
4 Advisory Panel meeting in March of this year and there are some  
5 legal issues or opinions that we have to clear out, but the  
6 intention of the committee is to advise the council that if  
7 there is no constraint, legal or otherwise, to start the next  
8 meeting to pay a stipend of \$100 for the advisory panel members.

9  
10 In addition, the Habitat Advisory Panel will be dissolved and  
11 those issues that were dealt with by the Habitat Advisory Panel  
12 will be done through an ad hoc. If we need that kind of  
13 expertise, we could call them and ask them and the Advisory  
14 Panel also believes that we don't want to miss the institutional  
15 memory of Dr. Garcia. He has been a hell of a contributor to  
16 the council process and they are suggesting to the council the  
17 following, to appoint, in due time, Dr. Garcia to a position in  
18 the SSC replacing Dr. Valdés-Pizzini, who hasn't shown up in the  
19 last several meetings. That way, you will have that memory  
20 there at the same time that you have a complete set of the SSC.

21  
22 The motion that we have for your consideration at this time is  
23 whether the council would like to at least indicate that they  
24 are accepting to pay a stipend to the AP members, subject to the  
25 decisions or opinions that we receive from the lawyers in  
26 Commerce and the Grants Management Office.

27  
28 **EUGENIO PIÑEIRO:** I really believe that it's fair that we give  
29 these fishermen pay. A hundred dollars for them, sometimes they  
30 make much more, but it's a gesture. Other councils don't do it  
31 or haven't done it, but why not us be the first ones and  
32 recognize the effort they have put up through the years of  
33 coming to these meetings and \$100 would be fine. If I could get  
34 a motion from one of the council members moving that  
35 recommendation subject to the grants officer approving the  
36 legalities of the payment.

37  
38 **MARCOS HANKE:** I'll go for the motion and I just want to add to  
39 your comments before the motion. For me as a council member to  
40 have the AP and have fishermen involvement in the process and  
41 have the feedback -- Being a fisherman, I know how that is  
42 important, especially managing three different islands in which  
43 we need that local feedback to make a good informed decision and  
44 this stipend is more than justified and is something that's  
45 going to keep them even closer to the council and it's going to  
46 help the process. I really agree with that and that's my  
47 rationale and my explanation behind it and I really appreciate  
48 the work that the AP does for the council. **Now so moved to**

1 approve the \$100 stipend to the AP members if the -- Can you  
2 help me with the language?  
3  
4 **MIGUEL ROLON:** That the council approve a \$100 stipend for the  
5 AP, subject to the positive opinion from the Commerce legal  
6 division and the approval of the Grants Management Office.  
7  
8 **MARCOS HANKE:** That's my motion. Thank you for the language,  
9 for the help.  
10  
11 **MIGUEL GARCIA:** I second.  
12  
13 **EUGENIO PIÑEIRO:** Thank you. Any more comments or any more  
14 discussion of that? Let's vote.  
15  
16 **CARLOS FARCHETTE:** Yes.  
17  
18 **MIGUEL GARCIA:** Yes.  
19  
20 **BEULAH DALMIDA-SMITH:** Yes.  
21  
22 **JOE KIMMEL:** Yes.  
23  
24 **MARCOS HANKE:** Yes.  
25  
26 **EUGENIO PIÑEIRO:** Yes. With one absent, the motion carries.  
27  
28 **TONY IAROCCI:** I'm not a member of this council, but, Marcos, I  
29 just want to support everything you said. In talking and seeing  
30 -- I started out as an AP member and before that, going to the  
31 council meetings and these times, the way economics are right  
32 now, both the South Atlantic and the Gulf, and I think NMFS  
33 knows the background on this -- I think a lot of the councils  
34 are coming to the table right now looking for that stipend to  
35 help fishermen.  
36  
37 Marcos, I can't stress the importance of having the fishermen,  
38 both recreational, charter, and commercial, taking the time to  
39 be there to get the data, because without that data -- The  
40 council makes decisions and it's nice having those AP members  
41 and the fishermen here, but it's also nice for them to be able  
42 to have their expenses covered and so I'll take this message  
43 back to the other councils too and hopefully we can push this  
44 through the council process and get support for it.  
45  
46 **MIGUEL ROLON:** You don't need a motion for this, but for the  
47 record, the Advisory Panel wanted to stress the point that they  
48 would like to see members that are willing and able to

1 participate, so that we have better Advisory Panel meetings.

2  
3 In addition, they would like to see at least three meetings a  
4 year rotated the way that we do with the council, so that  
5 members can familiarize themselves with the different fisheries  
6 that we have throughout the U.S. Caribbean. I believe that the  
7 Chair has the authority to do that and so be it and we will do  
8 that.

9  
10 It's important that especially now that you saw some vacancy in  
11 the AP that especially the local governments, if you have good  
12 candidates that are willing and able to participate, please let  
13 them know and submit the names to us.

14  
15 The next AP meeting will be before the council meeting, whenever  
16 that is, so they can look at the comments received from the  
17 public hearings and then the last thing is a motion to dissolve  
18 the Habitat Advisory Panel and then send letters to all the  
19 members for their assistance and tell them that we would like to  
20 keep their names, because we may need to call on them in a  
21 different format, an ad hoc committee, so we can have the  
22 benefit of their expertise for habitat-related issues.

23  
24 **CARLOS FARCHETTE:** So moved.

25  
26 **BEULAH DALMIDA-SMITH:** Second.

27  
28 **EUGENIO PIÑEIRO:** Let's vote.

29  
30 **MARCOS HANKE:** Yes.

31  
32 **BEULAH DALMIDA-SMITH:** Yes.

33  
34 **CARLOS FARCHETTE:** Yes.

35  
36 **JOE KIMMEL:** Yes.

37  
38 **EUGENIO PIÑEIRO:** Yes. The motion carries.

39  
40 **MEETINGS ATTENDED BY COUNCIL MEMBERS AND STAFF**

41  
42 **MIGUEL ROLON:** The next item is your favorite to discuss at this  
43 time of the day. It's the reports from council members or staff  
44 attending meetings. We discussed already two of them, the  
45 possible trap reduction and the SSC meeting.

46  
47 We discussed the CCC, because the CCC in January discussed the  
48 budget and we already mentioned that in a brief report and so

1 the last one is -- Winston, of course, is absent, but, Carlos,  
2 you attended the data improvement workshop meeting in January of  
3 this year and if you care to submit your comments regarding that  
4 meeting.

5  
6 **CARLOS FARCHETTE:** I think the meeting went very well. I know  
7 that the fishermen agreed to quite a bit of requirements when it  
8 came to trap design, the hook straps, how many hooks. I think  
9 there's only one or two of the necessary requirements that  
10 Trumble displayed on the screen that the fishermen had questions  
11 about and decided not to vote yes or no, but I believe they're  
12 going to be willing to cooperate with us in this study that we  
13 want to do for the data workshop.

14  
15 There was a lot of things that went down there. The night  
16 meeting was attended by about seventeen commercial fishermen and  
17 that was a good turnout. I know it went a little wild in the  
18 beginning, but after they realized what we were really looking  
19 for, we got a lot of cooperation from them.

20  
21 **EUGENIO PIÑEIRO:** Thank you, Carlos. Thank you for your report.

22  
23 **MIGUEL ROLON:** I just wanted to say thank you to all the people  
24 that participated, especially with the ACLs. Steve and your  
25 group at the Center and Joe and the people at the Regional  
26 Office, I know there's a lot of players behind everything and so  
27 you make Roy Crabtree look good, but I know that a lot is you  
28 guys.

29  
30 We really appreciate everything that you have done. You have  
31 done over what you were supposed to do and more and for that we  
32 really appreciate it and also the staff. I believe that  
33 Graciela did an excellent job until the last minute when she  
34 gave us a report on that little queen conch thing.

35  
36 This is the way we should be working and this is the only way we  
37 can work and also, I just want to say this. Carlos and  
38 especially Marcos, you have carried this meeting very well.  
39 Carlos asked me one time what should I do as council member and  
40 I said, well, say whatever you want and it's your expertise and  
41 I believe that this is the way to work.

42  
43 I believe that we are going to be losing one of the best lawyers  
44 we ever had somehow, because he is going to better pastures. He  
45 is going to work with the Gulf Council, but I believe that  
46 you'll still be in touch with us if needed and for that, we  
47 really appreciate it and not only your sense of humor, but you  
48 have been usually right.

1  
2 Also, I believe that we should work on Mara Levy. She will be  
3 attending our council meetings and I believe that you'll be  
4 supervising that and so I will be sending emails to her  
5 regarding legal issues we use and so I really, really enjoyed  
6 working with you and I believe that that's the same feeling of  
7 everybody around here and for that, we really, really thank you.

8  
9 **SHEPHERD GRIMES:** Thank you very much. I appreciate it and I'm  
10 not going anywhere right away. We'll phase all this in and so  
11 you're not getting rid of me just yet, but thanks for the kind  
12 words.

13  
14 **MARCOS HANKE:** I want to compliment also and say to Shepherd  
15 that for me it's a great experience to know somebody that knows  
16 what he is talking about and have the expertise and the ability  
17 to explain and even more, being a lawyer to have the patience to  
18 explain. Thank you very much.

19  
20 **EUGENIO PIÑEIRO:** Leave it there and say no more. Don't  
21 incriminate yourself. I don't believe we have any other  
22 business, because we jumped Joe's presentation up. The next  
23 meeting that we have to talk -- The next time we will meet it's  
24 going to be in St. Croix and it's going to be at the end of  
25 August or perhaps early September, depending on Roy's calendar.

26  
27 Before we go, I have to thank a lot of people for this meeting,  
28 but I want to thank Graciela and Bill Arnold and Steve Turner  
29 for sitting in for Dr. Bonnie Ponwith and a special thanks to  
30 the panel chairs and Todd Gedamke and all of you who have made  
31 this a very successful meeting. I thank you and I wish you safe  
32 travels and we'll see each other in late summer.

33  
34 **HOLLY BINNS:** Just really quickly, I talked to some folks  
35 individually. I know that there had been some concerns about  
36 taking the amendment that you all are working on and making it  
37 simple enough for the public to be able to sort of grasp what's  
38 at stake and what decisions are being made during the public-  
39 hearing phase.

40  
41 I've shown some folks a brochure that the Gulf Council used at a  
42 recent series of public hearings on a similar amendment and so I  
43 thought maybe rather than trying to get a big amendment down to  
44 just a few pages, which seems unworkable, maybe the council  
45 could consider doing something like this, like a brochure or a  
46 fact sheet or something that makes it easily understandable for  
47 the public. I just wanted to sort of put this on you all's  
48 radar screen and if there's anything that we at Pew can do to



1 help you get this going or get it together, we would be happy to  
2 do that.

3  
4 **MARCOS HANKE:** Can they send to the council members the brochure  
5 by email? Can you scan it and send it?

6  
7 **HOLLY BINNS:** Yes, if I get an email address.

8  
9 **MARCOS HANKE:** Diana can help with all that.

10  
11 **EUGENIO PIÑEIRO:** Thank you very much. Now we have Dr. David  
12 Olsen for public comments.

13  
14 **PUBLIC COMMENT PERIOD**

15  
16 **DAVID OLSEN:** A couple of things. One, STFA members have caught  
17 half-a-dozen lionfish in the last three months. Second, MARFIN  
18 funded basically a pilot version of the big St. Croix conch  
19 survey that was proposed about three years ago. Ron Hill has  
20 got that and he wants to talk to Eddie and Gurston about using  
21 their boat.

22  
23 Thirdly, about the meeting, we're not necessarily happy with  
24 where we've arrived in terms of ACLs and everything, but it's  
25 where we are and we're going to have -- We just got this  
26 document at the very end and so we'll have written comment that  
27 we'll send in.

28  
29 I want to go back to this thing I said yesterday. We view this  
30 whole issue of managing the resources as a partnership in which  
31 the targets are set and then we modify our behaviors to try and  
32 meet the targets and you've established the targets with the  
33 accountability measures, some of which we'll have comment on,  
34 and you've established accountability measures or the procedure  
35 for accountability measures, but there's a big gap here.

36  
37 You have the targets and you have the consequences and in  
38 between, there's no way for the fishermen to know where they  
39 stand in terms of the harvest and we hold strongly and are going  
40 to continue to take the position that this document, this  
41 process, and this point needs to include a reciprocal obligation  
42 for the managers to inform the fishermen of the status of the  
43 stocks throughout the fishing year and that really, in my  
44 opinion, the accountability measures should not commence until  
45 that's possible. I know, from being out at Fish and Wildlife,  
46 that that's possible.

47  
48 I think the comment I down here is the bag differences on the

1 conch make the whole conch thing unenforceable. We've had  
2 problems with the mutton snapper closures in that the fishermen  
3 could say they caught it within the territorial waters when Len  
4 Rios was there and in the federal waters when Carlos was there.  
5 I think this issue of compatibility is key here.

6  
7 I think in general that we recognize -- The easiest thing in the  
8 world would be for us to politically raise hell and prevent  
9 compatible regulations. That's well within our capability, but  
10 we recognize the need for those and that no one benefits from  
11 confusion and so we're going to support the same measures within  
12 and without the territorial sea. Thank you.

13  
14 **EUGENIO PIÑEIRO:** Thank you, David. That's it. Thank you very  
15 much.

16  
17 (Whereupon, the meeting adjourned on April 8, 2010.)

18  
19

- - -