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2 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**  
3 **144<sup>TH</sup> REGULAR COUNCIL MEETING**  
4 **Marriott Frenchman's Reef**  
5 **St. Thomas, USVI**  
6

7 DECEMBER 19-20, 2012  
8

9 The Caribbean Fishery Management Council convened at the  
10 Marriott Frenchman's Reef, St. Thomas, USVI, Wednesday morning,  
11 December 19, 2012, and was called to order at 9:00 o'clock a.m.  
12 by Chairman Carlos Farchette.  
13

14 **CARLOS FARCHETTE:** Good morning and welcome to the 144<sup>th</sup>  
15 Caribbean Fishery Management Council meeting being held on St.  
16 Thomas at the Frenchman's Reef, U.S. Virgin Islands. It is  
17 December 19 and we have only two days to get everything done,  
18 because, as you all know, Friday is the end of the Mayan  
19 calendar and so that's the end of days. We will do the role  
20 call and I will start to my right with Bill.  
21

22 **BILL ARNOLD:** Bill Arnold, National Marine Fisheries Service.  
23

24 **NELSON CRESPO:** Nelson Crespo, council member, Puerto Rico.  
25

26 **BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries Service.  
27

28 **MARA LEVY:** Mara Levy, NOAA Office of General Counsel.  
29

30 **ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.  
31

32 **DIANA MARTINO:** Diana Martino, council staff.  
33

34 **MIGUEL ROLON:** Miguel Rolon, council staff.  
35

36 **CARLOS FARCHETTE:** Carlos Farchette, council chair.  
37

38 **EUGENIO PIÑEIRO:** Genio Piñeiro, vice chair.  
39

40 **ROY PEMBERTON:** Roy Pemberton, Jr., DPNR.  
41

42 **MIGUEL GARCIA:** Miguel Garcia, council member, Puerto Rico DNR.  
43

44 **WINSTON LEDEE:** Winston Ledee, council member, St. Thomas.  
45

46 **SEAN CASHELL:** Sean Cashell, United States Coast Guard.  
47

48 **NATALIA PERDOMO:** Natalia Perdomo, council staff.

1  
2 **AIDA ROSARIO:** Aida Rosario, Puerto Rico Department of Natural  
3 Resources.  
4  
5 **BARBARA KOJIS:** Barbara Kojis, SSC Chair.  
6  
7 **ALIDA ORTIZ:** Alida Ortiz, Outreach and Education Advisory  
8 Panel.  
9  
10 **EDWARD SCHUSTER:** Edward Schuster, AP Chair.  
11  
12 **OTHA EASLEY:** Otha Easley, NOAA Enforcement.  
13  
14 **BRUCE BUCKSON:** Bruce Buckson, NOAA Enforcement.  
15  
16 **PHIL STEELE:** Phil Steele, NOAA Fisheries.  
17  
18 **GRACIELA GARCIA-MOLINER:** Graciela Garcia-Moliner, council  
19 staff.  
20  
21 **DAVID OLSEN:** David Olsen, STFA.  
22  
23 **TONY IAROCCI:** Tony Iarocci, commercial fisherman, Florida.  
24  
25 **PETER COOPER:** Peter Cooper, NOAA Fisheries.  
26  
27 **LEDA DUNMIRE:** Leda Dunmire, Pew Charitable Trust.  
28  
29 **HELENA ANTOUN:** Helena Antoun, NOAA Contractor.  
30  
31 **KEN STUMPF:** Ken Stumpf, working with Pew.

32  
33 **ADOPTION OF AGENDA**  
34

35 **CARLOS FARCHETTE:** Thank you. We're going to move on the agenda  
36 to Adoption of the Agenda, if anyone has anything to add to the  
37 agenda, adoptions or additions.  
38

39 **MIGUEL ROLON:** Thank you, Mr. Chairman. Before we consider the  
40 Council Meeting Verbatim, we would like to recognize one friend  
41 of the council for the last twenty or so years and if I may, we  
42 would like to do that before Consideration of the Council  
43 Minutes.  
44

45 **CARLOS FARCHETTE:** Thank you. Hearing no additions, is there  
46 adoption of the agenda?  
47

48 **EUGENIO PIÑEIRO:** Miguel, under Other Business, I would like one

1 point to discuss the Bajo de Sico, Abril la Sierra, and  
2 Tourmaline paper that we have on the table and perhaps for the  
3 future, to see if we can, for the future, put it in the next  
4 couple of meetings and put it on the agenda.

5  
6 **ROY CRABTREE:** I would like to add an item to discuss an  
7 application for an exempted fishing permit that we have from the  
8 St. Thomas Fishermen's Association. It's one of the projects  
9 that we funded to David Olsen and the STFA and they're going to  
10 need an exempted fishing permit for that.

11  
12 **MIGUEL ROLON:** We can include it in my Executive Director's  
13 Report.

14  
15 **ROY CRABTREE:** Wherever the Chairman wants.

16  
17 **MIGUEL ROLON:** Okay and then are you ready, Mara, for the  
18 billfish? I am going to address that and so I'm going to ask  
19 you the question.

20  
21 **CARLOS FARCHETTE:** Any more additions to the agenda? Hearing  
22 none.

23  
24 **ROY CRABTREE:** Could I just take a second to introduce Bruce  
25 Buckson, who is sitting back here? Bruce is the head of NOAA  
26 Fisheries Service Office of Law Enforcement in Washington and so  
27 is over all the law enforcement nationwide and he's been -- He  
28 formerly was with the Florida Fish and Wildlife Commission and I  
29 think Bruce came onboard about a year ago.

30  
31 Bruce has been visiting all the councils and will be with us  
32 today and tomorrow and so I urge all of you to say hello to  
33 Bruce and talk to him about your enforcement concerns while he  
34 is here.

35  
36 **MIGUEL ROLON:** Bruce, would you like to say a few words and  
37 introduce yourself a little bit more? Is there anything you  
38 want to say?

39  
40 **BRUCE BUCKSON:** I will be careful with that opportunity. Thank  
41 you, Mr. Chair, and the council members. This is a great  
42 opportunity for me to be able to be here and learn a little bit  
43 more about the issues that my office faces nationwide.

44  
45 As Roy said, I have had the opportunity to visit the other  
46 councils around the nation and each time, I walk away with just  
47 a better insight of what our challenges are and some of the  
48 things that we absolutely need to be able to do and how we need

1 to engage not only with the councils, but the industry and the  
2 fishers that are around the nation and so this is a great  
3 opportunity for me.

4  
5 My humble apologies for not getting to this council sooner. As  
6 Roy said, I am from Florida and so being south of D.C. is always  
7 a pleasure for me and so this is a great opportunity as well. I  
8 look forward to being able to meet with industry representatives  
9 and council members a little bit less formal at some of the  
10 break times and so I will be here for the two days and I'm  
11 looking forward to being able to get a better grip on what goes  
12 on in the Caribbean and so thanks very much.

13  
14 **CARLOS FARCHETTE:** Thank you. I've known the gentleman for a  
15 lot of years, since I was working in enforcement. We've had a  
16 lot of times together in different meetings and so welcome  
17 aboard.

18  
19 **RECOGNITION OF AIDA ROSARIO**

20  
21 **MIGUEL ROLON:** I asked permission of the Chair to address the  
22 group to recognize a friend, a professional, who has been  
23 working with the Department of Natural Resources for thirty  
24 years.

25  
26 We met a long time ago, a long, long time ago and she was my  
27 diving partner and we used to try to catch lobster or anything  
28 that moved in the water to study it. After we studied it, we  
29 ate it. It was kind of interesting times and I am referring to  
30 Aida Rosario.

31  
32 She is retiring December 31, 2012, and so this is her last  
33 official meeting with the council and, Aida, will you please  
34 come to the front? We just want to say hello and give you a  
35 token of our appreciation for all these years and all the good  
36 work, all the emotional discussions with David Olsen and the  
37 group. We always did it and afterwards we were friends in the  
38 end, but Aida was always emotional in defending the fisheries of  
39 Puerto Rico and the fisheries of the U.S. Caribbean.

40  
41 I would like for the Chair to give you, as I said, a token of  
42 appreciation for all these years of work, of friendship, and I  
43 hope that you will be around for some time so you can help us in  
44 any way we can think of.

45  
46 **AIDA ROSARIO:** Thank you, Miguel. I wasn't expecting to be here  
47 saying good bye. It was a little bit sudden for me, but it was  
48 a good opportunity to go out and do whatever I want right now

1 and moving forward with other stages of my life.

2  
3 I hope to all of you the best and I'm honored to have been able  
4 to work and know you and I hope that you have a very good  
5 Christmas and enjoy the holidays with your family and we will  
6 see you in the future and so it is not a good-bye. It is a see-  
7 you-later and the best for you all.

8  
9 **CARLOS FARCHETTE:** Congratulations, Aida. You are going to  
10 enjoy retirement, because I am. I would think that we need a  
11 motion to approve the agenda, the additions to the agenda.

12  
13 **EUGENIO PIÑEIRO:** I so move.

14  
15 **ROY CRABTREE:** Second.

16  
17 **CONSIDERATION OF 143<sup>RD</sup> COUNCIL MEETING VERBATIM TRANSCRIPTIONS**

18  
19 **CARLOS FARCHETTE:** Motion made by Genio Piñeiro to adopt the  
20 agenda and a second by Roy Crabtree. All in favor say aye;  
21 anyone against. Hearing none, the motion carries. Now we're  
22 going to go to Consideration of the 143<sup>rd</sup> Verbatim Minutes.

23  
24 I have a couple of things, a couple of words, that need to be  
25 changed. Page 109, line 7, the term "alewife" needs to be  
26 changed to "olewife" and the "alewife" is a baitfish and it's  
27 silver in color and so it's different to the common name used in  
28 St. Croix and St. Thomas of "olewife", which is triggerfish.  
29 Maybe I would recommend putting the word "triggerfish" in  
30 parentheses after the "olewife".

31  
32 Also, page 133, line 42, there is "Vieques" and then they have  
33 "Collabra" and that needs to be changed to "Culebra". Also, on  
34 page 156, the word "alewife" appears again and then page 162,  
35 line 20, they use the term "horsehide" for "horse-eye" and so it  
36 should be changed to "horse-eye" jack and that's all I have.

37  
38 **MARA LEVY:** At the last meeting, we had some of those  
39 presentations from the Puerto Rican Fishing Association and they  
40 were in Spanish, but we could all hear it because we had the  
41 translation. In the agenda, it just says that they were given  
42 in Spanish and so there's nothing else.

43  
44 If you don't want to have a verbatim English translation, maybe  
45 someone could just summarize what they said and we can note that  
46 they're attached, a summary of the presentation, is attached,  
47 just so that we have an idea of what was said in English with  
48 the transcript. It's on page 48.

1  
2 **MIGUEL ROLON:** Thank you, Mara. What we will do is that we will  
3 translate that section and send it to everybody as the final  
4 minutes.

5  
6 **CARLOS FARCHETTE:** Anything else for the 143<sup>rd</sup> Verbatim Minutes?  
7 We will need a motion.

8  
9 **EUGENIO PIÑEIRO:** I move that we adopt the 143<sup>rd</sup> minutes, with  
10 the presented corrections.

11  
12 **CARLOS FARCHETTE:** Do I have a second?

13  
14 **NELSON CRESPO:** Second.

15  
16 **CARLOS FARCHETTE:** Genio Piñeiro motion and it's seconded by  
17 Nelson Crespo for adoption of the 143<sup>rd</sup> Verbatim Minutes, with  
18 corrections. All in favor say aye; anyone opposed. Hearing  
19 none, the motion carries. Now we will go to the Executive  
20 Director's Report.

21  
22 **EXECUTIVE DIRECTOR'S REPORT**

23  
24 **MIGUEL ROLON:** Thank you, Mr. Chairman. There's a few minor  
25 things. We are moving and so we are sending everybody the new  
26 address and the council -- We're moving next door and we have  
27 some glitches in the transition, but finally, next week, we are  
28 to be in the next office.

29  
30 The office is next to our building and so most of the fishermen  
31 know where we are and it's easy to find. We will be able, at  
32 the new location, to have the Advisory Panel and the SSC  
33 meetings right at our headquarters, saving money and time, and  
34 we will have also a provision for the public to be there,  
35 because it's a bigger room than what we used to have.

36  
37 I have two other items. As you know, we are going to discuss it  
38 this afternoon in the Administrative Committee meeting, but the  
39 next cycle, budget cycle, we expect to have some changes. As  
40 you know, we need to cut the spending and we have been told that  
41 in 2013 and 2014 we should expect some changes, but the councils  
42 are okay so far and this council, we don't have any problem  
43 finishing 2013 and 2014, regarding budget matters.

44  
45 We have two commitments for 2012 and 2013 with the WCAFC and  
46 that's the Western Central Atlantic Fishery Commission. We have  
47 been working in partnership with the International Fisheries  
48 Office of National Marine Fisheries Service for the queen conch

1 and now the spawning aggregation fish, snappers and groupers,  
2 and so we have the success story with the queen conch.

3  
4 We have a workshop in May and we have the working group of the  
5 WCAFC that met in October. Actually, our Chairman was the Chair  
6 of the group and according to everybody there, he did an  
7 excellent job keeping everybody on time and working together.

8  
9 As you know, this working group is composed of over twenty  
10 nation designees that are represented and so we have the  
11 commissioners and the secretaries and high-level decision makers  
12 at the meeting, each one with a broad scope of ideas and  
13 experiences from the point of view of each nation and so it's  
14 interesting to see how we can come together to a meeting and  
15 being able to come out of that meeting with some uniform ideas  
16 of what to do next.

17  
18 The next steps will be to try to implement a management plan for  
19 the entire Caribbean, led by the council and NOAA, and also we  
20 are going to have a second meeting in 2013 and at the CITES  
21 meeting, we are going to present a resolution for the queen  
22 conch.

23  
24 As you know, the queen conch is now being reviewed under the  
25 Endangered Species Act and it's also part of CITES. CITES is  
26 the Convention for International Trade of Endangered and  
27 Threatened Species. It's an appendix to, meaning that anybody  
28 who wants to trade queen conch has to prove and submit  
29 documentation that that queen conch comes from a healthy  
30 fishery, a healthy population, and that we have a paper trail  
31 for the queen conch.

32  
33 At the meeting, we discussed the U.S. procedure and actually, we  
34 had Sam Rauch from National Marine Fisheries Service present at  
35 the meeting and Nancy Daves also. We believe that this is the  
36 way we should be working with the queen conch at the national  
37 level.

38  
39 The nations are worried, because if the queen conch happens to  
40 end up in the Endangered Species Act, then the trade stops and  
41 China is interesting. China is buying now anything that moves  
42 and they have their people and they even came to Puerto Rico to  
43 buy fish and seafood in general and so that's a concern they  
44 have there.

45  
46 The next meeting, as I said, will be probably in October of next  
47 year and then the spawning stock aggregation group, we are going  
48 to have an expert workshop probably around May. Actually, it

1 will be the last week of July and it will be led by Yvonne  
2 Sadovy. Dr. Sadovy is probably the foremost authority on  
3 groupers at this time and she put together the source document  
4 for the Nassau grouper.

5  
6 We are also going to have a working group, under the Western  
7 Central Atlantic Fishery Commission, that is going to address  
8 the issue of spawning stock aggregations or spawning  
9 aggregations of the different spawning stocks that we have in  
10 the Caribbean.

11  
12 The concern is that Nassau grouper is growing really fast. As  
13 you know, in the U.S. Caribbean, it's beginning to aggregate  
14 again and we have some numbers, but not enough for an  
15 aggregation to be fishable and so there's a concern by  
16 scientists and managers in general that other species that have  
17 a similar strategy for reproduction, that is to aggregate two or  
18 three times a year for reproduction, may be in jeopardy,  
19 especially the fisheries.

20  
21 The fisheries go out first, as you know, but then it might  
22 affect the biology of the species and we are going to address  
23 that at the international level next year. With that, our  
24 commitment will end in the cycle that ends in 2014 with the  
25 WCAFC and I don't know what is going to happen in the outer  
26 years, 2015 to 2020, but the council has been the leader of many  
27 strategies and approaches since 1976, when we started working  
28 was a council.

29  
30 The international body looks to us for some guidance sometimes  
31 and just to facilitate the meetings, which is usually our major  
32 role. That's it and that's all I have so far. This afternoon,  
33 when we have the Administrative Committee, we will go into some  
34 proposals and some specifics about the budget.

35  
36 At this time, I want to address the issue of the billfish. A  
37 fisherman called me, called Graciela actually, some time ago and  
38 he was worried that there's a new regulation, a new project at  
39 that time, a bill, that would prohibit the possession and sale  
40 of billfish and actually, he was worried that that would be  
41 across the board and that it's not going to be an EEZ issue and  
42 it will be a national issue and no matter where you are, you  
43 won't be able to trade.

44  
45 I asked Mara Levy, our attorney, to address it and she didn't  
46 forget and so do you have some guidance as to what happened and  
47 what are the implications?

48



1 **MARA LEVY:** It's the Billfish Conservation Act and it was signed  
2 into law on October 5, 2012 and that's when it became effective.  
3 One of the questions related to is there some sort of grace  
4 period or time to get rid of any billfish you might have if you  
5 were a dealer, et cetera.

6  
7 There is no grace period in the law. It's effective now and so  
8 it prohibits any person from offering billfish or billfish  
9 products for sale, selling them, or having custody, control, or  
10 possession of them for purposes of offering them for sale and it  
11 treats it as an act prohibited by the MSA.

12  
13 There is an exception for billfish caught by U.S. fishing  
14 vessels and landed in Hawaii or the Pacific Island area from the  
15 general prohibition on sale and custody with the intent to sell.  
16 I guess if you have specific questions -- I know one of the  
17 specific questions was if you're a dealer here and you have it,  
18 what are the implications?

19  
20 You can't sell it and you can't possess it anymore and so that's  
21 the implications. You also can't get it from anywhere unless  
22 it's coming from the Hawaiian Islands and so it can't be  
23 imported anywhere except there's that exception for the  
24 Hawaiian-Island-caught fish from U.S. vessels.

25  
26 I don't know if you have any other more specific questions and  
27 we can talk about it off the record, but generally that's what  
28 the Act says and NOAA hasn't developed its guidance yet. It's  
29 still in the process and so I can't really be any more specific  
30 than what's in the Act and that's what the Act does.

31  
32 **MIGUEL ROLON:** That's the other question they asked me,  
33 especially some people from the supermarkets. When do you  
34 expect to have those guidelines, next year probably, or you  
35 don't have any idea?

36  
37 **MARA LEVY:** I'm not even going to speculate. That's not  
38 something that's going to happen from my particular area. It's  
39 going to be a Headquarters-type of guidance and the law just  
40 went into effect in October. They have to come up with the  
41 guidance and propose the regulations. It's going to be a  
42 process and I didn't get any sense of a timeline at this point.

43  
44 **MIGUEL ROLON:** The bottom line is at this time, as of October,  
45 nobody can possess billfish from the Atlantic or the Caribbean  
46 or sell the billfish.

47  
48 **MARA LEVY:** Correct.

1  
2 **EUGENIO PIÑEIRO:** Briefly and to that point, recently we have a  
3 new ICCAT recommendation, or the U.S., but we still are allowed  
4 to keep 250 blue marlins, but none is to be sold. It's kept off  
5 the markets and in the Atlantic, the total allowable catch for  
6 the artisanal fisheries from 3,500 came down to less than 2,000  
7 metric tons.

8  
9 We have a little situation, and I want to express my thanks to  
10 Winston Ledee and Carlos Farchette, because in the Island of  
11 Martinique, they're reporting 500 metric tons and that's  
12 unacceptable. That's more than a million pounds and we really  
13 don't know what's going on with that and we don't want them to  
14 enter the U.S. markets.

15  
16 What we hear of rumors is that it's going back to the Pacific  
17 Ocean, but it's actually not being sold here and so I think that  
18 legislation is a good piece of legislation that should be able  
19 to keep the blue and the white marlin off the domestic markets  
20 of the United States. Thank you.

21  
22 **CARLOS FARCHETTE:** Thank you, Genio.

23  
24 **MIGUEL ROLON:** The last part is we wanted to ask Dr. Roy  
25 Crabtree about the permit issue.

26  
27 **EXEMPTED FISHING PERMIT APPLICATION FROM STFA**

28  
29 **ROY CRABTREE:** If you recall, a meeting or so ago we made a  
30 decision to fund some work that the St. Thomas guys were doing.  
31 I think David Olsen was the investigator on it and our guidance  
32 has been that they would need an exempted fishing permit to do  
33 this.

34  
35 I think Bill has talked to David about it and Bill had a little  
36 quick presentation, I think, kind of explaining the difference  
37 between the projects and the exempted fishing permits and so,  
38 Bill, do you want to walk us through this one?

39  
40 **BILL ARNOLD:** Yes, Roy, but we thought we were talking about  
41 this tomorrow and so we've got to get it up on the screen. The  
42 gist of this is that in the past the fishermen who were doing  
43 research have operated under Letters of Agreement.

44  
45 Letters of Agreement are pretty informal and quick to get. You  
46 might be able to get one in a month or even less or ten days,  
47 but we have been informed by General Counsel that that's not the  
48 appropriate permit to have for fishermen participating in

1 research activities.

2  
3 Instead, they need an exempted fishing permit and this is very  
4 important, because if, for example, and this is a good example,  
5 you're carrying around short lobster and bringing them to shore  
6 for research purposes and law enforcement comes across you, you  
7 will be in violation without this exempted fishing permit, the  
8 key word being "exempted".

9  
10 You are exempted from the regulations for possessing this,  
11 according to the conditions described in that permit, but the  
12 exempted fishing permits take a lot longer to get, like months  
13 instead of ten days. They have to be Federal Register noticed  
14 and comments have to be accepted.

15  
16 We just need to make sure we get all funding agencies, including  
17 the council, to the extent they're funding research projects,  
18 and the fishermen onboard with this and understanding that  
19 you're going to have to plan much farther ahead to apply for  
20 these permits, so that we can go through this minimum three-  
21 month process to get these exempted fishing permits in place  
22 before you start your research.

23  
24 Everybody needs to be aware that this permit has got to be in  
25 place before you start your research and so this is David's  
26 project and this doesn't just apply to David's lobster tagging  
27 project, but this applies to all of these research projects and  
28 that's what I want you to be aware of.

29  
30 David is planning on tagging 5,000 spiny lobster and the key of  
31 this is that down near the bottom, the separate tag retention  
32 study. They want to know how lobsters are surviving the tagging  
33 process and so they're going to take twenty undersized lobsters  
34 and my understanding is they've not done this yet. We're still  
35 processing this EFP.

36  
37 They want to bring these back and tag them and bring them into  
38 Coral World and monitor them and see what their mortality rates  
39 are over time, if any mortality at all, but possession of those  
40 undersized requires that EFP and so that's a perfect example of  
41 what we're trying to get done here.

42  
43 Again, I just want to emphasize plan way ahead on this stuff.  
44 You can't get your money and just hit the water. You've got to  
45 have that permit first and I think that pretty much covers it.  
46 I know we've got a great presentation, but I think we drove the  
47 point home pretty well. Thank you.

48

1 **MARA LEVY:** Just one small correction. The LOA stands for  
2 Letter of Acknowledgement. I just want to make sure that we're  
3 clear and basically what you're doing for research by a  
4 scientific research vessel for an LOA is you're just  
5 acknowledging that it's scientific research, because the  
6 Magnuson Act does not apply to scientific research and so you  
7 can't prohibit it.

8  
9 All this is doing is saying we acknowledge that what you're  
10 doing is scientific research and so it gives the legitimacy of  
11 that acknowledgement and that's different than research  
12 conducted from private fishing vessels or things that aren't  
13 associated with, quote, unquote, a scientific research vessel,  
14 which has a specific definition. Thank you.

15  
16 **CARLOS FARCHETTE:** Bill, is there an application already drafted  
17 for this permit?

18  
19 **BILL ARNOLD:** You mean specifically for David's?

20  
21 **CARLOS FARCHETTE:** Or for any other research that's going to be  
22 conducted in the U.S. Caribbean?

23  
24 **BILL ARNOLD:** Yes, there's a very clear-cut process whereby you  
25 apply for this.

26  
27 **CARLOS FARCHETTE:** That's through NOAA?

28  
29 **BILL ARNOLD:** That's through the Southeast Regional Office.

30  
31 **MARA LEVY:** I will just say, for everyone's information, that  
32 there are regulations in 50 CFR 600.745 that address both LOA  
33 and EFP and it sets out what is required and what the process  
34 is. For EFPs, we have to publish a notice in the Federal  
35 Register seeking comment, which is why it takes longer than a  
36 letter of acknowledgement, which, like I said, is just  
37 acknowledging that it's scientific research and it's not  
38 exempting anybody from anything. It's 50 CFR 600.745.

39  
40 Can I also say that the regulations provide for the RA to seek  
41 input from the council and generally, in the other regions, what  
42 happens is there is something on the agenda that basically says  
43 discussion of EFPs, if applicable, and the council will discuss  
44 it and the council as a body will say whether they recommend  
45 that the Fisheries Service go ahead with this or not.

46  
47 In this particular case, we don't have an item on the agenda and  
48 my suggestion is that for future agendas that you just have a

1 standing item that says "Discussion of EFPs". In this case, for  
2 Dr. Olsen's EFP, I don't know if you all have any individual  
3 opinions that you would like to express and whether anyone has  
4 an individual objection to it.

5  
6 You can't really make a motion as a body, because it's not on  
7 the agenda, but you can make any personal comments that you want  
8 one way or the other.

9  
10 **ROY CRABTREE:** I guess, Miguel, if you could start putting that  
11 as a regular thing on the agenda, just consideration of EFPs, if  
12 any, and then if anyone has any objection to issuing this  
13 exempted fishing permit to Dr. Olsen and STFA, I would say raise  
14 your objection now.

15  
16 If anyone objects, then I would say we put it on the agenda for  
17 the next council meeting and discuss it and make a motion, but  
18 if I don't hear anybody object to it, then we will likely go  
19 back and proceed with it.

20  
21 **MIGUEL ROLON:** From now on, every agenda will have -- In the  
22 enforcement section, we'll have consideration of fisheries  
23 special permits.

24  
25 **ROY CRABTREE:** I am taking -- I am not seeing any objections  
26 that anyone objects to this individually and so we'll go back  
27 and proceed with it.

28  
29 **CARLOS FARCHETTE:** I guess we'll put that on the agenda. Now,  
30 existing research, do they also need to get this going right  
31 away, if there is any?

32  
33 **MARA LEVY:** I would say if there's anything going on right now  
34 that is like this that's not scientific research from a  
35 scientific research vessel, which is generally something that's  
36 government sponsored, university or something like that.

37  
38 If it's just private fishing vessels doing research, they need  
39 an exempted fishing permit and they are technically in violation  
40 of the regulations if they are keeping species that are  
41 prohibited or things like that and if they don't have that  
42 exempted fishing permit. I don't know how many of those, if  
43 any, are going on right now.

44  
45 **CARLOS FARCHETTE:** I have a question for Pemberton here then,  
46 because I think that it has to be somewhere jointly, because  
47 some of the studies that may be taking place in territorial  
48 waters may also extend out to federal waters. I don't know if

1 he has any projects going on and so I guess they will have to be  
2 jointly submitted.

3  
4 **ROY CRABTREE:** If it was a project that DPNR was doing on DPNR  
5 vessels, they would not need an exempted fishing permit. They  
6 would be covered by the Letter of Authorization, but if there  
7 are projects where fishermen are going out on their own boats  
8 and doing things that would otherwise be prohibited, then that  
9 very well might need an exempted fishing permit and, Roy, if you  
10 have any of those things going on, I would say talk to me or  
11 Bill or Mara and we'll try to figure it out and the same thing  
12 with Puerto Rico.

13  
14 **ROY PEMBERTON:** My concern has to be on the territorial side of  
15 things. For example, if they are having undersized lobsters in  
16 the territorial area, particularly say they're going to have it  
17 at Coral World. I need to make sure Coral World is permitted  
18 and taken care of to have short lobsters in their possession and  
19 so it's a facility issue as well for me on the territorial side.  
20 It's one thing in federal waters, but once they come to land,  
21 that's when I have to look into that.

22  
23 **ROY CRABTREE:** That would be a violation of your rules, I guess,  
24 at that point and so you would deal with that.

25  
26 **AIDA ROSARIO:** My question is the university, if they are doing  
27 the research on their vessels, a different vessel that is not a  
28 research vessel from the government, it needs to have this  
29 permit?

30  
31 **MARA LEVY:** The definition of scientific research vessel means a  
32 vessel owned or chartered by and controlled by and so if it is a  
33 commercial fishing vessel, in order to meet this definition, it  
34 must be under the control of a qualifying agency or institution  
35 and operate in accordance with the scientific research plan.

36  
37 I think generally we interpret "in control of" meaning there is  
38 someone from the institution onboard the vessel in control of  
39 it. It's not just a we have this contract. You have got to be  
40 in control of the research activity.

41  
42 **EDWARD SCHUSTER:** That means -- This is a double question and it  
43 goes to Mara and then also to Dr. Olsen. Currently there's a  
44 lobster tagging project and we tag and at times, the fishers  
45 have shorts onboard and there's a permit that was issued by DFW  
46 and is this going to affect the project from going forward or do  
47 we currently use the permit existing?

48

1 **MARA LEVY:** Is that permit from the local government or is it  
2 from NMFS?  
3  
4 **EDWARD SCHUSTER:** Local.  
5  
6 **MARA LEVY:** You're doing it in state or federal waters or both?  
7  
8 **EDWARD SCHUSTER:** Both.  
9  
10 **MARA LEVY:** Yes, I think you would need the exempted fishing  
11 permit, which -- Is this part of that same study, meaning when I  
12 was looking at the exempted fishing permit application for Dr.  
13 Olsen's study, it was the tagging piece and the retention for  
14 Coral World and so I didn't know that any of it was going on at  
15 this point. What you're saying is that you're doing the tagging  
16 piece now?  
17  
18 **EDWARD SCHUSTER:** Yes.  
19  
20 **MARA LEVY:** In federal waters, you need that exempted fishing  
21 permit if you're going to have possession of a prohibited or  
22 undersized species.  
23  
24 **EDWARD SCHUSTER:** It's prohibited for a second. The tagging  
25 only takes less than half a second just to put the spaghetti tag  
26 in the undersized or short or berried lobster. Short and  
27 berried are the same thing.  
28  
29 **ROY PEMBERTON:** It's no different than when they haul a trap up  
30 and it has shorts in it and they're taking them out and putting  
31 them back in the water. They're just putting them back in the  
32 water and tagging them. It doesn't take that long. If that's  
33 the case, then everybody would be in violation.  
34  
35 **MARA LEVY:** I would say technically while you have possession of  
36 it and you're tagging it that that's not permissible under the  
37 regulations. Now, whether as a practical matter someone is  
38 going to come up and cite you for it -- I'm just going to say  
39 what the technical legal requirements are and let you all decide  
40 what you want to do with it.  
41  
42 **ROY PEMBERTON:** I don't mean to put enforcement on the spot, but  
43 can I get an opinion from Bruce as to how this would be handled  
44 in this case?  
45  
46 **BRUCE BUCKSON:** I think Mara has done a good job of explaining  
47 what the technical regulation is. I think what we would be  
48 faced with is determining whether or not there was an intent

1 when we would be on site.

2

3 Obviously it will depend on the location where we would be, but  
4 also the expectation of our partners would be that we had an  
5 intent there. I think what I've heard from the regulations and  
6 what General Counsel has said is that it doesn't exclude the  
7 researchers from having that permit. I think that would still  
8 be the most prudent way forward, would be to make sure that they  
9 had the permit. In that case, there's no question that what  
10 they were doing would be permitted. Hopefully that wasn't too  
11 vague.

12

13 **ROY PEMBERTON:** No, it wasn't, but the timing, I guess, is what  
14 we're looking at. A lot of these fishers, when they haul their  
15 traps onboard, they're going through the sorting process and the  
16 shorts might be sitting there in the bin.

17

18 Now, while that short is sitting in the bin, here's the other  
19 guy tagging them and putting them overboard and so the timing is  
20 no different than if they're waiting to get underway and drop  
21 all the shorts off, so the sharks and everything else doesn't  
22 get to them.

23

24 The question is kind of -- It's a little vague on my end, but at  
25 the same point, the other part of it is now that we have this  
26 joint law enforcement agreement, I don't want a situation to  
27 occur where there are normal processes of getting rid of the  
28 shorts, which is quite similar to this, actually very exactly  
29 the same to this, and it now becomes a problem.

30

31 **MARA LEVY:** What I can offer is to go back and talk with others  
32 in my office about tagging as part of releasing and see if  
33 there's some sort of distinction with that as opposed to tagging  
34 and retaining. Obviously that's completely different and so I  
35 can offer that and get back to you as soon as I have that  
36 discussion.

37

38 **ROY PEMBERTON:** I agree that would be important, because, as I  
39 was just reminded, I didn't really clarify this, but it's not  
40 just short, undersized lobsters, but there are also berried  
41 lobsters. They're not short or undersized, but they're berried  
42 and so, again, in the normal processing of things, we want to  
43 make sure -- Granted, this brought it up, but I want to make  
44 sure that this is kind of clarified and understood, in light of  
45 the joint enforcement agreement.

46

47 **BILL ARNOLD:** There's really two steps in this process. First,  
48 there's a small group of fishermen that could have an EFP in



1 their hands who will be tagging these lobster. They put these  
2 lobster, including berries and shorts, in the water and later  
3 on, another fisherman pulls these lobsters up and this could be  
4 any fisherman out there.

5  
6 He is not going to have an EFP on him, almost certainly, but he  
7 needs to hold that lobster long enough to collect the data off  
8 of that tag before he puts it back in the water. Now, I'm  
9 curious as to whether that's a violation and if it is, we're  
10 going to have to get every fisherman out here under an EFP or  
11 any fisherman that's not under the EFP is not going to be able  
12 to collect the data.

13  
14 **ROY CRABTREE:** We're not going to issue EFPs to every fisherman  
15 out here and so that's just not realistic. We normally -- We  
16 have got all these rules saying you can't possess certain  
17 animals, but we allow fishermen a reasonable amount of time to  
18 release the animal and so we have rules with minimum size  
19 limits, for example.

20  
21 The fisherman catches the fish and he possesses it. He brings  
22 it onto the boat and he doesn't know if it's legal size or not  
23 and so he's got to measure it. We allow people to do various  
24 things with these fish and I think it gets down to the intent  
25 and the intent, when you measure the fish, is to see if it's  
26 legal or not and if it's not, then you release it and that's not  
27 a violation.

28  
29 We have all sorts of tagging programs with billfish and other  
30 things, where animals that you're not allowed to retain are  
31 tagged and released. In my view, that's the situation here and  
32 so I don't think we're going to try to complicate this beyond  
33 this.

34  
35 I think Mara will check into this and will follow up with you  
36 guys, but at least in my way of thinking, what we're talking  
37 about here is tagging as part of the process of releasing the  
38 animal and we do that with lobster, where you've got a gauge and  
39 you've got to measure the lobster to see if it's legal. I think  
40 we can work this out and we don't want to be overly burdensome  
41 and make a big deal if we don't have to.

42  
43 **EUGENIO PIÑEIRO:** If the whole purpose in here is to be  
44 practical -- We've got to be practical and we cannot release  
45 before tagging. In order to tag -- It can be tagged and  
46 released, but if you cannot release it if you don't tag it first  
47 and I think we are on the right track and it's a matter of being  
48 practical on this.

1  
2 **CARLOS FARCHETTE:** Any more discussion on this permit  
3 requirement?  
4  
5 **MIGUEL ROLON:** The last thing is kind of interesting at the  
6 meeting in Panama. Sam Rauch suggested that the Caribbean  
7 Council should get closer to the Western Pacific Council  
8 whenever possible in different events, given the situation that  
9 we are island areas.  
10  
11 It's kind of funny, because the Western Pacific invited the  
12 Caribbean Council to participate at the International Pacific  
13 Marine Educators Network, with the idea of seeing what they do  
14 and participate and interact with them, to see if we could put  
15 together or move forward to have a Caribbean network for  
16 outreach and education.  
17  
18 Alida Ortiz and Diana Martino went and participated and  
19 actually, Alida will address this in her report in detail, but I  
20 wanted to just mention that these two ladies went and  
21 represented the Caribbean Council. Diana was the interpreter  
22 and the organizer and sometimes when things were kind of  
23 disorganized, it was kind of interesting, because you have  
24 people from Australia and Japan and you name it and they were  
25 there.  
26  
27 Alida has been an educator for a long time. Her training is in  
28 marine sciences, but she has been an educator for many, many  
29 years and she was able to also interact and work very  
30 effectively with this group and hopefully what they have learned  
31 in that particular meeting could be applied in the Caribbean in  
32 the future.  
33  
34 So far, there are NGOs and there are organizations like the  
35 WCAFC group and particular nations that are interested in  
36 developing this network a little bit further and so just to let  
37 you know that this happened and it will be addressed by Alida,  
38 but it was a very good meeting.  
39  
40 Also, we were able to -- David Olsen suggested that some time we  
41 could start passing the baton to the younger fishermen and allow  
42 them to participate in meetings and we were able to send young  
43 fishermen from the U.S. Virgin Islands and Puerto Rico -- Well,  
44 one of them wasn't so young, but he's going to kill me when he  
45 hears the minutes, but they were very, very interested in  
46 whatever they have to say at the Gulf and Caribbean Fishery  
47 Institute.  
48

1 I believe that David will address that tomorrow a little bit  
2 further, but it was a very interesting meeting and we have  
3 fishermen from the area and probably next year we will be able  
4 to have one from St. Croix, because the fellow from St. Croix  
5 didn't organize himself together at the last minute, but it was  
6 something worthwhile.

7  
8 The new fishermen, as we call them, the twenty-something and the  
9 thirty-something, they should be integrated into the decision  
10 making process as soon as possible. The fishermen from Naguabo,  
11 the young guys from Naguabo, they have organized themselves and  
12 they are eager to participate more and it doesn't mean that they  
13 will be happy with everything that we have to say to them, but  
14 at least they will be sitting at the table discussing and  
15 participating in this process and that's all we have right now,  
16 Mr. Chairman.

17  
18 **CARLOS FARCHETTE:** Thank you, Miguel. Now we're going to move  
19 to the presentation on Amendment 5 to the Atlantic Highly  
20 Migratory Species Fishery Management Plan and it's going to be  
21 presented by Pete Cooper. Before I carry on, I forgot to  
22 mention this morning that we would like you all to put your cell  
23 phones on vibrate.

24  
25 **AMENDMENT 5 TO THE ATLANTIC HIGHLY MIGRATORY SPECIES FISHERY**  
26 **MANAGEMENT PLAN**

27  
28 **PETER COOPER:** Thank you, Mr. Chairman, and good morning,  
29 everyone. I'm Peter Cooper and I'm with the Atlantic Highly  
30 Migratory Species Management Division of NOAA Fisheries. Just  
31 an aside, with the whole EFP conversation, if you're doing any  
32 research on our species, tunas, swordfish, billfish, or sharks,  
33 we do issue EFPs.

34  
35 It's a little bit different process than the council-managed  
36 species. Usually we have it on a sixty-day clock to turn them  
37 around and so our EFP application is on our website and if you  
38 have additional questions about it, feel free to let me know,  
39 but this is all about sharks and our Draft Amendment 5.

40  
41 The driver of this amendment to the fishery management plan is  
42 some new shark stock assessments and some also updated  
43 information and so here's just a quick overview of the new stock  
44 assessments. We have new ones for scalloped hammerhead and  
45 blacknose was split into Atlantic and Gulf of Mexico and then  
46 updates to dusky, sandbar, and Gulf of Mexico blacktip.

47  
48 You see scalloped hammerhead is overfished with overfishing

1 occurring and the same for dusky and the same for Atlantic  
2 blacknose. The Gulf of Mexico blacknose came back unknown.  
3 There was some data fit problems in the model and we do have  
4 some positive signs that sandbar improved. Overfishing is no  
5 longer occurring and Gulf of Mexico blacktip looks pretty good  
6 and that's not overfished and overfishing is not occurring.

7  
8 We are looking to implement management measures at the end of  
9 April in 2013 and that's two years from when scalloped  
10 hammerhead was declared overfished with overfishing occurring  
11 and in this amendment, we kind of break our measures up into  
12 TACs, quotas, and recreational alternative suites, because all  
13 of these different management units are pretty closely connected  
14 together and because we have new kind of individual species  
15 management information, we're kind of pulling these species out  
16 of these larger groups.

17  
18 Then we also have some measures, specifically for dusky shark,  
19 to control effort in the pelagic longline and bottom longline  
20 fishery and I will get to that, but as far as TACs and quotas,  
21 our preferred alternative removes the hammerhead complex from  
22 the large coastal shark complex and it establishes regional TACs  
23 and quotas in the Atlantic and Gulf of Mexico.

24  
25 Because of identification issues, instead of just pulling out  
26 scalloped hammerhead, we're proposing to include great and  
27 smooth along with scalloped in that group. It would also remove  
28 Gulf of Mexico blacktip sharks from the Gulf of Mexico large  
29 coastal shark complex and do TACs and quotas for them,  
30 establishing the regional TACs and quotas for blacknose sharks.

31  
32 Before, it was quota across the Atlantic and Gulf of Mexico and  
33 now we're going to propose separate quotas and then establish  
34 some quota linkage, just to prevent overfishing on one species  
35 that are commonly caught when fishing for another with a lower  
36 TAC and quota and I have a couple of slides on that.

37  
38 Then there's several recreational measures that are proposed and  
39 the big one is increasing the minimum size requirements from  
40 fifty-four inches to ninety-six inches fork length and that's  
41 specifically to minimize fishing mortality on dusky sharks.

42  
43 The ninety-six inches corresponds closely to size at maturity  
44 for dusky sharks and I'll get into the dusky shark situation in  
45 a couple of slides. Also it would require reporting of  
46 hammerheads and just more outreach regarding dusky shark  
47 identification.

48

1 The impact on the large coastal shark fishery doesn't seem to be  
2 a whole heck of a lot. The TAC recommendations that we got from  
3 the blacktip and hammerhead assessments pretty much correspond  
4 with what is currently being landed and so it's just basically  
5 separating these quota categories out.

6  
7 The overall TACs and quotas remain generally the same and the  
8 same sort of impact is expected on small coastal shark  
9 fisheries. The Atlantic recommendation is a little bit less for  
10 blacknose than what had previously been landed and the Gulf of  
11 Mexico is -- We've set that up to be the same as average  
12 landings over the last couple of years.

13  
14 The quota linkages work like this. When one group reaches their  
15 quota, other similar groups would close as well and so in the  
16 Gulf of Mexico for large coastal sharks, you have this kind of  
17 leftover aggregated LCS quota of bulls, lemons, nurse, et  
18 cetera, and they will have a separate quota from the Gulf of  
19 Mexico blacktip shark quota and the hammerhead shark quota.

20  
21 If the hammerhead shark quota is reached, because hammerheads  
22 would continually be caught as bycatch when targeting the  
23 aggregating LCS or Gulf of Mexico blacktip, we would close all  
24 three quotas. That works the same in the Atlantic and also with  
25 blacknose shark and the other small coastal sharks, Atlantic  
26 sharpnose, finetooth, and bonnethead.

27  
28 What we have that's unique with the non-blacknose, small coastal  
29 sharks is that currently it's managed as one unit between the  
30 Gulf and Atlantic.

31  
32 We don't have stock assessment information to break them up into  
33 two units like we do for blacknose and so we set up a split  
34 that's based on average landings and then we are proposing to  
35 have a mechanism where we can shift quota between the two  
36 regions, so that it doesn't become a choke species on blacknose,  
37 which has a much smaller quota.

38  
39 Then this is a slide of just kind of all our different suites,  
40 A3 and A4, which just look at different ways of splitting things  
41 up, looking at one hammerhead shark quota or regional scalloped  
42 hammerhead shark quotas, keeping quota linkages and not keeping  
43 quota linkages and different TACs based on recommendations from  
44 the Gulf of Mexico blacktip assessment and those sorts of  
45 things.

46  
47 Moving on to kind of our pelagic longline and bottom longline  
48 effort control alternatives, these are mainly targeted at dusky

1 sharks. The problem is they've been prohibited from commercial  
2 and recreational retention since 2000, but the stock assessment  
3 still finds that they're overfished and experiencing overfishing  
4 and because they haven't been harvested commercially since 2000,  
5 the stock assessment that was used was -- It didn't incorporate  
6 that sort of landings data.

7  
8 It was a catch-free model and so we didn't get a specific TAC  
9 recommendation of X number of metric tons. We got a  
10 recommendation to reduce fishing mortality by two-thirds overall  
11 and so that's the objective of these measures, is to reduce  
12 fishing mortality of dusky sharks by two-thirds on a species  
13 that is prohibited from commercial and recreational retention.

14  
15 We looked at the three different kinds of categories of pelagic  
16 longline, bottom longline, and recreational interactions. For  
17 the pelagic longline, that data is taken from the HMS logbook  
18 and so it's specific to location and it's kind of a survey of  
19 the entire pelagic longline fishery.

20  
21 The bottom longline data is from the bottom longline observer  
22 program and most of that data comes from our commercial shark  
23 research fishery, where we allow retention of sandbar sharks as  
24 long as there's an observer onboard and you are qualified to be  
25 in the shark research fishery.

26  
27 The recreational data are actually estimates from the MRFSS  
28 survey that were used in the dusky shark stock assessment and so  
29 you see there's landings or interactions in each of these areas  
30 and we have our reduction target of about two-thirds.

31  
32 Our recreational measures for dusky sharks are what I spoke  
33 about earlier, increasing that minimum size from four-and-a-half  
34 to eight-feet and improving outreach efforts, so that people  
35 know that they're not supposed to land dusky sharks and how to  
36 identify dusky sharks.

37  
38 Then there's other proposed stand-alone alternatives for the  
39 commercial bottom longline fishery and the pelagic longline  
40 fishery. Bottom longline is to reduce those interactions in the  
41 shark research fishery, where we kind of have control over where  
42 and when and how they fish.

43  
44 Then for commercial pelagic longline, we're looking at  
45 establishing additional time/area closures based around these  
46 dusky hotspot areas that we saw in the logbook data and so  
47 here's just a slide of some of the maps that we looked at and  
48 kind of on a larger level.

1  
2 The one on the upper left is just all of the different sets  
3 reported in the HMS logbook from 2008 to 2010 and then the one  
4 on the right is one-by-one grid cells that show dusky shark  
5 interactions and the one on the lower left is kind of average  
6 set per revenue.

7  
8 What we did was kind of looked at the number of dusky shark  
9 interactions and we looked at it even on a smaller level than  
10 that, in ten-minute-by-ten-minute squares, to try to get down to  
11 where all these interactions are taking place, and then kind of  
12 drew some boxes on proposed closed areas and then looked at some  
13 of the average set revenue, to kind of estimate where fishing  
14 would be redistributed.

15  
16 Here are kind of our closures that we're proposing and there's a  
17 couple in the Charleston Bump and these are all one-month  
18 closures, but some of them occur for multiple months. There's  
19 some on the Hatteras Shelf. There's three kind of in the Mid-  
20 Atlantic Bight and one on the southern Georges Bank and all of  
21 the redistribution analysis were into the larger ICCAT areas  
22 except for the Charleston Bump hotspots, where because they're  
23 smaller, we thought that they would be redistributed within that  
24 kind of Charleston Bump closure.

25  
26 Here's the overall. The red are the proposed closures and the  
27 black are our current closures and so we have the two in  
28 Charleston Bump, one in May, the larger one, and the smaller one  
29 in November. The Hatteras Shelf, there's three months, May,  
30 June, and November.

31  
32 The Mid-Atlantic Bight Canyons is October and two months for the  
33 southern Georges Bank closure, in July and August, and then kind  
34 of looking into the economic impact and so when we took the  
35 number of hooks that were being fished in each area and then  
36 looked at what they were landing and then applied that to kind  
37 of the larger areas of redistribution, this is the results that  
38 we got.

39  
40 We got a total economic impact of about \$380,000 and a reduction  
41 of 854 dusky and that's a percent reduction interactions of 49  
42 percent and so even with all of these closures and kind of  
43 looking at it on as fine a scale as we can, we're still not  
44 reaching that two-thirds number that we would hope for.

45  
46 Hand-in-hand with our preferred alternative of having the  
47 hotspot closures are another alternative to have bycatch caps,  
48 which would allow fishing in those hotspot areas until a limited

1 number of dusky shark interactions are reached and what was  
2 proposed in this alternative would set those interactions at 10  
3 percent of average interactions from that three-year period.

4  
5 Vessels fishing in those areas would have to be observed and  
6 those interactions would be counted against the cap and once the  
7 cap had been reached, it would close for the remainder of a  
8 three-year period and we're looking specifically for comments on  
9 how to administer a bycatch cap program like that, because we're  
10 not anticipating any increase in funding for the observer  
11 program and so is that allowing current vessels that are  
12 selected for observers access or is it electronic monitoring or  
13 is it industry-funded? Those sorts of ideas.

14  
15 Some of the other stand-alone alternatives, we have some equity  
16 concerns with North Carolina. The Mid-Atlantic shark closure  
17 dates don't like up with the Atlantic States Marine Fisheries  
18 Commission shark nursery closure of some of the neighboring  
19 states of North Carolina by about fifteen days and so those  
20 other states kind of get a jump on the sharks compared to North  
21 Carolina. In this measure, we would shift the proposed closure  
22 date by fifteen days. Instead of December 31 to July 31, it  
23 would be December 15 to July 15.

24  
25 Then for the bottom longline shark research fishery, we would  
26 take advance of the operational flexibility of the research  
27 fishery to reduce some of the interactions and so that's  
28 avoiding some of the areas that we see high dusky shark  
29 interactions and limiting soak time and number of hooks and  
30 reducing some of the effort.

31  
32 That last bullet is a little dated. I think the end for  
33 applications was the 16<sup>th</sup> and so some of our specific requests  
34 for public comments would be how do we monitor the bycatch caps?  
35 Just the overall name of aggregated LCS, is there better options  
36 for that?

37  
38 Reduction of shark mortality in the recreational fishery and  
39 like I mentioned before, they have been prohibited since 2000,  
40 but we're still seeing recreational landings in the data and so  
41 how do we improve awareness and just other approaches to reduce  
42 that problem.

43  
44 Then stowing longline gear to transit closed areas, I know  
45 there's been concerns about safety at sea and about having to  
46 transit around closed areas and is it reasonable, if gangions  
47 and hooks and buoys are removed and stowed, to allow transit  
48 through those closed areas with longline gear?



1  
2 Our comment period goes through February 12. You can submit  
3 comments through regulations.gov and there's the keyword and you  
4 can also submit them via fax or send them to me via email or  
5 mail and we'll accept all comments. We are just kind of ramping  
6 up on our public hearings. We have done the South Atlantic and  
7 Mid-Atlantic Councils and then we'll have a number of meetings  
8 in January and also a mini kind of meeting for the HMS Advisory  
9 Panel.

10  
11 We weren't able to get this published before the September  
12 meeting and so we're going to convene in Silver Spring on  
13 January 8 to discuss Amendment 5 and so with that, if you have  
14 any questions or comments, I am ready.

15  
16 **EUGENIO PIÑEIRO:** Thank you, Pete. Pete, I noticed that you  
17 have an economist and you mentioned data and I understand that  
18 the stocks for dusky or sharpnose or blacknose are in much  
19 better shape in the Gulf than in the east coast and do you take  
20 into consideration, when you do your economic analysis, because  
21 it's very interesting, because we don't have that in here  
22 actually, but do you take that into consideration, the harm that  
23 is going to be done to the fishermen in both areas of the  
24 country and the conservation benefits that it's going to bring  
25 into the short-term future?

26  
27 **PETER COOPER:** We do our best to try to look at the benefits and  
28 kind of the negative aspects of all these things. What I was  
29 specifically discussing related to the pelagic longline fishery  
30 and with this amendment, you have a species, dusky, which is a  
31 bycatch species that these closures are going to impact those  
32 guys that are directing on swordfish and tuna, yellowfin tuna,  
33 basically.

34  
35 We looked at all the species that they landed in that range and  
36 then in the areas that we are proposing to close and then the  
37 composition or CPUE of those species that they were catching in  
38 the areas that we were trying to redistribute to and that's  
39 where we came up with a lot of that.

40  
41 I wish George was here to answer kind of the more in-depth  
42 economic analysis. What we do have for blacktip is on the  
43 commercial side, something that -- The proposed is equal to kind  
44 of the current harvest, because that's what we got out of the  
45 stock assessment, that that would be continue to be sustainable.

46  
47 There seems to be some room to increase that commercial harvest,  
48 but because it was a positive stock assessment as far as not

1 overfished or not overfishing, the projections weren't run  
2 through the SEDAR process as far as getting us a TAC.

3  
4 Projections were run following the SEDAR process, but those  
5 weren't peer reviewed and so there's a question on how reliable  
6 a lot of that data is, but those -- In the other two alternative  
7 suites, we look at an increase of 30 percent and then an  
8 extremely large increase, and I can't remember what percent it  
9 was, and then do the economic analysis on how beneficial that  
10 would be to the fishery. Does that answer your question?

11  
12 **EUGENIO PIÑEIRO:** Yes, thank you, and one more question. I  
13 couldn't help but notice that the dusky sharks, the sizes have  
14 almost nearly doubled, from fifty-four inches to ninety-four.  
15 Isn't that practically a de facto closing? You're going to have  
16 to deal to twice as big and powerful animal.

17  
18 **PETER COOPER:** The current recreational minimum size is based on  
19 sandbar shark. I think that was established in either the  
20 Consolidated or Amendment 2 at fifty-four inches and that's one  
21 of the things that we want to get people's feedback on, is how  
22 to reduce that fishing mortality of dusky sharks.

23  
24 This is an increase associated with size at maturity of dusky  
25 sharks and, as you know, a lot of other species that would be  
26 lumped together would end up kind of falling into a de facto  
27 prohibition on retention of some of those other sharks that  
28 aren't going to get to be eight-feet in fork length. Yes,  
29 that's where we run into an issue there.

30  
31 **EUGENIO PIÑEIRO:** One more. So far, what's been the comments  
32 made by the conservation side regarding this measure?

33  
34 **PETER COOPER:** As far as like the NGO community and that sort of  
35 thing? I haven't heard a whole heck of a lot from them. We've  
36 been hearing a lot from the commercial side and a lot from the  
37 recreational folks as well. We got a lot of feedback at the  
38 Mid-Atlantic Council from council members who were involved in  
39 the recreational and commercial fisheries, but I haven't gotten  
40 any specific comments from the conservation community as of yet.

41  
42 Now, we haven't really gone into any of our public comments or  
43 public hearings. We've been doing council consultations right  
44 now and so I'm expecting that to ramp up in January for sure.

45  
46 **CARLOS FARCHETTE:** Any other questions or comments for Pete?  
47 Thanks a lot.

48

1 **PETER COOPER:** Thank you, Mr. Chairman.

2  
3 **CARLOS FARCHETTE:** We are going to go into Amendment 4 to the  
4 Coral FMP, Removal of Seagrass Species from the Coral FMP. It's  
5 final action expected by the council and timeline for  
6 implementation of new regulations.

7  
8 **AMENDMENT 4 TO THE CORAL FMP**

9  
10 **GRACIELA GARCIA-MOLINER:** The item regarding the seagrasses has  
11 to do with final action and what you had taken to public  
12 hearings and had adopted at the last meeting was the preferred  
13 alternative to remove all seagrass species from the Coral FMP.

14  
15 You do have, on the screen, the other alternatives that are  
16 available in the document and that's the rationale that was  
17 developed for removing the species from the Coral FMP. These  
18 are not targeted in the EEZ and neither are they targeted in the  
19 state waters. There is no commercial or recreational harvest  
20 for seagrasses as far as we know and we don't anticipate any  
21 future harvest of these species.

22  
23 They have been identified as very common in the state waters of  
24 Puerto Rico and the Virgin Islands. They do occur in the EEZ at  
25 depth, but most of the EEZ is still not mapped.

26  
27 These would not affect the essential fish habitat or habitat  
28 areas of particular concern designations that are in place as of  
29 today and so seagrasses are essential fish habitat and some of  
30 them are of special concern for a number of marine organisms and  
31 the action is compliant with the MSA.

32  
33 You have received in your briefing book the codified text and  
34 basically what the codified text does is remove it from tables  
35 that are already in the Federal Register that include the --  
36 They will not be part of the Coral FMU, fishery management unit,  
37 anymore and so basically it will be the corals and the  
38 octocorals and the other organisms that you have under that FMU,  
39 but there will be no seagrasses listed under the Coral FMU.

40  
41 The timeline that you had requested, publish the Notice of  
42 Availability of the Amendment in February of 2013 and that would  
43 give a sixty-day comment period for the public and then publish  
44 the proposed rule on February 25, 2013. That will give another  
45 thirty-day comment period. May 31, 2013, publish the final rule  
46 and another thirty-day cooling period and then on July 1, 2013,  
47 the final rule would be effective.

1 Before I forget, the person really who has been behind this  
2 document, and it has been very well done, was Maria Lopez from  
3 the Regional Office and with the help of most everyone at the  
4 Caribbean Branch of SERO and other divisions. The final action  
5 is to be taken by the council.

6

7 **CARLOS FARCHETTE:** Is there any discussion on this?

8

9 **MARA LEVY:** I just wanted to point out that in the codified  
10 text, in addition to removing it from the management species, it  
11 makes a couple of other tweaks that aren't really related to  
12 seagrass, but I just wanted you to know that they were there and  
13 so in the prohibited and limited harvest species section, where  
14 it talks about where you can fish for queen conch, we changed  
15 the order of that sentence at one point for a reason that I can  
16 no longer remember and it seemed to change the meaning of the  
17 sentence about fishing in Lang Bank for queen conch for this  
18 particular period of time.

19

20 All this is doing is just changing it back to the way it was  
21 before, because we got some comments and, like I said, it  
22 changed the order of where the dates were, which changed the  
23 meaning of the sentence and we didn't want to do that. We're  
24 just administratively changing it back to exactly the way it was  
25 before we did that.

26

27 I believe this also just corrects some language in the  
28 management measure adjustment section, to make it consistent  
29 with what's in the FMP and what you can do by regulatory  
30 framework amendment. Again, it's just a correction and it's not  
31 changing anything of substance, but I wanted you to know that  
32 they were there.

33

34 **EUGENIO PIÑEIRO:** I think at this time I would like to move, if  
35 I can get some language from the council, to adopt the removal  
36 of the seagrass species from the Coral FMP.

37

38 **ROY CRABTREE:** I think we need a motion to submit Amendment 4 of  
39 the Coral FMP to the Secretary of Commerce for formal review and  
40 deem the codified text as necessary and appropriate. I think  
41 that's what you meant, Genio.

42

43 **EUGENIO PIÑEIRO:** Thank you. Thank you for your language, Roy.  
44 That was very kind. **That's what I move.**

45

46 **NELSON CRESPO:** Second.

47

48 **CARLOS FARCHETTE:** That motion was made by Genio Piñeiro and it

1 was seconded by Nelson Crespo. Let's go for a vote. All in  
2 favor say aye.

3  
4 **ROY CRABTREE:** For submission of a document, final action has to  
5 be a roll call vote. Everything else you can do by aye's, but  
6 submission has to be by roll call.

7  
8 **CARLOS FARCHETTE:** We will do a roll call and I'll start on my  
9 left.

10  
11 **WINSTON LEDEE:** Yes.

12  
13 **MIGUEL GARCIA:** Yes.

14  
15 **ROY PEMBERTON:** Yes.

16  
17 **EUGENIO PIÑEIRO:** Yes.

18  
19 **ROY CRABTREE:** Yes.

20  
21 **NELSON CRESPO:** Yes.

22  
23 **CARLOS FARCHETTE:** Yes. **All in favor and nobody opposed and the**  
24 **motion carries.** It was a unanimous vote in favor. We are going  
25 to take a quick coffee break, about fifteen minutes.

26  
27 (Whereupon, a brief recess was taken.)

28  
29 **CARLOS FARCHETTE:** Next on the agenda is the Regulatory  
30 Amendment 4 to the Reef Fish FMP, Implementation of Minimum Size  
31 Limits for Parrotfish on St. Croix.

32  
33 **REGULATORY AMENDMENT 4 TO THE REEF FISH FMP**

34  
35 **GRACIELA GARCIA-MOLINER:** Again, this amendment, it's on the  
36 agenda for final action by the council. You have, on the  
37 screen, the actions and alternatives and this would apply to  
38 both the commercial and the recreational sectors and the  
39 preferred alternative of the council was to establish a minimum  
40 size of eight inches in fork length for the redband parrotfish  
41 and nine inches in fork length for the other parrotfish, except  
42 those that already have a ban, the blue, the midnight, and the  
43 rainbow parrotfish.

44  
45 Those would be the alternatives that were preferred by the  
46 council after the public hearing. You do have, in your briefing  
47 book, the codified text. Basically, the codified text, in terms  
48 of the parrotfish, establishes that minimum size of eight inches

1 for the redband and nine inches for all the other parrotfish,  
2 except those that are already prohibited, and this would be for  
3 St. Croix only.

4  
5 The timeline is provided on the screen and February 25, 2013, to  
6 publish the proposed rule that would allow for a thirty-day  
7 comment period. May 31, 2013, to publish the final rule with a  
8 thirty-day cooling period and then July 1, 2013, the final rule  
9 would be effective.

10  
11 **ROY CRABTREE:** Roy, you think along that same timeline that we  
12 would be able to get a similar territorial size limit for St.  
13 Croix done or have you all thought about how and when you might  
14 be able to do that?

15  
16 **ROY PEMBERTON:** We wouldn't be confined to those timelines. We  
17 simply would bring it through the FAC Council and then from the  
18 FAC Council on St. Croix, it would go straight to the  
19 Commissioner as a proposed rule and she can sign it in as a  
20 rule.

21  
22 **ROY CRABTREE:** How long would that take? It would be good if we  
23 both did it at the same time.

24  
25 **ROY PEMBERTON:** A matter of days, but I had some questions along  
26 with this proposed rule and I just wanted to see if I could  
27 bring those up at this time. One of the issues that I discussed  
28 earlier, in several other meetings that we've had, on size  
29 constraints on sexually-changing fishes is that we don't know  
30 what's going to happen.

31  
32 It is a good idea in principle, but it could be a bad idea in  
33 terms of the biology of the species, because at what point do  
34 they switch sex and at what point does that transition occur?  
35 It could be anywhere in those size components that we just  
36 looked at.

37  
38 Right now, the fishery is basically at a situation where these  
39 guys are implementing this on themselves, because they're  
40 looking for that plate-sized fish. To me, that's fine, but if  
41 you put this in as a proposed rule and we have a couple of  
42 studies that are viable that say something different, how do we  
43 then undo that? That's one of the questions I have.

44  
45 The second question is on the territorial level. The market  
46 fluctuates simply with what the market is doing in the actual  
47 island or actual territory and there is no export and there's no  
48 import, per se, for parrotfish into St. Croix.

1  
2 At this point, with the amount of parrotfish that has been  
3 extirpated over the last several years, from before the net ban  
4 to the net ban until now, I really don't see a need for this  
5 rule to go into place like this.

6  
7 Now, it's an effort on the fishermen's side of things to show  
8 that they're being proactive and that they're trying to do  
9 something with the parrotfish situation and trying to show, and  
10 actively actually, doing something about regulating themselves  
11 with regard to parrotfish harvest, but the biology is still  
12 paramount and we need to understand, separate to the fishery, in  
13 some type of independent study, as to what the biology of the  
14 fish is doing.

15  
16 I caution going to a size constraint when we don't even know if  
17 that size constraint is at where they maximally reproduce or are  
18 they at the maximum harvest size for that fish? We know it's  
19 not, in most cases, for those that are listed. However, I think  
20 we still need to understand the biology before we go to a size-  
21 specific situation.

22  
23 **ROY CRABTREE:** If we had new studies come along indicating that  
24 we need to change this, the process would be the same process  
25 we're using now, another regulatory amendment to change this.

26  
27 If you look at the analysis in the document, you've got a number  
28 of different species of parrotfish and they generally reach  
29 maturity somewhere between six and eleven inches and we're  
30 talking fork length.

31  
32 It does seem to me that the minimum size limit would reduce  
33 mortality on the immature fish and so that means more of them  
34 are going to survive to become mature and become part of the  
35 spawning stock biomass.

36  
37 It also should, I think, increase yield per recruit from the  
38 stock and I think that would be beneficial to the stock biomass  
39 and so it seem to me what we're trying to do is put in place a  
40 size limit that allows these fish to reach maturity before  
41 they're harvested, but still allow the fishery to continue to go  
42 forward.

43  
44 I understand the desire to have a plate-sized fish and those  
45 kinds of things and then we use the nine inches, because that  
46 seems to be pretty good at capturing the approximate sizes of  
47 maturity for most of these, and then the smaller size of eight  
48 inches for redband is because they're smaller than most of the

1 other species and we're trying to accommodate that.

2  
3 Then I think this is just for St. Croix, because that's where  
4 the fishery is. It seems to me that we have very limited  
5 harvest of parrotfish in St. Thomas and Puerto Rico and probably  
6 not having any real impact on the stocks there and so the size  
7 limit probably wouldn't really do anything there.

8  
9 I understand your reservations that we need more information and  
10 that's always good, but it does just seem to me, based on what  
11 we know about the biology of these animals, that there would be  
12 benefits from doing this and it doesn't seem like it's going to  
13 disrupt the fishery and it seems to me that most of the  
14 fishermen were supportive of this.

15  
16 There was some indication they were already following this a  
17 little bit, but I have been out on some of the trip interview  
18 things in St. Croix and it's worrisome to me when I see some of  
19 the really tiny fish that are being brought in and it's just  
20 hard for me to see how that's good for the fishery.

21  
22 It seems to me, on balance, this is probably the right thing to  
23 move forward with. I do think for it to really be effective  
24 though that we'll need to make sure that the territory is in  
25 agreement and we're all on the same page, so we don't just  
26 confuse people and I hope we can get that done, but it seems to  
27 me, on balance, it's probably the right thing to do.

28  
29 **CARLOS FARCHETTE:** I have a quick question, Roy. If for some  
30 reason the study on the biology side shows a difference, maybe a  
31 smaller size limit or a bigger size limit, could an emergency  
32 rule be placed that would change that rule faster than to wait  
33 let's say another year or two before it could change?

34  
35 **ROY CRABTREE:** I guess if the analysis we had showed that the  
36 importance of it was such that something really bad would happen  
37 if we didn't do it very quickly that you could do one, but I  
38 suspect that what we're talking here are incremental changes in  
39 things and so I doubt there would be any crisis if it took us --  
40 We could do this in a lot less than a year.

41  
42 Part of this is sometimes we go long periods between our  
43 meetings and all, but we ought to be able to -- The analysis is  
44 all right here on the impacts and so I think if something came  
45 along, we could probably change it fairly quickly through the  
46 normal process without going through an emergency rule, but if  
47 the results of the analysis were so dramatic that it did imply  
48 there would be some unforeseen disaster if we didn't do it



1 quickly, I suppose we could look at an emergency rule.

2  
3 **CARLOS FARCHETTE:** I do know that the members of the Fisheries  
4 Advisory Committee on St. Croix were all part of this and  
5 there's members also and so I know that that would probably go  
6 through pretty fast to the Commissioner and I don't see a --  
7 Like Roy Pemberton said, it can be implemented in the  
8 territorial waters real fast and so I think that if it's  
9 approved here by this committee and you want it to happen at the  
10 same time, we can drag it out to make sure it happens by that  
11 July final rule date.

12  
13 **ROY PEMBERTON:** Like I said, the territory could get it in long  
14 before you were even through the first stage of your periodicity  
15 with the rulings. We could have it in place and it's just a  
16 matter of how far along would it take, like you're saying, from  
17 one meeting to the next, but how far along would it be if we get  
18 it within a month's time and how much time after that would you  
19 be able to implement it on the federal side?

20  
21 **ROY CRABTREE:** Can you put that timeline back up, Graciela? I  
22 think the territory ought to plan that that's about the timeline  
23 we'll be on and so the size limits will be effective in the EEZ  
24 on July 1.

25  
26 Now, we can refine that timeline when we see when the proposed  
27 rule actually comes out and some of those kinds of things. I  
28 don't know if there's an expectation that there's some new study  
29 that's going to come out very soon. I'm not aware of it.

30  
31 If information came out indicating this was a bad idea and we  
32 shouldn't do it and it happened in the course of this  
33 rulemaking, then the Fisheries Service could disapprove the  
34 rule, but I'm not aware of anything, and are you all, that's  
35 going to come out in the next six months that would really  
36 change circumstances?

37  
38 **ROY PEMBERTON:** No, not in the next six months, but there's  
39 proposed studies that are trying to get funded right now to  
40 actually elucidate a lot of the issues with parrotfish and not  
41 just with redband, but with the other several species. The  
42 concern I had is that if these management measures are put in  
43 place, then how, if necessary, do we get them undone and the  
44 timeframe for that?

45  
46 **ROY CRABTREE:** That's kind of the timeline and, to me, it would  
47 be smoothest if we all did this effective at the same time, but  
48 if you guys put your size limit in place in advance of us,

1 that's what the fishermen would basically have to abide by,  
2 because they're landing the fish there, and so I don't think  
3 that would be all that big of a deal.

4  
5 **MARA LEVY:** I was just going to point out that, like it says,  
6 when the final rule publishes, it's thirty days, generally,  
7 until it's effective and so as soon as it publishes, you will  
8 know what the effective date is going to be and it will be the  
9 thirty days, which would, if you want to line it up, give you  
10 the time to do that.

11  
12 **BONNIE PONWITH:** The studies that you're talking about, they're  
13 going to focus on size at first reproductive age, mean age at  
14 reproduction, and then at what size they're making their sex  
15 change? Is that it?

16  
17 **ROY PEMBERTON:** The proposals that came across my desk were in  
18 relation to looking at that and the proposal was looking at  
19 several other species that we had listed, the same list that we  
20 had for these rule measures, and one other.

21  
22 They definitely would elucidate the same situations with  
23 redband, to find out that all information that we need to get to  
24 kind of get more of a handle on the biology, the full biology,  
25 of the species. They were also going to do age and growth as  
26 well.

27  
28 **BONNIE PONWITH:** To me, the real sensitivity would be if we were  
29 proposing size restrictions that influenced what portion of the  
30 stock was available to actually change sex after they reach  
31 sexual maturity. That is a tricky one.

32  
33 Looking at size of initial sexual maturity, that one, to me, is  
34 a little more clear. In other words, you certainly -- The stock  
35 would benefit, in terms of spawning stock biomass, if you set a  
36 size restriction at a level that they reach sexual maturity  
37 before they were recruited into the fishery.

38  
39 Any science we have on the life history of these animals helps  
40 us make better decisions, but I think that that first size  
41 limit, the minimum size limit, is the one that's I guess less  
42 sensitive to being off by a little bit.

43  
44 **ROY PEMBERTON:** I understand that situation, but remember we  
45 have black sea bass in the Southeast that we went along with  
46 those same size constraints at first sexual maturity and they've  
47 been under regulatory and still not recovered for a certain  
48 amount of years.

1  
2 These are the situations that I'm not trying to have here in the  
3 territory and we really need to get away from the dependence and  
4 get to more of the biologic and I didn't want this to come in  
5 and then just be a situation that this can then move off the  
6 shelf and we don't need the biology anymore.

7  
8 I still want that to still be paramount and it's important,  
9 because these species are important to the economy of St. Croix.  
10 If we don't have a handle on that, it being one of the most  
11 important for the economy of St. Croix, then we could have a  
12 serious problem.

13  
14 **ROY CRABTREE:** I will move that we approve Regulatory Amendment  
15 4 to the Reef Fish Management Plan and submit to the Secretary  
16 of Commerce for formal review and deem the codified text as  
17 necessary and appropriate.

18  
19 **CARLOS FARCHETTE:** Do we have a second? Genio Piñeiro seconds.  
20 We're going to take this to a vote or is there any discussion on  
21 this topic?

22  
23 **WINSTON LEDEE:** Roy Pemberton, you feed back from the fishermen  
24 and have they changed their mind, because they're the ones that  
25 asked for this amendment.

26  
27 **ROY PEMBERTON:** No, they haven't changed their minds. They have  
28 already implemented it. They have already gone to the plate-  
29 size and I don't have a problem with that. I just don't want it  
30 to be a situation where we can't come back and revisit this in a  
31 timely manner for the fishery.

32  
33 I am all for it and I applaud what they want to do and that they  
34 came forward on that. I don't have anything against that. I do  
35 understand Roy Crabtree's point about the minimum size and  
36 seeing smaller fish in the fishery and none of us want that, but  
37 I just don't want this to be something that's just shoved under  
38 the rug and we don't do the biology on it that we need to do,  
39 because it's important to the economy.

40  
41 **CARLOS FARCHETTE:** I also agree with the finding smaller sizes  
42 in the fishery and at least this way, there can be some  
43 enforcement action taken to protect that species. Any further  
44 discussion? By roll call, I will start on my right.

45  
46 **NELSON CRESPO:** Yes.

47  
48 **ROY CRABTREE:** Yes.

1  
2 **EUGENIO PIÑEIRO:** Yes.  
3  
4 **ROY PEMBERTON:** Yes.  
5  
6 **WINSTON LEDEE:** Yes.  
7  
8 **MIGUEL GARCIA:** Yes.  
9  
10 **CARLOS FARCHETTE:** Yes. **All in favor and it's unanimous and so**  
11 **the motion carries.** Next on the agenda is ACLs and the SSC  
12 Report. This is going to be a hot one.  
13

14 **MIGUEL ROLON:** Mr. Chairman, at the last few meetings, Dr. Roy  
15 Crabtree asked the SSC to provide their report before you go  
16 into the discussions and so at this time, we would like to ask  
17 Barbara to give us that report. It's 11:20 and, Barbara, how  
18 much time do you need for your report?  
19

20 **BARBARA KOJIS:** I would say at least a half-an-hour.  
21

22 **MIGUEL ROLON:** I suggest, Mr. Chairman, that we hear her report  
23 and if you have any questions pertinent to her explanation,  
24 that's fine, but then come back after lunch, so you can go  
25 through the report thoroughly if you have questions.  
26

#### 27 **ACLS -- SSC REPORT**

28  
29 **BARBARA KOJIS:** This is the report of the Scientific and  
30 Statistical Committee. This just covers the areas that we  
31 covered, an outline of the areas we covered. Primarily, I am  
32 going to be looking at our review of species units with ACL  
33 overages, annual catch limit overages.  
34

35 We also briefly discussed the five-year research priorities and  
36 we reviewed the letter from the Caribbean Fisheries Management  
37 Council to NMFS regarding the proposal to list queen conch.  
38

39 What happens if annual catch limits, ACLs, are exceeded? When  
40 ACLs are exceeded, accountability measures, the AMs, are  
41 triggered, resulting in a reduction of the fishing season for  
42 that species or species group. This is according to our  
43 amendments to the FMPs.  
44

45 AMs are not triggered if NMFS, in consultation with the CFMC and  
46 the SSC, and so the CFMC has a role to play here as well,  
47 determines that the overage occurred because, specifically, data  
48 collection and monitoring improved rather than because catches

1 actually increased.

2  
3 In other words, fisher reporting has improved and the data  
4 collection has improved and even though maybe catches have gone  
5 up, this is because of the fact that data collection and  
6 monitoring has improved rather than because there have been some  
7 changes in the fishery where fishermen are catching more fish.

8  
9 The SSC reviewed the list of species and species units that  
10 exceeded the ACL that was provided to us from the Southeast  
11 Fisheries Science Center at the meeting. We looked at first two  
12 different groups. One of them were the species units that were  
13 designated overfished and undergoing overfishing and this was  
14 determined -- This was determined in 2005 and the ACL for this  
15 was determined in 2010.

16  
17 The importance of this, separating species that have been  
18 overfished or undergoing overfishing from species that hadn't,  
19 is the fact that the ACLs were determined at different times and  
20 therefore, in the cases of species that are overfished and  
21 undergoing overfishing, we have two years of data, 2010 and  
22 2011, to look at and an average for the catch from that period,  
23 whereas the species that hadn't been designated overfished or  
24 undergoing overfishing, we determined the ACL in 2011 and so we  
25 are only looking at one year for those.

26  
27 The species that we had at this meeting, and I would just like  
28 to note that these were the tentative landings when we had the  
29 SSC meeting and there may be other species as well that have  
30 overages that we did not address.

31  
32 In fact, there were some that were brought up at the meeting and  
33 the SSC said that because we hadn't seen this before and didn't  
34 have an opportunity to do any research on this or ask questions  
35 that we needed to get data on, we would only address the species  
36 that we had previously been informed had overages and for which  
37 we had asked specific questions of the Southeast Fisheries  
38 Science Center in providing data for us.

39  
40 We looked at Snapper Unit 2, the queen and cardinal snapper, and  
41 the landings for this species unit was 301,000, almost 302,000.  
42 The actual annual catch limit was 146,000 and there was an  
43 overage of 107,000 and this was specifically -- Remember we're  
44 managing by different geographic areas and so this was  
45 specifically for Puerto Rico. The landings were for the average  
46 landings for 2010 and 2011.

47  
48 For St. Croix, the queen conch had an overage of 33.8 percent.

1 The annual catch limit is 50 percent and the landings were  
2 almost 67,000 pounds and for St. Thomas/St. John, there was a  
3 small overage for grouper of 9.6 percent.

4  
5 There was only one species that had not been designated  
6 overfished that had an overage and this was only for  
7 recreational and for Puerto Rico. It was the recreationally-  
8 caught wrasse species and this had a 9.7 percent overage of the  
9 ACL, but I just wanted you to note there is a -- For wrasses and  
10 recreational fish species, there is a measure of error,  
11 variability, in the data, which is the proportional standard  
12 error, and according to the website, PSEs higher than 25 should  
13 be viewed with caution and those with 50 indicate high  
14 variability and low precision of the actual estimate of landings  
15 data.

16  
17 In this particular case, the PSE was 70 and so that is well  
18 above even the 50 that indicates high variability and low  
19 precision.

20  
21 For the wrasses, the annual landings of recreational species for  
22 all the recreational species, are based on the results of  
23 recreational intercept surveys, where people go out to the  
24 beaches and marinas and boat ramps and interview fishermen and  
25 get information about their catch and telephone surveys that are  
26 pretty much random digit dialing.

27  
28 This is done in Puerto Rico according to the MRIP and MRFSS  
29 national recreational survey methods and this is done every two  
30 months and so this is information from -- This Table 3 is  
31 information from the start of the recreational surveys in Puerto  
32 Rico, which was in the year 2000, to 2011. It indicates that  
33 there were -- The total number of intercepts that recorded at  
34 least one of the wrasse unit species.

35  
36 You can see that in most years that's a fairly small number.  
37 The number of intercepts that they do each month I think is  
38 around -- Every two months is around 200 intercepts and so  
39 that's 200 times six, which is about 1,200 a year, and of those,  
40 this is the number of intercepts where wrasses were actually  
41 detected.

42  
43 The wrasse group is the FMP group and this is primarily what the  
44 recreational fishermen as well go after, which is the hogfish,  
45 the Spanish hogfish, and the puddingwife.

46  
47 We reviewed the overages of the recreational wrasse ACL for  
48 Puerto Rico and Puerto Rico DNER staff members were there and we

1 were provided the following information from them, that the  
2 hogfish were the most important wrasse species landed by  
3 recreational fishers on Puerto Rico.

4  
5 Spearfishing was thought to be the method used for most of the  
6 catch of hogfish and that hogfish called capitán is considered a  
7 prized trophy fish among recreational fishers and it was thought  
8 that spearfishing had actually increased significantly since  
9 2009, because, especially through the development of a kayak-  
10 based fishery, which the MRFSS sampling had not fully sampled.

11  
12 The kayak fishing is kind of taking off in Puerto Rico, in part  
13 probably because of the cost of fuel, but also because of the  
14 fact that these are available and fishing kayaks are probably  
15 more commonly available than before and they had realized that  
16 maybe some of the sample sites they had been going to had not  
17 picked up the kayaks, because the kayaks could go from virtually  
18 any beach.

19  
20 What were the SSC conclusions with regard to this? Based on  
21 these considerations, there was no substantiated evidence to  
22 support the idea that the observed overage was due to any  
23 methodological changes in data collection or behavior of the  
24 fishery.

25  
26 We would like to just emphasize, because we did discuss this at  
27 the meeting, but it wasn't part of our report, that it was  
28 important to take into account that the overage for wrasses is  
29 small. It's only 488 pounds, or 9.7 percent, and the error, the  
30 PSE that I discussed in the estimate of landings, was high.

31  
32 We also discussed the overage for queen conch on St. Croix.  
33 Based on average landing data from 2010 and 2011, the ACL was  
34 exceeded by 33 percent. In 2010, the actual ACL was exceeded by  
35 68 percent and the data that we had indicated that it wasn't  
36 exceeded at all in 2011.

37  
38 It was noted at the SSC meeting that 2011 data needed to be  
39 verified to ensure it was the final total, but it looks like the  
40 management measures that are in place are now being fairly  
41 effective in keeping the fishing landings close to the ACL.

42  
43 The Division of Fish and Wildlife, as you probably all know,  
44 keeps track of queen conch landings and closes the queen conch  
45 fishery once the submitted catch reports show that the ACL has  
46 been reached.

47  
48 The SSC thought that the 2010 overage occurred, at least in

1 part, because the ACL was reached before all the catch reports  
2 had been submitted and that looks like it's been corrected in  
3 2011.

4  
5 The SSC noted that the conch landings peaked in 2006 and rapidly  
6 declined to nearly the ACL level in 2011. I would like to  
7 emphasize here as well that it appears that the monitoring of  
8 queen conch landings and the closure of the queen conch fishery  
9 to ensure the ACL is not exceeded is improving.

10  
11 The SSC noted that preliminary data from the survey by Hill et  
12 al., confirmed that St. Croix harbors a significantly higher  
13 density of juvenile and adult queen conch compared to St.  
14 Thomas, St. John, and Puerto Rico.

15  
16 The SSC could not make a determination regarding the data  
17 improvement and so on specifically, although they -- The SSC was  
18 commenting on a variety of related items and this includes the  
19 Hill report that was presented at the meeting.

20  
21 The SSC also recommends that the Southeast Fisheries Science  
22 Center determine the density levels of queen conch adults and  
23 juveniles that need to be achieved in order to increase the ACL  
24 for queen conch in the U.S. Caribbean and the reason we did this  
25 is because there are a number of surveys that are taking place,  
26 the survey by Hill and there's also a survey that's done through  
27 SEAMAP, that looks at the density of queen conch by habitat and  
28 felt that the fishermen and the management agencies and so on  
29 need a goal.

30  
31 At what stage would, for example, the 50,000-pound ACL be able  
32 to be increased, given the data that's being collected? What  
33 level are you looking at in terms of density of queen conch  
34 adults and juveniles?

35  
36 **MIGUEL ROLON:** Barbara, you had the reports -- The SSC had the  
37 reports from St. Croix on density, the ones by Toby et al.?

38  
39 **BARBARA KOJIS:** It was sent, but I think the report that we got  
40 didn't have much in the line of update of data at that time and  
41 so that just came in -- Roy sent it to me during the meeting and  
42 so we didn't really have it to look at.

43  
44 **MIGUEL ROLON:** Okay, because that report was about density in  
45 St. Croix.

46  
47 **BARBARA KOJIS:** Yes. That's the SEAMAP report that I was  
48 referring to. That was done with SEAMAP data.



1  
2 **GRACIELA GARCIA-MOLINER:** The Shenell Gordon et al. report from  
3 SEAMAP, but recently, there has been another survey of queen  
4 conch in St. Croix specifically. They presented the data at the  
5 SEAMAP Caribbean meeting yesterday and so they are writing up  
6 the report, but, again, the densities have shown an increase for  
7 both juveniles and adults.

8  
9 **MIGUEL ROLON:** Anyway, this is just for the council and this is  
10 for you to take notes and we will come back after lunch.  
11 Especially having Bonnie here, we can discuss it a little bit  
12 further. In the case of the queen conch, the densities, we have  
13 the workshop that was held in May by the queen conch experts.

14  
15 They have some recommendations regarding density and we have to  
16 be careful with those recommendations, because you have to  
17 tailor your situation to the realities of the queen conch in  
18 your area. It varies from area to area quite a lot.

19  
20 **MARA LEVY:** While we're talking about queen conch, I just wanted  
21 to point out that the accountability measures about reducing the  
22 season, et cetera, and the monitoring and the SSC's findings  
23 don't apply to queen conch, because queen conch had its own  
24 accountability measure, which was to close when the quota was  
25 reached.

26  
27 It's not in the same framework as all of the other species and  
28 that's not to say that you shouldn't evaluate these things and  
29 whatever the SSC did is fine. I'm just saying that in terms of  
30 recommendations as to shortening the season and whether there is  
31 improved data collection, that's not really applicable to queen  
32 conch, which has the set quota and the in-season closure as the  
33 accountability measure.

34  
35 **MIGUEL ROLON:** Is that good or bad?

36  
37 **MARA LEVY:** I don't know whether it's good or bad, but it's just  
38 not in the same framework, meaning you wouldn't reduce the  
39 season based on this overage for queen conch. The  
40 accountability measure for queen conch is the in-season closure  
41 when the territory has determined and notified us that the  
42 50,000 pounds has been reached.

43  
44 There are implications for exceeding the ACL and the guidelines  
45 basically says if you exceed it more than once in a four-year  
46 period, the council needs to reevaluate the ACL and AM  
47 management scheme and make any necessary changes to ensure that  
48 you don't continue to exceed it.

1  
2 There are implications for exceeding it, but not implications in  
3 terms of implementing a shorter season, as with all the other  
4 species. Queen conch we separated out because it has this set  
5 quota and it's the only one that has an in-season closure when  
6 that quota is met based on what the Virgin Islands determines.

7  
8 **MIGUEL ROLON:** In other words, between 2010 and 2014 we will  
9 monitor this fishery and if we go too much over the limit, then  
10 we will have to do what you were just saying and the council  
11 will have to review their approach to the queen conch in the  
12 east end of St. Croix.

13  
14 **BARBARA KOJIS:** I was just wondering if I could ask a favor. I  
15 was just looking at my presentation and I did this on --  
16 PowerPoint 2010 didn't translate well to the computer that's got  
17 2003.

18  
19 If we could have lunch and I could go move -- All of the figures  
20 that I had that I pulled from the SSC report and put in here  
21 aren't in the PowerPoint presentation and I think some of them  
22 are probably needed to just explain things and I could easily do  
23 that during lunch. If that's possible, we could take lunch now  
24 and then I will just fix these up and put these in there.

25  
26 **MIGUEL ROLON:** There's a motion to eat now.

27  
28 **CARLOS FARCHETTE:** I guess we will break for lunch. At 1:15, we  
29 will be back online.

30  
31 (Whereupon, the meeting recessed for lunch on December 19,  
32 2012.)

33  
34 - - -

35  
36 December 19, 2012

37  
38 WEDNESDAY AFTERNOON SESSION

39  
40 - - -

41  
42  
43 The Caribbean Fishery Management Council reconvened at the  
44 Marriott Frenchman's Reef, St. Thomas, USVI, Wednesday  
45 afternoon, December 19, 2012, and was called to order at 1:15  
46 o'clock p.m. by Chairman Carlos Farchette.

47  
48 **CARLOS FARCHETTE:** Everyone welcome back from lunch. We're

1 going to continue with Barbara's presentation.

2  
3 **BARBARA KOJIS:** I just want to briefly just go over the little  
4 piece that was missing when I discussed the wrasses. This is a  
5 graph of wrasse landings and it shows the landings from 2000 to  
6 2012, which was the time that the recreational fishing data  
7 surveys have been taking place.

8  
9 The dotted line there is the ACL level and I would just mention,  
10 again, that the ACL was exceeded by 9.7 percent. You will note  
11 that wrasse landings peaked in 2008 and have declined steadily  
12 since then. This decline occurred at a time when effort was  
13 thought to have increased. It's not clear if the increasing  
14 effort has led to the observed decline in the stock biomass.

15  
16 The SSC made recommendations, which is in the report you  
17 received, the second report that you received, that for further  
18 analysis of the wrasse data to try to pull some of this out and  
19 note in here the 2012 data that's on there is not the complete  
20 data. 2012 hasn't finished and so we don't have all the data  
21 for that.

22  
23 When we looked at all of this, we concluded that there was no  
24 substantiated evidence to support the idea that the observed  
25 overage was due to any changes in methods or data collection  
26 behavior of the fishery and, again, I will just note that the  
27 PSE, the error estimate, was very high and the overage was  
28 fairly small.

29  
30 For queen conch, going over that, this is the landings data for  
31 queen conch. The ACL is the 50,000 pounds, that dotted line,  
32 and this is information from, the X-axis, the bottom of the  
33 graph, from the years 1998 to 2011 and this is landings in  
34 pounds of whole weight for queen conch.

35  
36 You can see that there was a big peak of 240,000 pounds that  
37 fishermen were catching on St. Croix in 2006 and then there's  
38 been a steady decline since then, largely because of the ACL  
39 that was -- The local ACL, the local quota, that was put in  
40 place shortly thereafter and the ACL was exceeded -- Our ACL was  
41 exceeded, based on the 2010 and 2011 landings data, by 33  
42 percent, largely because of the 2010 landings that you can see  
43 peaked up a little bit. Landings at 2011 were at the ACL level.

44  
45 We looked at the number of trips, changes in numbers of trips  
46 and changes in the numbers of fishers reporting. The trips,  
47 that kind of bottom, for the most part, line and the number of  
48 reporting fishers is the top line.

1  
2 The number of trips tracked really the number of landings pretty  
3 much, peaking again in 2006. The number of fishers reporting  
4 has gone up and down over the years. There was no evidence,  
5 from the number of fishing trips and the number of fishers  
6 reporting from 2000 to 2011, that there had been any significant  
7 changes in reporting by fishers.

8  
9 It is clear that there was a peak in the reported landings in  
10 2006 and subsequently a fairly rapid falloff, reaching the ACL  
11 by 2011.

12  
13 Based on the average landings from 2010 and 2011, the ACL was  
14 exceeded by 33 percent, as I mentioned, but this was totally --  
15 This overage was totally because of the 2010 landings and I  
16 explained earlier about Fish and Wildlife and so I'll just go on  
17 here.

18  
19 I would just mention, again, that this looks like that in 2011  
20 the ACLs were achieved at the level of 50,000 pounds and so I  
21 would just also like to mention that the SSC noted that  
22 preliminary data about, and we went over this before from Hill,  
23 was that they were higher and so I'm not going to go over this  
24 part again.

25  
26 I'm going to look at commercial grouper unit landings now and  
27 this is for St. Thomas. There was an overage in St. Thomas of  
28 about 5,000 pounds, or 9.6 percent. The ACL in St. Thomas is  
29 51,849 pounds for grouper and that's based on the landings from  
30 2002 to 2005 for the OFL, with a 15 percent reduction, which is  
31 the ACL.

32  
33 The landings, if you look at the graph here, the ACL is the  
34 dotted line, again, and the actual landings is the solid line  
35 and you can see that the landings have, for the most part, been  
36 over the ACL and this is because the ACL was reduced from the  
37 average landings. The landings declined from 2009 to 2011, but  
38 remained above the ACL level even in 2011.

39  
40 The grouper unit St. Thomas trips and fishers, the number of  
41 fishers reporting varied only slightly between 2000 and 2010,  
42 but increased dramatically, by about 90 percent, in 2011,  
43 indicating that a lot more fishers were reporting.

44  
45 However, the number of trips with reports of grouper, which  
46 increased between 2000 and 2004, declined slowly after that,  
47 except for 2009. It's not clear what was happening here,  
48 because you would expect with more fishers reporting that you

1 would get more trips as well and so somebody will have to  
2 explain that at this meeting, but since the total grouper  
3 landings declined in 2010 and 2011, along with the number of  
4 fishing trips, it's unlikely that an increase in the number of  
5 fishers reporting was responsible for the 2011 grouper landing  
6 overage.

7  
8 While there is a change in dynamics of reporting that was  
9 observed in 2011, its implications on total grouper landings  
10 remain unclear and the SSC concluded that there was insufficient  
11 evidence that enhanced data collection or monitoring efforts  
12 significantly contributed to the grouper overage in 2010 and  
13 2011.

14  
15 Finally, this is the last species unit that we need to look at  
16 that we had an overage for at the meeting and it was Snapper  
17 Unit 2, which is the Puerto Rico commercial landings for the  
18 Snapper Unit 2.

19  
20 The graph on the right shows expanded landings, meaning that  
21 these aren't just the basic landings that the fishermen  
22 reported, but it's also based on a correction factor to  
23 calculate the actual landings and I will go into that in a  
24 little bit.

25  
26 The landings in pounds whole weight is on the Y-axis, the  
27 vertical axis, and there has been a lot of variability in  
28 landings. The landings were exceeded in the last couple of  
29 years by 107 percent, or 156,000 pounds, which is well over.  
30 They caught more than 300,000 pounds of snapper, because the ACL  
31 is about 146,000 pounds.

32  
33 The ACL was exceeded in both 2010 and 2011 and because -- Just  
34 there's a few things that we looked at here and one of them was  
35 the expansion factor. Because there was a lack of staff in  
36 Puerto Rico in the Fisheries Lab in 2010, the expansion factor  
37 in 2009 was used in 2010 and so we've got the same expansion  
38 factors in 2009 and 2010 and the 2011 expansion factor was a  
39 newly calculated one.

40  
41 This just shows the expansion factors over the years. Puerto  
42 Rico calculates these expansion or correction factors by coast  
43 and so you've got the north, east, west, and south coast and  
44 then there's an island-wide expansion factor as well.

45  
46 So you don't get too confused, the estimated landings or  
47 expanded landings are obtained by dividing landings by the  
48 expansion factors and so you can see if you've got, for example,

1 in say 2006 and 2011 fishermen reported catching 100,000 pounds  
2 of fish, but the expansion factors differed and, for example,  
3 0.5 in 2006 and 0.8 in 2011, then the landings that would be on  
4 your expanded landings that we're actually looking at to  
5 determine whether the ACL is exceeded would be 200,000 pounds in  
6 2006 and 125,000 pounds in 2011.

7  
8 I mention this because it looks like the expansion factor is  
9 actually higher towards the end, but because of the division of  
10 using the expansion factor to divide, it actually brings the  
11 total expanded landings lower.

12  
13 In 2011, when we looked at this and said why is there such a  
14 change in the expansion factor, it was explained that in 2011  
15 the Secretary of DNER allowed fishers to submit trip reports  
16 after the sixty-day deadline.

17  
18 Previously, the trip reports were not accepted if they were  
19 submitted sixty days after a fishing trip and I think this had  
20 to do with allowing fishermen to retain their licenses, because  
21 they are required to report. Thus, in 2011, the number of trips  
22 increased, due to the change in regulations.

23  
24 However, irrespective of all of this, this correction factor  
25 should take into account any changes in the landings and so the  
26 correction factor was used to expand the landings and this took  
27 this increase in the number of trips into account.

28  
29 This just gives the unexpanded trips and numbers of reporting  
30 fishers and so there were fewer trips with reported Snapper Unit  
31 2 after 2002. However, the number of trips increased between  
32 2009 and 2011 and trips is the blue line on here.

33  
34 The number of fishers reporting almost doubled between 2009 and  
35 2010 and then declined in 2011 and so this is the basis -- This  
36 is part of the basis of the expansion factors and Puerto Rico  
37 goes and does a very detailed -- It has port samplers going out  
38 and looking to see, A, is everybody reporting and, B, is are  
39 they reporting their catches fairly accurately?

40  
41 Because they have dealers, fish markets, where people buy, they  
42 can get a better idea or some idea of what's actually happening  
43 and then also the Southeast Fisheries Science Center provided  
44 catch per unit effort and that has pretty much remained steady,  
45 although the standard deviation is very, very high.

46  
47 What are our conclusions? Because Puerto Rico generally  
48 calculates these annual correction or expansion factors for

1 their four distinct coastal areas, plus the island-wide one,  
2 around Puerto Rico, it appears the overage is real and not owing  
3 to any enhanced data collection or monitoring efforts.

4  
5 The increase in landings in 2010 and 2011 could be explained if  
6 stocks have increased or fishers have gone further afield to  
7 harvest unexploited stocks and that was brought up at our  
8 meeting. Based on all of the above, the SSC concludes that the  
9 overage is real, given the data presented, which we understand  
10 to be the best available data.

11  
12 However, we feel that the data for 2010 may be less accurate  
13 than years for which the correction factor was directly  
14 calculated and this could have impacted the results and so we  
15 had a few concerns.

16  
17 One was that the correction factor or expansion factor was not  
18 directly calculated in 2010 and the 2009 one was used and that  
19 the landings for 2010 showed the largest overage for the Snapper  
20 Unit 2 and we thought that correction factors are historically  
21 very variable and their accuracy may have a large impact on the  
22 expanded landings, affecting the estimation of ACL overages both  
23 in their occurrence and their extent.

24  
25 We also had concerns about possible fishing area expansion. The  
26 general impression is that the fishery for Snapper Unit 2  
27 experienced a significant expansion in the area fished over the  
28 past decade or more. If this is true, then we would expect the  
29 ACL would not have been based on the full potential of the  
30 fishery.

31  
32 As a consequence, overages would be expected to occur that would  
33 not be related to any change in the stock status. The SEDAR  
34 assessment conducted in 2011 for queen snapper showed a  
35 significant increase in the mean size of fish landed in recent  
36 years and concluded that queen snapper were not undergoing  
37 overfishing. This trend is consistent with an expansion in the  
38 area fished, although other explanations are also possible.

39  
40 Unfortunately, there were no data publicly available to verify  
41 if such an expansion in the area fished has occurred. This  
42 would be necessary for any reevaluation of the ACL, though the  
43 SSC felt that fishermen may have that information.

44  
45 That was the end of our discussion of the four species with  
46 respect to the parameters in which the SSC was asked to assess  
47 the species units that had ACL overages.

1 **MIGUEL ROLON:** Barbara, if I may, can we split your report so  
2 the council has a chance now to discuss the first part on ACLs?  
3

4 **RESEARCH PRIORITIES - SSC REPORT**  
5

6 **BARBARA KOJIS:** Sure, but I just have two slides left and this  
7 is more or less saying we spent most of our time on ACLs at this  
8 meeting, even though we had a three-day meeting, because we  
9 hadn't done this before and because not all the data -- We had  
10 to keep asking for more and more data all the time.  
11

12 With the five-year research priorities, we just revised the  
13 outline. Dr. Sissenwine, who is a very knowledgeable person,  
14 made some recommendations on how we organize the five-year  
15 priority research plans and really the emphasis of it. It's  
16 more focused on really what the CFMC needs are and the Southeast  
17 Fisheries Science Center's needs are.  
18

19 We did that, but there was insufficient time to really discuss  
20 this any further and so we agreed to work on fleshing out an  
21 outline and everybody is supposed to provide a draft of their  
22 section by December 20 and the SSC is going to need to meet at  
23 least once more in order to review the research needs and  
24 prioritize them.  
25

26 Then the queen conch listing, we were supposed to get an update,  
27 but we did get information from the CFMC about a letter that  
28 they drafted to NMFS and the SSC reviewed it and concurred with  
29 the CFMC opinion that queen conch not be listed under the ESA,  
30 based in part on the fact that the queen conch receives enough  
31 protection to ensure preservation.  
32

33 We didn't review the letter at the time, because it had already  
34 been sent, and so we just concurred with it. That was really  
35 the end of the report there and so we could go back to ACLs  
36 then. Are there questions?  
37

38 **COUNCIL DISCUSSION OF ACLS**  
39

40 **MIGUEL ROLON:** I know that scientists like to cover all the  
41 bases, but there somewhere, we need to have a yea or nay  
42 regarding the status of the stocks that we are dealing with. In  
43 the case of snapper grouper, the last part, Snapper Unit 2, can  
44 we go back to that slide?  
45

46 I just want to start the discussion and then we'll go through  
47 each one of them, but in this one, you have a -- I think this is  
48 what could be happening and this is expansion and this is not



1 expansion and in another part, you said that the ACL is real and  
2 then you have the SEDAR conclusion that the snappers are okay  
3 and don't mess with them.

4  
5 Mr. Chairman, I believe that then you have to go group-by-group  
6 and then we need to have a clear statement from the SSC whether  
7 this is over or not.

8  
9 **BARBARA KOJIS:** I think for all these species there was no  
10 indication from the information on the number of trips being  
11 reported, the number of fishers being reported, and the  
12 combination of those two that indicated that the SSC could say  
13 anything about whether -- Could refute the overages, in essence,  
14 could say that those overages were not real and that was true  
15 for all those species.

16  
17 We did put up concerns and we felt that our responsibility was  
18 looking at what scientific data was available and that  
19 scientific data available pertaining to the area that we were  
20 responsible for, which was to determine if the overage occurred  
21 because data collection and monitoring improved rather than  
22 because catches actually increased.

23  
24 There were other information that we looked -- After we went  
25 through there and said, look, it doesn't look like in any of  
26 these cases there's any clear-cut situation where data  
27 collection and monitoring has improved in the sense that we  
28 could say that these overages weren't real.

29  
30 In some cases, the overages might be small and in some cases,  
31 like in the case of queen conch in 2011, there wasn't an  
32 overage, but there was in 2010, but there was nothing there that  
33 we thought was significant enough to say that these overages  
34 were due to data collection and monitoring only.

35  
36 We did have -- We were looking at things and SSC members were  
37 mentioning things like, well, it looks like this is really  
38 improving and we had an overage in 2010 in the case of the queen  
39 conch, but in 2011 they met it. Maybe things have straightened  
40 out now.

41  
42 We felt that it was up to the Southeast Fisheries Science Center  
43 and the CFMC then to make comments on that, at that stage,  
44 because weren't a policy-making body and we were a scientific  
45 body.

46  
47 **ROY CRABTREE:** The accountability measure that we put in the ACL  
48 Amendment says that you trigger the accountability mechanisms if

1 the ACL is exceeded unless NOAA Fisheries Southeast Fisheries  
2 Science Center, in consultation with the council and its SSC,  
3 determines the overage occurred because data collection and  
4 monitoring improved rather than because catches actually  
5 increased.

6  
7 The way we set this up is ultimately it's the Science Center's  
8 call and determination to make. Now, the consultation with the  
9 SSC took place at this meeting and we've gone through the report  
10 and the consultation with the council is taking place right now.  
11 I think Bonnie has a presentation to show us and you're going to  
12 see that the Center has determined, for some species, it does  
13 appear that the overage is because reporting has improved and in  
14 other cases, it doesn't appear that.

15  
16 I would suggest probably the thing to do now is let Bonnie go  
17 through her presentation and then we can have a discussion of  
18 that when we've seen what they have and this is sort of their  
19 preliminary findings at this stage.

20  
21 What I've done is some weeks ago I wrote a memo to the Science  
22 Center basically laying out this is the way it's set up and we  
23 need you to make a determination and I asked that they make some  
24 preliminary finding before the council meeting, so we could have  
25 this consultation, and then after this meeting, we'll finalize  
26 all that and figure out what we're going to do. That would be  
27 my suggestion as to the next step, would be let Bonnie go ahead  
28 and give her presentation.

29  
30 **CARLOS FARCHETTE:** Perfect. Thanks, Roy. Bonnie, are you  
31 ready?

32  
33 **BONNIE PONWITH:** Yes, thank you, Mr. Chairman. I will be giving  
34 this presentation and I've also got Dr. Steve Turner and Dave  
35 Gloeckner on the phone, so that if you have questions at the end  
36 of this presentation that go a little more deeply into the data  
37 analysis, I can phone a friend.

38  
39 They're on the phone listening in and, again, if you have  
40 questions that require kind of a deeper answer, what I'll do is  
41 move the microphone to the phone and have them chime in.

42  
43 What we're going to do this afternoon is walk through a lot of  
44 the slides that you saw in Barbara's presentation and you're  
45 going to see that in this that some of them are a little bit  
46 different.

47  
48 What we're going to do is look at the island-specific

1 information, looking at the landings data versus the ACLs, and  
2 these are going to be in tables. Then we're going to look at  
3 the very specific question of data improvement effects and tease  
4 out some of that information through a couple of different  
5 methods and then look at some ACL-specific information regarding  
6 some of the species that we're concerned about.

7  
8 Then we're also going to talk very briefly about some Caribbean-  
9 wide ACLs and so we're going to begin with a look at St. Croix,  
10 their landings summary, and their data reporting effects.

11  
12 This is the format that we're going to be looking at this in and  
13 so I want to get you accustomed to this table, because we're  
14 going to look at each of the platforms in this format. What you  
15 see here is the table broken into two pieces, the upper section  
16 below the first gold bar and a lower section below the second  
17 gold bar.

18  
19 That upper section are ACLs that, based on our analysis and what  
20 we learned from the SSC's analysis, where we don't believe that  
21 reporting effects contributed to the overage. The section below  
22 are ACL groups where we do believe that data reporting effects  
23 contributed to overages and so that's the upper and the lower  
24 section.

25  
26 You also see species groupings and species that are plain and  
27 also ones that are marked in kind of that dirty red color. The  
28 dirty red color represents ACLs that have overages and so this  
29 is just to orient you from a row standpoint and now let's look  
30 at the columns.

31  
32 The first column is the ACL and the second column are the  
33 landings, which is either the 2011 or the 2010/2011 mean,  
34 depending upon the stock. The next column is the overage and  
35 then, finally, the last column is what percent of the ACL was  
36 caught.

37  
38 What I would like to highlight, now that we've sort of had a  
39 chance to walk through the format of this table, because, again,  
40 we're going to be looking at this for each platform, let's look  
41 at the squeaky points on this table.

42  
43 As you see, queen conch has an overage of over 17,000 pounds and  
44 that represents 135 percent of the ACL. We have spiny lobster  
45 that's over by 2.2 percent and then the triggerfish and filefish  
46 is over by 5.6 percent.

47  
48 In the lower section, you will see percentage overages that are

1 profound. Those are the ones where, for these species, they  
2 were not reported on the data forms before and they are being  
3 reported now and so we would absolutely expect that we would see  
4 those to be higher and so we attribute those overages absolutely  
5 as a function of improved data reporting.

6  
7 Before I move on from this slide, what I want to do is make sure  
8 you understand what the slide is trying to portray and so I want  
9 to open it up to questions on the format of the slide.

10  
11 **CARLOS FARCHETTE:** Earlier, you said that -- Which section,  
12 again, is the overages where better reporting was not a factor?

13  
14 **BONNIE PONWITH:** The upper section, we believe that the overages  
15 are not due to the reporting. It's the lower section, below  
16 that second gold bar, where it was due to the reporting.

17  
18 The next slide looks at two features of the landings and the  
19 trips. The uppermost graph shows the trends in the number of  
20 fishing trips being taken by year. Now, the lower slide, the  
21 one in red, is a depiction of the number of commercial fishers  
22 who were reporting.

23  
24 What you see here is a pretty similar trend line in the number  
25 of trips, tracking pretty closely to the number of fishers who  
26 were reporting. The idiosyncrasy of this report that I would  
27 point out is that those last two points here, 2011 is broken out  
28 in a Phase 1 and Phase 2.

29  
30 Phase 2 is the new form and the new reporting system and Phase 1  
31 is the old form and the old reporting system. Those numbers  
32 aren't additive and that's why they're portrayed separately like  
33 that.

34  
35 Here's the next slide, to kind of delve a little bit deeper into  
36 the patterns of reporting and this table, again, is a table that  
37 you'll see repeated for each platform and basically what it is,  
38 it's, by species or species group, what percentage of  
39 observations of that species or species group were found in the  
40 trips that were reported on.

41  
42 What we're interested in looking at on this is does that percent  
43 change over time? To look at that, for example, we're going to  
44 look at Species Number 1, which are boxfishes. You're going to  
45 see that in 2006 that 33 percent of all the trip reports we saw  
46 in 2006 reported that they caught boxfish and what you see is  
47 that over time, that's been fairly stable. It bounces around a  
48 little, but it's fairly stable.

1  
2 In 2011, that number, that percentage, has declined and so,  
3 again, what you're seeing is in this table, the rows that are  
4 marked in red, that kind of dirty red color, are ones where the  
5 ACL group has seen a moderate to a large decrease in the  
6 frequency in which it is reported.

7  
8 We're seeing that in St. Croix in boxfishes and goatfishes,  
9 where we go from hovering around 14 or 15 to down into 10.  
10 Porgies, where we're in the 15 range and dropping down to 11.  
11 This pattern is of interest as we get a little bit farther into  
12 the talk.

13  
14 Now what we're going to do is look at those same tables for St.  
15 Thomas and St. John and so I won't walk through the structure of  
16 the table, because you learned that the first time. We're just  
17 going to look at the meat, the content, of the table.

18  
19 What you see here, highlighting, again, the species or species  
20 groups of interest are the ones in the dirty red and you see  
21 that the groupers in St. Thomas/St. John had an overage of 9.6  
22 percent, their ACL.

23  
24 We're also seeing that queen conch had an overage on an ACL of  
25 zero. The species below, again, are angelfish, squirrelfish,  
26 and wrasses and those are species where we expected to see big  
27 increases, because the species weren't included in the species  
28 reports before. Now let's take a look at the patterns in the  
29 numbers of trips and the numbers of reporting commercial  
30 fishers.

31  
32 **MIGUEL ROLON:** Bonnie, the queen conch of zero and 306, could  
33 you explain that a little bit? Is that the ACL around Puerto  
34 Rico and St. Thomas and still people are catching the queen  
35 conch?

36  
37 **BONNIE PONWITH:** What this shows is that the ACL for queen conch  
38 was zero, but we still experienced landings.

39  
40 **MIGUEL ROLON:** Is that some way of documenting the illegal  
41 catching of queen conch?

42  
43 **ROY CRABTREE:** Is there territorial water closed?

44  
45 **CARLOS FARCHETTE:** No.

46  
47 **MIGUEL ROLON:** That's in St. Thomas and so unless we can tell  
48 where they come from, there is something going on there.

1  
2 **BONNIE PONWITH:** Yes and so that's something that we'll have to  
3 look into deeper. The next slide, again, is that relationship  
4 of the number of fishing trips that we're seeing relative to the  
5 number of commercial fishers who are reporting and basically,  
6 you can see that we see no indication of increases in the number  
7 of trips and, in fact, the number of trips has experienced a  
8 kind of steady decline. We are seeing a slight uptick in the  
9 second half of 2011 in the number of commercial fishers who are  
10 reporting.

11  
12 Now let's take a look at the patterns of species occurrences in  
13 the trip reports that we received. The ones that we want to  
14 highlight are goatfishes and so we've seen that, in 2006, that  
15 kind of a high of 11 percent and so 11 percent of the reports  
16 saw goatfishes and then it dropped down to the 4 or 5 range. In  
17 the first and second half of 2011, that's been considerably  
18 lower.

19  
20 The one that I would really like to bring to your attention are  
21 the porgies. You see over time it's been fairly consistent,  
22 hovering around the mid-50s to the early 60s and so 50 to 60  
23 percent of the trips who submitted reports caught porgies and  
24 then suddenly we see the porgies drop down to 3.

25  
26 Now, we think that this is a function of the data form not  
27 specifically having key species of porgies on the form and so we  
28 think that what could be happening is that porgies are being  
29 caught, but not handwritten into the form as being caught.

30  
31 Now, we also made some calls to the folks who are monitoring  
32 this and the additional thought that's contributing to this is  
33 that market pressures are influencing whether people are  
34 catching porgies.

35  
36 This is something that's worth having a discussion about, but  
37 one concern is just the fact that all of the porgies that we're  
38 interested in not being typewritten onto that data form pretty  
39 much puts the onus on the fisher to write that landing in and  
40 when we see a decline that pronounced -- You saw the other  
41 declines and it was from 15 to 11 or from 6 to 1. Those  
42 declines are of interest, but when you see a decline that  
43 pronounced, it is very, very concerning regarding our ability to  
44 really know what's going on with those species.

45  
46 **MARA LEVY:** Is that correct on the table, when it says "ACL  
47 groups without data reporting effects are the angelfishes"? I  
48 thought those were in the other group on the other table.

1  
2 **BONNIE PONWITH:** You are correct. That is a typo and that  
3 "without" should be a "with" and you get a piece of chocolate  
4 cake for catching that. Good catch. That's a typo.  
5  
6 Now what we're going to do is look at the landings by ACL group  
7 for groups without the data reporting effects and you know, I  
8 had slides that have the patterns for each of the species  
9 groupings, but rather than going through all of them, I think  
10 the table did a good job of sort of portraying where we are with  
11 them and so what I just wanted to do is show you the trends on  
12 the ones that were the squeaky wheels.  
13  
14 You can see here this very precipitous decline in the pounds  
15 landed for goatfishes and compare that -- If you take a look,  
16 here are the boxfishes and porgies and you see a precipitous  
17 decline in the numbers of pounds being reported.  
18  
19 **WINSTON LEDEE:** We changed from inch-and-a-half mesh wire to  
20 two-inches and that's been going on for the last twelve years  
21 and nobody catches goatfish anymore, unless you spear it, in St.  
22 Thomas. You cannot catch a goatfish in a trap and only if you  
23 have inch-and-a-half or smaller and nobody fishes with inch-and-  
24 a-half wire in St. Thomas.  
25  
26 **ROY CRABTREE:** We did that in the ACL Amendment, I think.  
27  
28 **ROY PEMBERTON:** Let me add one point to that though. If you  
29 have a situation where the trap is full of fish, you might get a  
30 couple of goatfish sticking in there in between. We have seen  
31 that on very few occasions, but I can't even tell you whether  
32 it's the larger goatfish that's being caught or the smaller  
33 ones.  
34  
35 **WINSTON LEDEE:** The larger one in St. Thomas has ciguatera and  
36 so nobody brings it in.  
37  
38 **BONNIE PONWITH:** That's excellent information, because what that  
39 does is helps us kind of groundtruth what we're seeing in the  
40 data and we'll make a note of that regulatory change as a little  
41 check that could help explain a discontinuity.  
42  
43 The one then that really remains that we're interested in some  
44 additional input on is what's going on with porgies, because, as  
45 you can imagine, that is a pretty steep decline in the  
46 percentage of trips that are reporting the landing of porgies.  
47  
48 **EDWARD SCHUSTER:** In terms of goatfish for St. Croix, you saw a

1 lot of it not really from trap fishing, but it was reported on  
2 the CCRs because of the gillnet. Since that has been banned  
3 now, you don't see that show up as much, since the gillnet has  
4 been banned. You would catch the goatfish in the gillnet  
5 fishery.

6  
7 In terms of porgy, when we met in Ponce and we were talking  
8 about restructuring the CCR form, I don't think, and, Carlos,  
9 maybe you can help me, but it wasn't one of the list that we had  
10 the names of the fish on that list to get the street or the  
11 common fisherman name and so maybe that was excluded at the time  
12 when we did it.

13  
14 The next thing is an area that used to be targeted especially  
15 for the porgy might be a prohibited area, due to the East End  
16 Marine Park, where I know they live into like really broken down  
17 reefs and not a lot of activity in there.

18  
19 They live in there and that's a restricted area for fishing due  
20 to the East End Marine Park and so you might not see fishers  
21 targeting that area because of that and if they show up, it's  
22 because that area, they filter out and go into other areas and  
23 maybe they catch them occasionally by spearfishing.

24  
25 **BONNIE PONWITH:** I just want to clarify. What you're saying is  
26 that by not having them as one of the typewritten species that's  
27 on the form, that actually -- You concur that that actually  
28 could be part of the thing that's contributing to the dramatic  
29 decline?

30  
31 **EDWARD SCHUSTER:** Yes, because it was asked to, even in our FAC  
32 by fishers, there's no blank spaces on the new CCR forms where  
33 you could fill in a spot by a name and scientifically, we won't  
34 know that unless we consult DFW, but the common name might be  
35 put on there and then DFW might have to question the fisher of  
36 what it is, but there's no space on there like the previous form  
37 that there could be a writing spot.

38  
39 **CARLOS FARCHETTE:** I wanted to remind the committee members to  
40 at least say your name for the recording.

41  
42 **WINSTON LEDEE:** On the old form, it just said porgies and on the  
43 new form, it says saucereye porgies and so I'm not sure if the  
44 fishermen are not writing in porgies because the name is  
45 different. I don't know why the decline is. I can't tell you,  
46 but that's the one conclusion I can come up with.

47  
48 **BONNIE PONWITH:** I think that that's a reasonable conclusion and



1 my question is what do you think is the best thing to correct  
2 for it, so we'll be able to tell whether porgies are truly  
3 declining in the landings or whether it's just a function of  
4 reporting? What modification would you recommend to the form?

5  
6 **WINSTON LEDEE:** Porgies. Just put porgies and take off the  
7 "saucereye".

8  
9 **BONNIE PONWITH:** What about, instead of switching back to  
10 porgies, which is pretty generic and if we get into a situation  
11 where we're knowing the distinction of which it is, could you  
12 see adding other species of porgies?

13  
14 **WINSTON LEDEE:** I don't have a problem with that.

15  
16 **EDWARD SCHUSTER:** Then we're going to go back to the same thing  
17 of downsizing of where we downsized the new CCRs to going back  
18 to a CCR form that we had previously and that was one of the  
19 problems, where we grouped all the snapper together and grouper  
20 was red hind and the actual grouper and so forth.

21  
22 If this was the case, then we'll have a modernized CCR form, but  
23 two pages of it, if you're going to put all the species that  
24 fall under porgy and so forth.

25  
26 **DAVID OLSEN:** One thing that's not coming up in this discussion  
27 is that the two islands have different catch reporting forms and  
28 the point that Winston raised, when fishermen are all of a  
29 sudden being confronted with a species name for porgies, is I  
30 think it's a problem that would be best addressed by outreach.

31  
32 The forms have just come out and everyone is responding to them  
33 and I don't think there's been much meeting of the fishermen to  
34 kind of explain why they look the way they do and I think you  
35 can get what was originally intended, but I completely agree  
36 that I think the fishermen are looking up there and seeing  
37 saucereye porgy and they say they don't think that's what  
38 they've been catching and I see -- Every Saturday, I see fifteen  
39 to twenty catches and I see plenty of porgies in all of them.

40  
41 I think porgies are of concern, because I think we catch too  
42 many small porgies, but I don't think the data are reflecting  
43 what's actually going on in that case.

44  
45 In these discussions, we need to realize that the St. Thomas  
46 form and the St. Croix form are very different and particularly  
47 for the St. Thomas form, there's a real disconnect with the  
48 prior form and I think that you have to be very careful about

1 proposing ACL overruns when the two forms are so different. I  
2 am interested that there's as much agreement as there is and it  
3 looks to me like the forms are working pretty well.

4  
5 **CARLOS FARCHETTE:** I do agree that the problem is with the  
6 reporting form and from the time we met with Steve Turner and  
7 the group of us in Carambola and we came up with this data form,  
8 one different than the other, I knew that no fisherman was going  
9 to write in a species. They're not going to take the time to do  
10 that.

11  
12 We were trying to push for like the St. Croix form, that has all  
13 the species listed and they just check off the box, because I'm  
14 sure it's because the fishermen are just not writing in, on the  
15 St. Thomas form, the species of fish they're catching. I know  
16 that Fish and Wildlife is having a problem with that, too.

17  
18 **BONNIE PONWITH:** In defense of the hypothesis that people would  
19 write in species, they actually are and so we are, just as Dr.  
20 Olsen speculated, we are seeing write-in species, which is  
21 heartening.

22  
23 The problem that we encounter is that we don't know how to  
24 interpret silence and in other words -- Seriously. You have a  
25 list of fourteen species that are typewritten on a form and then  
26 you have some blank lines and the fishermen are being good about  
27 putting some species in those blank lines, but we don't know if  
28 that represents 100 percent of the additional species or the top  
29 ten or just some random species that were caught that weren't in  
30 those top fourteen typewritten.

31  
32 When we don't see a species listed, we don't know how to  
33 interpret that. Does that mean that zero of them were caught or  
34 does that mean that I just ran out of time and stopped at the  
35 species above that in terms of the magnitude of the landings?

36  
37 The hypothesis is true, but it's just very difficult to  
38 interpret the data is the bottom line. I really appreciate your  
39 observations on what's going on with porgy, because that helps  
40 us get at what is a pretty pronounced data gap in understanding  
41 the landings history of that and I think that we're going to  
42 have to talk more about that.

43  
44 **DAVID OLSEN:** There are fourteen species on the form and in the  
45 work that we've done, the average catch has seventeen species in  
46 it and so clearly, to start with, there's two that should be  
47 added to each form and that can vary from time to time.

48

1 **BONNIE PONWITH:** I think we're going to have to have more  
2 conversations about the form and about porgy, but for the sake  
3 of this presentation, I do want to power through and get into  
4 Puerto Rico.

5  
6 Puerto Rico is next and here is our same table and the one that  
7 stands out, of course, is the Snapper Unit 2. There is a  
8 significant overage and the percent is about 90 percent over. I  
9 will just give you a chance to look at those other percentages  
10 of where we are.

11  
12 Moving on, then let's take a look at the species for which we  
13 believe that reporting actually contributed and those would be  
14 the angelfish and the surgeonfish.

15  
16 **KEVIN MCCARTHY:** The angelfish and the surgeonfish are  
17 consistent over time. We just put them on another page because  
18 we didn't have space and so angelfish and surgeonfish, the data  
19 are consistent throughout the time period being reviewed.

20  
21 **BONNIE PONWITH:** Thank you.

22  
23 **STEVE TURNER:** They haven't been on the form. They aren't now  
24 and they weren't before and so that's the correction. We're not  
25 getting landings, even though we have an ACL.

26  
27 **BONNIE PONWITH:** The next slide talks a little bit about the  
28 same thing that Barbara talked about and that is how we've  
29 broken down our trip reports by coast. Here, you can see the  
30 number of reported trips by each of our partitions, the east,  
31 north, south, and west, and the total and a similar graph that  
32 shows the reporting fishers by coast for each of those four  
33 components.

34  
35 Here is the next slide that shows the percentage of fishers  
36 reporting landings of each of these ACL units by year and none  
37 of these are highlighted in our kind of dirty red color, which  
38 means that they're fairly stable over time and we haven't seen  
39 precipitous declines or big jumps in those percentages of  
40 reporting and so it's very consistent.

41  
42 Now, here's the spaghetti fight that you saw before and I'm not  
43 going to repeat -- Barbara did a really good job of explaining  
44 the expansion factors and sort of the outlier years and the  
45 expansion factors.

46  
47 The one thing that I will say is if those, instead of bouncing  
48 all over from 10 percent to -- The expansion factors of 0.1 all

1 the way to 1.0, if they all sat at 1.0, we wouldn't have to be  
2 doing expansions.

3  
4 The only thing between us and that being true is getting 100  
5 percent reporting and so this is my commercial for help us do  
6 away with expansion factors by doing a really good job of  
7 submitting those reports and submitting them on time. That's my  
8 commercial.

9  
10 Now, these are the Caribbean-wide landings and those are the  
11 aquarium trade and tilefishes relative to their ACLs and these  
12 are just on a different table, just because they're Caribbean-  
13 wide.

14  
15 Then we're going to go into the recreational ACLs and the  
16 landings for Puerto Rico and, again, this is a different table  
17 than what you've seen before. Species are in the first column  
18 and total landings, the annual catch limit, and the percentage  
19 of the ACL.

20  
21 Right now, for Puerto Rico recreational landings in 2010, you  
22 see that the closest that any species came to hitting the ACL  
23 was parrotfish, which was at 68 percent. Here is the same table  
24 for 2011, Puerto Rico recreational landings for 2011, and  
25 looking across of the species, the closest that one came to  
26 hitting its ACL, of course, were wrasses, which exceeded, and  
27 then the next one in line below that looks like it's goatfishes  
28 that hit 77 percent of the ACL.

29  
30 Taking the information that the SSC gave us and the information  
31 that the Southeast Fisheries Science Center folks and SERO folks  
32 looked at, our colleagues in Roy's office created projected  
33 closure dates for stocks or stock complexes that exceeded their  
34 ACLs.

35  
36 Again, we're going to confine those to ones where we believe  
37 that the overages were real and so in this table, you can see  
38 that the rows are the islands, the sector within the island, and  
39 then the stock within that sector and then the proposed closure  
40 date.

41  
42 For Puerto Rico, the Snapper Unit 2 fishery, the projected  
43 closure date is July 11. For the Puerto Rico recreational  
44 wrasse, the projected date is the 20<sup>th</sup> of October. For St.  
45 Thomas/St. John commercial grouper, the projected date is the  
46 28<sup>th</sup> of November and for St. Croix commercial triggerfish and  
47 filefish, the projected date is November 22.

48

1 Next, what I'm going to do is show you the models that were used  
2 to kind of sketch out what those projected dates are going to  
3 be.

4  
5 **ROY CRABTREE:** Bonnie, can I say one thing about that table?  
6 Remember in the Virgin Islands the ACLs are recreational and  
7 commercial and so while that table says commercial grouper, it's  
8 all grouper, recreational and commercial, for St. Thomas/St.  
9 John and St. Croix, with triggerfish and filefish, it would be  
10 recreational and commercial. It's only in Puerto Rico where we  
11 subdivided those ACLs.

12  
13 **BONNIE PONWITH:** Thanks for that distinction. Again, here are  
14 the models that illustrate how those dates were landed on. What  
15 you see is landings for 2010 and 2011 and the average across  
16 2010 and 2011 and then what the ACL is and it's these plots that  
17 were used -- These are plots of cumulative landings in pounds  
18 and these plots, the patterns we're seeing in these plots, were  
19 used to arrive at the proposed closure date.

20  
21 This is for Puerto Rico Snapper Unit 2 and here's the same table  
22 for Puerto Rico wrasses. These are the projections for St.  
23 Thomas/St. John grouper and these are the projections for St.  
24 Croix triggerfish and filefish.

25  
26 **WINSTON LEDEE:** When you say grouper, that's all the grouper  
27 combined or just the hind, red hind?

28  
29 **BILL ARNOLD:** It's a bunch of species. I don't have the list in  
30 front of me right now, but it's all managed species, all  
31 federally-managed grouper species. For each one of these units,  
32 it's the federally-managed members of that unit that these ACLs  
33 and closures will apply to.

34  
35 **WINSTON LEDEE:** We took them apart in the new catch form and  
36 we're putting them back together and so you separated them,  
37 because most people are writing in the other groupers that are  
38 not on the form, as far as I know, and so you total all that and  
39 you put it back together now and that's the way you're doing it.  
40 Is it not supposed to be done separately?

41  
42 **BILL ARNOLD:** No, Winston, we don't have the data. We have not  
43 established individual species or even unit-level ACLs for the  
44 groups in the USVI. They are still just complex-level ACLs and  
45 it will probably take, and this is, of course, an SSC/Science  
46 Center decision, but I would think it would take at least  
47 several years before they feel they have enough data to develop  
48 ACLs at the species level, if they want to do that, but that

1 isn't what we're doing now.

2  
3 **WINSTON LEDEE:** The new forms have been about a year now,  
4 approximately, somewhere around there. We've had them about a  
5 year or a little over a year and when you take apart the grouper  
6 and you write -- We've been writing in all the other grouper we  
7 catch besides the red hind, which is the most prominent one we  
8 catch, and you put them back together, you're going to end up  
9 with larger ACLs, because now you're separating them. Do you  
10 understand what I'm saying? But then you guys are going to put  
11 them back together and so that's why I think you have an  
12 increase in your quota, allowable quota, catch.

13  
14 **ROY CRABTREE:** This is the way we set it up in the ACL  
15 Amendments and we could come in and change it, but we would have  
16 to do it, but if you think about it, these ACLs are based on  
17 average landings and then we reduced them a little bit by that  
18 uncertainty factor.

19  
20 It's actually surprising to me that we're not over more of them  
21 than we are right now, because what you see is trips are down.  
22 You see those things showing that effort is coming down and  
23 we've got those seasonal closures and other things in place for  
24 various species and maybe that's bringing the catches down or  
25 maybe the economy is such that people aren't fishing as hard and  
26 fuel prices are up and a whole bunch of things, but really, when  
27 you have ACLs based on some fraction of average landings, it's  
28 hard to imagine you wouldn't exceed some of them periodically.

29  
30 We can come in and change these and in fact, we're going to  
31 come, later today or tomorrow, to the scoping document on the  
32 island-specific plans and I imagine as part of that that we're  
33 going to review what species we should be managing to begin with  
34 and I would think then we would revisit all of these groupings  
35 and ways we might want to change them and so I think we can do  
36 that.

37  
38 Bill makes a good point though that we've only had the forms in  
39 place for a short period of time and if we've got to use some  
40 sort of average landings kind of thing, it may be difficult to  
41 figure out how exactly to split them up.

42  
43 **DAVID OLSEN:** Specifically on the groupers, the yellowfin  
44 grouper makes up about 5 percent of the landings and it's had a  
45 25 percent reduction in effort since 2005 and the hind -- One of  
46 the best examples of a recovering species in the tropics is the  
47 red hind on the MCD.

48

1 Rick Nemeth has published a number of papers in refereed  
2 scientific journals and in 1996 or 1997, he saw 7,000 fish on  
3 the Bank and in 2004 or 2006, he saw 96,000. That's a fourteen-  
4 times increase in the number of fish and the average size  
5 increased from around twenty-seven or twenty-eight centimeters  
6 to forty in 2006. The average fish weighed twice as much as it  
7 did in 2006.

8  
9 This is a rapidly recovering success story and the ACL has  
10 never, ever taken this into account. It is unreasonable to  
11 restrict a species group when 95 percent of it is covered by  
12 either a 25 percent reduction or a very successful increase in  
13 numbers.

14  
15 The council at some point needs to take the best available  
16 scientific information and incorporate that into the decision.  
17 We have not seen the end of the red hind recovery. Red hind  
18 were a very safe fish in terms of ciguatera. It was one of the  
19 minor-risk fishes, but in the recent ciguatera study, it was the  
20 most frequent poisoner in the emergency room and that was  
21 simply, in my opinion, a result of there is so many more and so  
22 many more people are eating them that even though the same rate  
23 of toxicity room exists, they're ending up in the emergency  
24 room.

25  
26 There are all kinds of indicators. You can't go on a Saturday  
27 without just seeing truckloads of these things. They really  
28 have expanded beyond the market's ability or willingness to  
29 accept that many red hind.

30  
31 They were always a desirable fish, but not that desirable and I  
32 think the council at some point needs to instruct the SSC or  
33 something along those lines to take this into account, because  
34 the ACL for the red hind needs to reflect the incredible success  
35 at recovery that has taken place out there in the MCD.

36  
37 **EUGENIO PIÑEIRO:** David or maybe Winston or Blanchard, any of  
38 you that can answer the question, you're getting blamed for a  
39 success story?

40  
41 **ROY CRABTREE:** I looked back in the minutes of the last meeting  
42 and we had this same discussion then. I don't know if there was  
43 any discussion of this specifically at the SSC meeting last  
44 time. Did they come to any conclusions or make any  
45 recommendations about this, Barbara, that you recall?

46  
47 **CARLOS FARCHETTE:** I know Nemeth was there, but go ahead,  
48 Barbara.

1  
2 **BARBARA KOJIS:** Certainly over the long term, since the  
3 beginning of the studies of red hind in the Virgin Islands by  
4 Jim Beets and subsequently by Rick Nemeth and so on, it's  
5 obvious that red hind is a success story, with a big increase.  
6  
7 Certainly when I go to the market, I will see a dozen red hind  
8 on the back of people's trucks and so on. People are frequently  
9 selling red hind and they're available and they're a good size  
10 as well.  
11  
12 Rick Nemeth brought us data. The data he brought was from 2001  
13 onward and looking at the spawning aggregation and so on and it  
14 was clear that there are cycles within the spawning aggregation  
15 and so on.  
16  
17 It looks like what's happening right now is that the spawning  
18 aggregation has achieved a certain size and there are cycles  
19 within that and it's maintaining its size and possibly  
20 increasing a little bit, but most of the data he provided  
21 indicated that in some years the size was increasing and then  
22 other years it decreased and then it went up again and some of  
23 it was, when the size decreased, just because a lot of younger  
24 red hind were coming in and so on.  
25  
26 There wasn't -- Since I think 2001, which Graciela has the  
27 PowerPoint presentation that he gave, there was fluctuations  
28 that he thought over time he might be able to see a cycle in  
29 there.  
30  
31 Clearly since the beginning of the studies that were done, there  
32 has been a dramatic increase in red hind within the spawning  
33 aggregation and I would think that the TIP data would also have  
34 information on the number of red hind in the catches as well and  
35 what sizes of red hind are in there and that should be something  
36 that should be looked at as well.  
37  
38 The information that we were provided at this meeting indicated  
39 nice fluctuations, but nothing that was indicating a dramatic  
40 increase in recent years that would indicate this overage, the  
41 reason for this overage, in the numbers of red hind.  
42  
43 **TONY BLANCHARD:** I would like to congratulate Barbara for  
44 bringing a point across as well as Dr. Crabtree and Dave Olsen.  
45 The thing is this. We have studies that Nemeth has put in the  
46 record that has been overlooked when yet NMFS or anybody else  
47 has not gone inside there and assessed for themselves how the  
48 Hind Bank has developed.



1  
2 Just like Barbara said, Nemeth finds that it's a fluctuation  
3 from the amount of hind in the Bank sometimes and I could give  
4 you the scenario for this. It's like the fish in a bowl. The  
5 fish can only grow so big because of the size of the bowl. Once  
6 they reach a certain size, they have no choice and it's like a  
7 hurricane. It could only get so strong and then it has to  
8 weaken. It can't sustain that kind of strengthening and the  
9 same thing with the fishery.

10  
11 Basically, what's been happening here is with the ACLs, the  
12 fishery is strong, but we've been punished for actually  
13 protecting it to a certain extent, because we can't catch over a  
14 certain amount of fish, which that inhibits the fish from  
15 actually spawning and producing again. It's like anything else.

16  
17 It's just like in wartime. Once a certain population is wiped  
18 out, according to history the population actually blooms after  
19 that and so it's a replacement. It moves from one stage to the  
20 next.

21  
22 The thing is with the ACLs is that if we are being fair, it has  
23 to work both ways. If the information is there showing that the  
24 fishery is good, then we should be able to catch more fish.  
25 Now, if it's showing that the fishery is in trouble, then we  
26 should have to catch less fish, but what it seems like is a  
27 catch-22.

28  
29 The more information you get, you choose to dictate how you want  
30 it to go, yet it don't ever come in our favor, because although  
31 Nemeth has shown that the hind has increased, our ACLs ain't  
32 gone no place and the impression I get is we don't have enough  
33 information to sustain or to come to a conclusion that the  
34 fishery is actually as good as he said it is, for whatever  
35 reason. At least that's how I'm reading it here.

36  
37 If we're going to be fair, let's be fair. Don't say for one  
38 thing for one thing for something else. We have our agenda to  
39 push and I think some of us is on the same level and some of us  
40 ain't on the same level, for whatever reason, and that's my  
41 personal take on this.

42  
43 **ROY CRABTREE:** Yes and some of that is what bothers me a little  
44 with this and I want to come back, Barbara, to the SSC. It  
45 doesn't seem right, to me, that if we're seeing a dramatic  
46 recovery over the past period of time, yet we're constraining  
47 the fishery to average catch and then I think it was reduced by  
48 15 percent over that same period of time.

1  
2 It does seem like the ACL we have now doesn't reflect that the  
3 stock has recovered and should be able to sustain a higher  
4 harvest rate than it has over the average, which I think is  
5 getting to what Tony is getting at.

6  
7 I'm trying to figure out how we get out of this bind. I guess I  
8 don't know if we have red hind scheduled for a SEDAR at this  
9 point and that would be the only thing I could think of, would  
10 be to try and schedule red hind for a SEDAR. Of course, the  
11 difficulty with that is we rarely are able to come to much of a  
12 conclusion from SEDAR.

13  
14 It seems like we either need to schedule a SEDAR for red hind or  
15 we need to identify what sort of analysis we need to go before  
16 the SSC to try and take this into account, because it does seem  
17 to me, like Tony is saying, that if we're locked into average  
18 catches from the past and we've got stocks that are improving  
19 that we're not taking that into account in the way that we  
20 should.

21  
22 **BONNIE PONWITH:** It's my understanding that we are on tap for a  
23 stock assessment on red hind this year and so this is the  
24 opportunity to take the results of these studies and incorporate  
25 them into the other data that we've got, the landings data and  
26 length data that we might have from fishery-independent data  
27 collections, and be able to reevaluate the status of that stock.  
28 That represents the opportunity then to reset the ABC through  
29 the SEDAR process, which could result in a change in the ACL.

30  
31 **BARBARA KOJIS:** I would like to concur with that, because  
32 Richard Nemeth has a long time series of data now. There have  
33 been other surveys that were done by the University of the  
34 Virgin Islands as well. There's also been TIP data and I think  
35 there's been an emphasis on collecting more TIP data.

36  
37 There may be information out there that would allow us to see if  
38 the stock biomass has increased and I think that's really  
39 important to take a look at.

40  
41 One of the questions I have for the fishermen, because it wasn't  
42 clear to me what was happening with this, is why, in a number of  
43 cases, the number of fishers reporting really skyrocketed, but  
44 the actual trips declined.

45  
46 Is there some explanation for that? Are people going out less  
47 frequently or are people, because of the fact that you have  
48 reporting on an individual basis, maybe not reporting as

1 frequently as they did or more accurately reporting now or  
2 before they had a form with months on it and they just made it  
3 up? I don't know.

4  
5 **TONY BLANCHARD:** Let me answer the question that you just asked.  
6 I don't know today the number of fishermen that's reporting, but  
7 I can tell you that because of the market, the market only takes  
8 so much. The economy is down and people don't have the money to  
9 spend and so when they would spend fifty-dollars, now they'll  
10 actually spend twenty-dollars and make do until the next week.

11  
12 I sometimes only go once a week. I used to go two or three  
13 times a week, but if I catch a fish, what do I do with it?  
14 That's where the fluctuation in the market is and actually, it  
15 works both ways, because the less I go out and the less the  
16 other guys go out, the better the fishery is going to get and so  
17 you're going to actually see us overrunning these numbers much  
18 quicker when the economy gets better and so it's a catch-22.

19  
20 That should answer the question and the other take on this is  
21 this. Seeing that I bring this to the table for the hind, I  
22 don't think there should be any ACLs on the hind or any  
23 enforcement until you can come and give us the stats that we  
24 need to show that there actually needs to be an ACL on these  
25 hinds and I'm not a scientist, but that's my take on it.

26  
27 **DAVID OLSEN:** I was interested to hear that Rick felt we were  
28 kind of reaching an asymptote in the recovery, because the 1996  
29 to 2006 stuff was still just going crazy. I can tell you, from  
30 looking at the TIP data from 1974 to when I was there in 2006,  
31 the fish in the TIP data are getting bigger, but the main  
32 problem we're going to have with the SEDAR, and it will always  
33 come up, is that between 1993 and 2003, there was almost no port  
34 sampling in St. Thomas and that creates a problem for any sort  
35 of analytical effort you make.

36  
37 I don't know how you would -- I really appreciated Roy's  
38 comments. One of the National Standards is to achieve the  
39 optimum yield and that's not a discussion which usually takes  
40 place here, but it's pretty clear that the allowable biological  
41 catch, as measured by the average landings from 2000 to 2005,  
42 was just a little window in terms of the red hind in terms of  
43 the recovery.

44  
45 If they were going from 7,000 fish in 1996 to 96,000 in 2006,  
46 that little window there was not a real indicator of what was  
47 going on and to me, the success of the council will come when it  
48 can take onboard this kind of information and respond to it, so

1 that it's actually managing the fishery and not some minimal  
2 statistical thing like the average landings.

3  
4 **ROY CRABTREE:** The problem we've got is that we have to stay  
5 within the catch levels that we get out of the SSC and so we  
6 really, as much as we may like to take this into account, we're  
7 limited and we've got to work with the SSC to do it.

8  
9 Now, Bonnie, you said we had red hind scheduled for 2013, but  
10 I'm looking at the SEDAR schedule, at least the last one I've  
11 got, and I don't see it and so could we confirm when red hind is  
12 scheduled for a SEDAR? Do you have it, Graciela?

13  
14 **GRACIELA GARCIA-MOLINER:** I don't have it with me, but I thought  
15 that it had changed, because we had requested red hind to come  
16 online sooner than expected, because it does have age and growth  
17 data and there is quite a bit of TIP data.

18  
19 **ROY CRABTREE:** Could you just confirm, Bonnie, as to exactly  
20 when it's going to happen and see if you can check the schedule  
21 as to when we could expect that to be completed and when it  
22 would go before the SSC, just so we could plan where we would  
23 take this up?

24  
25 **BILL ARNOLD:** I don't disagree with any of this conversation,  
26 but I would like to remind everybody that you're kind of  
27 comparing apples to oranges here. Up to June of 2011, in the  
28 USVI we had a single group called groupers and it caught all  
29 groupers into that pile and not just red hind, but everything.

30  
31 Now we have, starting in July of 2011, a St. Thomas fish trap  
32 reporting form and the only grouper on that form is red hind and  
33 so now the landings we're getting are all red hind and you see a  
34 lot of red hind, but totally forgotten are the other seven or  
35 eight species of grouper that are being caught.

36  
37 If we focus too much on the red hind, even though that's by far  
38 the dominant catch, we will lose track of these other species  
39 that are being caught and we will inappropriately interpret our  
40 ACLs as only being a red hind ACL when this ACL actually applies  
41 to all of those grouper.

42  
43 You may find that you're going over and some of that overage is  
44 not due to red hind and it's due to these other species and so  
45 it's not a simple matter of just saying -- Unless we want to  
46 identify red hind as an indicator species and say that's going  
47 to drive our grouper management program in St. Thomas, then  
48 we've got to account for these other species and they've got to

1 be taken account of in our ACL considerations. That's what was  
2 done from 2000 to 2005 and that's what is not being done  
3 beginning in July of 2011.

4  
5 **MIGUEL ROLON:** Just to those points, we have a problem that  
6 people have to understand, especially at the council level.  
7 When the ACLs were approved, in some cases commonsense is out  
8 the window. In a practical approach to fishery management, you  
9 look at the size limit going up and you have the protection of  
10 the spawners and all that and now we are bound by these numbers  
11 and here, I have a question for Bill, because I was thinking  
12 about the same thing.

13  
14 Is there any possibility that we can separate the red hind from  
15 the rest of the groupers so that we can address the red hind and  
16 looking at all the other parameters that people were talking  
17 about?

18  
19 The second question is we are waiting for SEDAR and is there any  
20 mechanism available that if we don't have the SEDAR next time,  
21 can we put together a group of experts that can shed some light  
22 on this, just addressing the red hind, so the Center can have  
23 that information as well as the SSC? Those are the two  
24 questions.

25  
26 **BILL ARNOLD:** I'm sure I will forget the second one by the time  
27 I get through the first one.

28  
29 **BONNIE PONWITH:** I've got confirmation that the decision that we  
30 made in November was to do red hind this year and right now,  
31 it's scheduled as SEDAR-35. The data workshop will begin in  
32 October and the assessment workshop will be done via webinars  
33 over the winter and the review workshop will be completed in May  
34 of 2014.

35  
36 **ROY CRABTREE:** What we saw with the projected closure date was  
37 November 28 and now, this SEDAR will be completed in May of 2014  
38 and so that's not going to do us any good for next year, but  
39 then we could get it in place the following year.

40  
41 Now, whether you could do some other sort of analysis to go to  
42 the SSC with and see if we can get anything out of that for next  
43 year, I don't know, but at least with the schedule we've got  
44 now, it's not going to help us any for 2013, but we could  
45 certainly get it in place for 2014.

46  
47 I guess if we stay on our current schedule of meetings in March  
48 and August, we would see the new results at the August 2014

1 meeting and you could, at that meeting, if we got a higher ABC  
2 to allow us to increase this ACL, I guess we could do some sort  
3 of emergency action or something like that and get it in place,  
4 but it's not going to help us for next year.

5  
6 **MIGUEL ROLON:** That's what I'm trying to look at, because  
7 personally, I believe that SEDAR is too slow for this area and  
8 we need to be creative. We are in this box that we call ACL and  
9 it's killing us and by us, I mean the whole nation.

10  
11 In the case of the red hind in particular, we were so proud that  
12 we had the red hind closure and all of a sudden we had red hind  
13 all over the place and now it is biting us in the back, the  
14 lower back. Again, the question is, Bill, can we separate this  
15 and then we can address it? If we cannot, then we're stuck with  
16 it until 2014.

17  
18 **ROY CRABTREE:** You're talking about breaking up the complex into  
19 separate ACLs? You can do that, but you've got to amend the  
20 plan to do it and I don't know that it solves your problem at  
21 all. You potentially break the group up and still have a  
22 closure, I don't know.

23  
24 If you wanted to do that, we could instruct staff to do that at  
25 this meeting and then they could come in with some kind of  
26 options paper at the March meeting, but then we don't meet again  
27 until August and so we couldn't get a plan amendment done on  
28 that time of run, but we could at least ask them to break it  
29 apart somehow and see if doing that would even -- I don't even  
30 know what it would do if you did break it apart. It might not  
31 change anything and I don't know, Bill, if you could do  
32 something with that while we're at this meeting and look at it  
33 or not, but we could sure look at that at the next meeting.

34  
35 **BILL ARNOLD:** Roy, that would be a TIP data-type analysis and  
36 that would be probably reasonably well involved. It's nothing I  
37 could address very well here at this meeting.

38  
39 **GRACIELA GARCIA-MOLINER:** Miguel asked another question and it  
40 had to do with an ad hoc group to look at the grouper situation  
41 in the St. Thomas area. We do have not only the TIP data, but  
42 we also have the SEAMAP Caribbean data that collects information  
43 on red hind.

44  
45 We do have the MCD closure in St. Thomas and someone who has  
46 been looking at it for a very long time and you have the data  
47 from the east coast of Puerto Rico, which is supposedly being  
48 seeded by the red hind from the MCD, judging by the size of the

1 fish that are being harvested off the east coast of Puerto Rico.  
2  
3 There is a lot of information and it does have age and growth  
4 work done by Yvonne Sadovy from some time back. Conceivably,  
5 you could also have the reevaluation of the aging done very  
6 quickly, because it already had been done and you have people in  
7 Puerto Rico who are already trained for the aging or contract  
8 out the work to look at that aging.  
9  
10 You basically have all the little pieces of the puzzle. You do  
11 have about ten species of groupers that are potentially landed  
12 in the St. Thomas area, out of which you only have four that  
13 you've put in the catch reports.  
14  
15 Three of the other nine or ten are already banned and so you  
16 have three grouper that you are not landing at all because they  
17 are not part of the fishery and so that leaves you with a fairly  
18 small number of four species that are the main harvest of the  
19 St. Thomas area.  
20  
21 If in this case the red hind, because you have already taken  
22 yellowfin grouper out of the equation because you have the  
23 seasonal closure and the Grammanik Bank closure and so you have  
24 double protection on that, it leaves you with three species to  
25 look at.  
26  
27 The problem is that when you look at the TIP data that's  
28 available, the numbers are fairly small for St. Thomas and so  
29 it's about six-hundred-and-something in the last four or five or  
30 six years and so an ad hoc group or contract with someone who  
31 could actually sit down and just look at specifically the St.  
32 Thomas situation could be a fairly quick solution and give you a  
33 quick response, probably by March.  
34  
35 **BONNIE PONWITH:** We've got a stock assessment scheduled. The  
36 thing that you have to be careful about in ad hoc is it's ad hoc  
37 and so it gives you some flexibilities sometimes when time and  
38 resources are limited and this is a deep frustration, but  
39 sometimes peer reviewing something that's done outside of the  
40 system can end up costing as much time as doing it in the first  
41 place.  
42  
43 You have to be really careful about that, because the thing that  
44 you want to do -- I understand the frustration about SEDAR. It  
45 takes a long time to get on the schedule and the process is  
46 slow, but the advantage is that it's designed so that when it's  
47 done there's a level of buy-in in the process.  
48

1 If something is done ad hoc sort of black box, then the amount  
2 of time that it takes to actually go over and figure out where  
3 the data came from and QA/QC the data and QA/QC the process and  
4 bless the result as best available can take almost as much time  
5 as doing it yourself and if that's true, then you're almost  
6 better off doing it yourself, because then you're not doing it  
7 twice.

8  
9 The very people that we would want to peer review an externally-  
10 generated product are the same people that likely you would  
11 assign to do the analysis in the first place.

12  
13 **MIGUEL ROLON:** I wasn't thinking of ad hoc, actually. I was  
14 thinking of a specific mechanism for this, because SEDAR is too  
15 slow for us. When you compete with the other two guys, the big  
16 guys on the continent, it's not going well for us.

17  
18 The other thing that worries me is that, okay, we're bound by  
19 the law and all that, but we are really missing the point of  
20 managing the fishery with commonsense. We have a fishery and  
21 there's nothing wrong with the darned thing and now we are  
22 penalizing people and we have to be careful with the ACLs.

23  
24 These ACLs close fisheries and so when we get to 2013 or 2014,  
25 probably I won't be around and maybe I'll get the lotto and I  
26 won't be here, but we have a problem on our hands and probably  
27 we need to solve it one way. I understand that if we start  
28 doing this that by the time that we have an amendment or by the  
29 time we have this other mechanism, it's 2014 already and we have  
30 the same players every time, but we need to think about one way  
31 that could be acceptable, especially to the Center, that will  
32 make sense to everybody.

33  
34 I believe that what Bonnie is saying is really the core of this  
35 matter. We need to have a system or keep with a system that is  
36 credible that could be construed as the method to get the best  
37 available data, but at the same time, we have a problem.

38  
39 **ROY CRABTREE:** To me, the deeper problem though is not the pace  
40 of SEDAR. I don't know how many Caribbean SEDARs we've had, but  
41 we've had at least six or so, five or six, but none of them have  
42 ever given us a catch level, to my knowledge.

43  
44 I have limited expectations that we'll get a catch level out of  
45 the SEDAR for red hind. I hope we do, but the real problem is  
46 we keep doing SEDARs, but they're not giving us what we need and  
47 we're still based on average catch.

48



1 We can talk about we don't want to do things that are ad hoc,  
2 but what the hell is more ad hoc really than average catch  
3 reduced by some percentage? It's pretty ad hoc and so that's  
4 the real problem I've got with how SEDAR is going down here.

5  
6 We did the SEDAR for queen snapper and redbtail parrotfish and  
7 they came out saying the stocks are in good shape, but we didn't  
8 get a catch level out of it and we haven't adjusted the ACLs  
9 based on those, because we haven't gotten a new ABC or anything  
10 out of it. That's the crux of the problem that I have with  
11 where we are, is we keep going through all this, but we don't  
12 get beyond just a reduction of average catch and so somehow  
13 we've got to get beyond that.

14  
15 **MIGUEL ROLON:** Is there any way, Roy, that -- This is it, guys,  
16 but is there any way that we can get a, let's call it an X body  
17 that can give you the catch levels?

18  
19 **ROY CRABTREE:** A what now?

20  
21 **MIGUEL ROLON:** A body, and call it any way we want, but some  
22 mechanism that can give us those catch levels? Have you thought  
23 about any possibility?

24  
25 **ROY CRABTREE:** Remember when we first started on the ACL  
26 Amendments that we had a couple of working groups that we pulled  
27 together to go through this stuff and I guess we could pull  
28 together some sort of working group of the Science Center and  
29 maybe Billy and the SSC or whoever and take a look at some of  
30 these ACLs and see if we can't come up with something.

31  
32 If you think about it, we know, based on what the Center gave  
33 us, that for some of these groups the reporting has completely  
34 changed now and so the ACLs we have for like angelfish aren't  
35 comparable to the catches we have now and so we need to come in  
36 and revisit those and relook at them and we're going to have to  
37 reset those ACLs so that they're comparable again.

38  
39 I think one of the things that ought to come out of this meeting  
40 is to pull together some sort of working group to look at least  
41 at that issue. Now, whether they can look at some of these  
42 other issues more broadly and come up with something like that,  
43 I don't know. Maybe so.

44  
45 I wasn't at the SSC meeting and I am really not that familiar  
46 with Dr. Nemeth's work and all that and so it's hard for me to  
47 really know what we could do, but I think something along that  
48 working group approach we need, because with the deepwater

1 snapper group in Puerto Rico -- They found a trip report of  
2 9,000 pounds and another one of 2,000 pounds that everybody  
3 agrees is unreal and didn't happen and so those were eliminated.

4  
5 Well, if you go back and look at the timeline we used to set the  
6 ACLs, how many trip reports might be in that one that are  
7 unrealistic? Probably there's benefit to going back in and  
8 revisiting a lot of these things and trying to sort through and  
9 clean up the data more.

10  
11 I don't know where that leaves you. It might leave you saying  
12 the ACLs we have now are too high and ought to be lowered or  
13 maybe not. I don't know where it takes you. The problem we've  
14 got is we've got a limited number of people and time and how  
15 much of these can we do and what are the real priorities with  
16 it?

17  
18 I sure would be disappointed if we have a closure and we wait  
19 until 2014 and we have a red hind SEDAR and then we don't get  
20 something out of it to let us adjust the catch levels and if  
21 that happens, I think at that point we really need to really  
22 rethink the whole process we're using down here with SEDAR,  
23 because at least up until now it isn't working, because it's not  
24 fundamentally giving us what we need, which are catch levels.

25  
26 **BONNIE PONWITH:** Those are all really good points and what I  
27 don't want to do is vilify SEDAR as the reason why we're not  
28 getting catch levels. It's actually that the assessments are  
29 not robust enough to be able to result in a catch level being  
30 given and that's, nine times out of ten, the reason for that is  
31 that the level of data that we have is inadequate.

32  
33 A couple of things have happened. For stocks that were  
34 undergoing overfishing, the process for setting ACLs was pretty  
35 darned fast. There was not a lot of time to go in and set those  
36 ACLs. For the stocks that were not undergoing overfishing, we  
37 had an extra year, but that was still a pretty deep deadline for  
38 doing something that was a broad-sweeping assignment across.

39  
40 I think that there's a lot of sagacity, I think, in pulling  
41 together a group and revisiting those ACLs, particularly in light  
42 of the new guidance that's come forward for data-poor stocks,  
43 because there's a new document out, the Only Reliable Catch  
44 Stocks or Species, the ORCS report, that's come out that gives  
45 some guidance and advice of what to do when pretty much the best  
46 data that you have are landings data.

47  
48 Added to some of our problems is that some of our catch isn't

1 particularly reliable and we're seeing some questions in the  
2 landings data and that adds to some of the challenges that we've  
3 got in using the data that we have at our fingertips for setting  
4 those, but I think that going back and revisiting the process,  
5 the decisions that were made, for those ACLs is a reasonable  
6 thing at this point. Yes, going to the new forms is going to  
7 add a new wrinkle into the data, but I think that that would be  
8 a smart thing to do.

9  
10 **MIGUEL ROLON:** Bonnie, do you think then if we got a working  
11 group with that task that you just mentioned, would that be  
12 helpful between here and 2014?

13  
14 **BONNIE PONWITH:** I just want to make sure I heard you. To put a  
15 new working group together in 2014 to look at that? Is that  
16 what you just said?

17  
18 **MIGUEL ROLON:** No, right now, tomorrow or next year. If we have  
19 a working group and the terms of reference for that working  
20 group will be just what you just said, to go back and revisit  
21 those areas, would that be helpful? Would that be something  
22 that would be doable and acceptable by the Center?

23  
24 **BONNIE PONWITH:** Yes, I think it's actually reasonable to go  
25 back and look at the decisions that were made and the process  
26 that was used and take what we've learned from that over the  
27 last two and three years and revisit it would be a smart thing.

28  
29 I'm going to have to go back and kind of consult. We've got a  
30 lot on our plates this year and I'm going to have to go back and  
31 consult to see whether it's technically feasible to squeeze that  
32 in during 2013, but I will say this much, that I'm willing to go  
33 and look at what's on our schedules and I think that would be a  
34 smart thing to do.

35  
36 **ROY CRABTREE:** If we could do something like that and have it  
37 presented to us at our August council meeting in 2013, you would  
38 have time to -- If we got a new ABC out of it, catch level out  
39 of it, you would have time then to potentially make an  
40 adjustment to avoid closure of grouper and in the case of the  
41 deepwater snapper in Puerto Rico, if something came out of that,  
42 I guess at that point you would be looking at talking about  
43 possibly reopening or something, because the projected closure  
44 date for the deepwater snapper in Puerto Rico is in July and I  
45 don't think there's any way to get -- We meet in March and so I  
46 just don't see how that would work out.

47  
48 I think if we could do something along those lines, Miguel, it

1 would be a worthwhile thing to do and I think in terms of  
2 timing, if we could do it in a way to get it to us at the August  
3 meeting, that would give us time to make some changes.

4  
5 **MIGUEL GARCIA:** Expanding from what you just said, the SEDAR was  
6 just completed for queen snapper recently and as far as I know,  
7 it said that the species is not overfished and we are talking a  
8 projection of closing a fisheries unit of Snapper 2 for July in  
9 2013.

10  
11 If a working group is going to be formed to discuss this issue,  
12 I would say that Snapper Unit 2, including queen snapper, should  
13 be a priority for discussion, since there's going to be a  
14 closure in July of 2013.

15  
16 **ROY CRABTREE:** I don't know, but maybe Bill or Bonnie or  
17 Graciela, but why didn't we get a new catch level? We had that  
18 stock assessment and we did get an evaluation of the status of  
19 queen snapper, but why didn't we get a catch level  
20 recommendation out of it?

21  
22 **GRACIELA GARCIA-MOLINER:** One of the reasons is that there are  
23 two species in that group and we don't have -- The council  
24 hasn't come up with an indicator species for the group and so  
25 the two of them together, we only assessed queen snapper rather  
26 than the cardinal snapper. That's one issue that we have.

27  
28 We need to probably start thinking about indicator species for  
29 all the FMUs that we have in place, because it's the same  
30 problem that we're having with the groupers and the grouper  
31 units. We don't have indicator species for any of those.

32  
33 **ROY CRABTREE:** Right and I understand that, but if you got a  
34 catch level recommendation for queen snapper, then you would  
35 take that catch level and sum it with the average catch for the  
36 other species and that would be the combined ACL, but that  
37 didn't happen. We didn't change the ACL and so did we actually  
38 get a catch level for queen snapper out of that assessment?

39  
40 **GRACIELA GARCIA-MOLINER:** No.

41  
42 **ROY CRABTREE:** That's really my question, is why the assessment  
43 wasn't able to give us a catch level. Was it just too  
44 uncertain?

45  
46 **GRACIELA GARCIA-MOLINER:** There are a couple of reasons. One of  
47 them is that they couldn't actually complete the evaluation of  
48 the stock. We don't have age structure for the queen snapper.

1 We do have reproductive biology information and we do have  
2 maximum size and that kind of thing, but we don't have age and  
3 so there was not an actual stock assessment done for the queen  
4 snapper.

5  
6 **MIGUEL ROLON:** The other elementary reason is they were not  
7 asked to have a catch level and that was it.

8  
9 **ROY CRABTREE:** Could we, with queen snapper, go back to the SSC?  
10 Barbara, did the SSC ever review the results from the SEDAR for  
11 queen snapper and was there discussion about -- I don't know  
12 when the SSC meets again.

13  
14 **BARBARA KOJIS:** I think that Todd gave us a summary of what was  
15 happening with the queen snapper and so on, but we didn't really  
16 go over it, I think, and we more or less thought it was a good  
17 report that he gave us, but we didn't go over it and review it  
18 in terms of looking at whether there was a catch limit or  
19 anything like that or any potential for changing the ACL on  
20 that. I guess the council could ask the SSC to do that if they  
21 want.

22  
23 **MIGUEL ROLON:** I keep telling this to everybody, but I have a  
24 simple mind. Just ask the people we need to ask to give me a  
25 catch level for this species and don't go around the bush and  
26 tell me we can give you this or give you that, but just give me  
27 a catch level and if you cannot give me a catch level, tell me  
28 there's no way in hell I'm going to give you a catch level for  
29 this species.

30  
31 We have to do that before July, because otherwise, we're stuck  
32 and that fishery will be closed or whatever the AMs say to do  
33 after July.

34  
35 Again, there's no excuse for not closing something because you  
36 find somebody who catches 2,000 pounds and writes down 12,000  
37 pounds, because the numbers get to the Center and those are the  
38 numbers you have to play with and remember, we have other people  
39 watching us and it's not only the people around here. We have  
40 NGOs and we have other people that we have to respond to.

41  
42 I propose this, that we get to the working group and terms of  
43 reference for that working group, the staff can discuss it with  
44 Bonnie Ponwith and the Regional Office and make sure we have the  
45 right questions asked to this group.

46  
47 Then we can select the members of that group and try to meet the  
48 SSC between the first quarter and ask the question of the SSC

1 and see what happens. Maybe we can have the working group and  
2 the SSC, but try to have something before the summer, and Dr.  
3 Crabtree mentioned August, that will give some indication as to  
4 where we are and where we're supposed to be going to the  
5 council, so we can take action in August of 2013.

6  
7 **BONNIE PONWITH:** This is with respect to the notion of pulling  
8 together a team and doing a complete reevaluation of our ACLs  
9 and, again, this is using special data-poor stock methodologies.

10  
11 Again, I will reiterate that I think that's a smart thing to do.  
12 The job of doing that is not a trivial job. We've gone through  
13 it once and it takes a lot of prep work to get those data ready  
14 and for all of the stocks, to get those data ready and to get  
15 them all prepared so that everything that the group, when they  
16 meet, is sitting at their fingertips and they can close the door  
17 and spend their week deliberating and doing the analysis and  
18 coming to some conclusions.

19  
20 The amount of effort that it takes to get those data ready for  
21 multiple stocks, basically all the managed stocks, is huge and I  
22 have offered to go back and consult with my folks and talk about  
23 what it would take from a scheduling standpoint, but I will say  
24 my expectation of being able to do this between now and the  
25 spring, so that it's ready to go to the SSC in August, that's a  
26 very, very tall order considering all the other stock  
27 assessments that our data folks are doing the prep work for  
28 right now.

29  
30 **MIGUEL ROLON:** Bonnie, how about reducing it from all stocks and  
31 we take the species that are really of concern here, like the  
32 Snapper Grouper 2 and the groupers, and play with those and see  
33 what happens? Is that something that can help alleviate the  
34 problem of time and effort?

35  
36 **BONNIE PONWITH:** Certainly refining the list of stocks that  
37 we're going to do that for helps. Again, what I would want to  
38 do is consult with staff before I made commitments to  
39 timeframes.

40  
41 **MIGUEL ROLON:** Then from the council point of view, we have set  
42 aside some money for a consultant and all that and so this team  
43 could be composed of people from the Center and experts from  
44 outside and members of the SSC who are experts on this matter,  
45 but I believe that we should allow Dr. Bonnie Ponwith to go back  
46 and -- With no commitment, because probably at the end of this,  
47 we can say, well, folks, we cannot do it, but at least we will  
48 try.

1  
2 Just to give you an idea, we are having exactly the same problem  
3 in the rest of the Caribbean for the groupers and the snappers  
4 and the solution is very similar. We are going to have a  
5 working group, led by us, that will address some of the species  
6 and we decided the same thing.

7  
8 We had to narrow, because when we asked the group, everybody has  
9 a little fish that they want to look at and we decided to narrow  
10 it down to some specific species that are common to most of the  
11 countries.

12  
13 At this time, Mr. Chairman, probably we should allow Dr. Ponwith  
14 to go back and consult and maybe through the Chair, between here  
15 and the next meeting, we can come up with some terms of  
16 reference, but the thing is that we want to move this way and so  
17 between here and the summer, we can have a group of some sort.

18  
19 The other question is Barbara mentioned the next meeting of the  
20 SSC and if we have a question to the SSC about catch levels,  
21 based on your report now, then we can sit together and look at  
22 the schedule and see when the SSC can meet and we need to  
23 develop an agenda that will make sense to the group, the SSC and  
24 the council, so we can put it together.

25  
26 I don't like to waste the time of these people, but, at the same  
27 time, we need to ask them some clear questions that don't have  
28 wiggling opportunity. Catch level is what Dr. Crabtree is  
29 referring to all the time and this is what we really need, the  
30 catch levels, and that's our proposal.

31  
32 **BARBARA KOJIS:** Our intention is that when the ORCS report was  
33 in the process of being finalized, the SSC -- Jim Berkson was on  
34 our SSC and we utilized the ORCS report. Now, there may be  
35 modifications since then and there may be more information to  
36 put into it and so on, but that was the basis that we used in  
37 order to come up with, I guess, the annual catch limits or the  
38 OFL and, in essence, making the OFL -- The average annual catch  
39 the basis for the OFL.

40  
41 **MIGUEL ROLON:** Barbara, just for the record, can you clarify the  
42 name of the report?

43  
44 **BARBARA KOJIS:** The Only Reliable Catch. It was something that  
45 was put together by a team that was led by Jim Berkson. It was  
46 his idea at one of the National SSC Meetings.

47  
48 **MIGUEL ROLON:** Can you send me an email of that?

1  
2 **BARBARA KOJIS:** I think Bonnie mentioned it and she gave the  
3 actual title of it when she talked. We have used it, but I  
4 don't know what modifications were made, because it was sort of  
5 a trial run on that report before it was finally out.

6  
7 The other aspect of it, stepping away from my SSC Chair and SSC  
8 type of thing, is we're looking at a data-poor situation. We  
9 established the -- The SSC established the OFL based on average  
10 catch because there really wasn't any information and SEDARS  
11 hadn't come up with the ACLs.

12  
13 It seems to me that it doesn't make a lot of sense, if you've  
14 only got an overage of 10 percent or less, to actually put  
15 accountability measures in place, especially if it's only one  
16 year or two years of data and not even the three years and  
17 you're, in some cases, seeing a decline.

18  
19 I don't know how much commonsense can come into the decisions of  
20 the CFMC, but you've got a situation with wrasses where you've  
21 got a lot of error anyway in the information that's provided and  
22 in the cases of groupers, you've only got a small overage as  
23 well and I think you've probably had a decline over time in the  
24 catches, the landings.

25  
26 In the case of the wrasses, I think it's based on one year,  
27 because this was not a group that was overfished or undergoing  
28 overfishing, and in the case of the groupers, it's just two  
29 years of the normal three-year run.

30  
31 I am just saying that it may be a situation where, in essence,  
32 you're going -- We've got a data-poor situation and we've got a  
33 different report in the first place and this is a situation  
34 where we've only got less than a 10 percent overrun and let's  
35 see what happens in the future.

36  
37 **MIGUEL ROLON:** This is why you're not allowed to step out of  
38 your SSC hat and then you mentioned commonsense. The law and  
39 commonsense doesn't go hand-in-hand sometimes.

40  
41 **BILL ARNOLD:** I'm not exactly sure where we're going with this  
42 workshop. It concerns me a little bit. Okay, we've got two  
43 major species this year, grouper in St. Thomas and Snapper Unit  
44 2 in Puerto Rico, that have exceeded their ACLs and so we're  
45 thinking about, okay, we need together and reevaluate the data  
46 and figure out, essentially, if I'm reading this right, how we  
47 can avoid getting accountability measures applied to those two  
48 species.



1  
2 We're going to do a very focused workshop group to try to figure  
3 this out and next year, we may find that it's lobster and  
4 snappers in St. Croix. Are we then again going to convene a  
5 workshop to try to figure out how we can avoid --

6  
7 **MIGUEL ROLON:** It's not avoiding. It's not avoiding. The  
8 problem with all of this is that we are sentencing fishermen to  
9 lose their fishery with shaky data.

10  
11 **ROY CRABTREE:** The question is, is the ABC, and so is the ACL,  
12 specified based on all the information that we have? I have  
13 doubt about that. With queen snapper, we have an assessment  
14 that we didn't have when we put that in place, yet we haven't  
15 changed the ACL at all.

16  
17 Then we've got apparently a lot of information on red hind that  
18 I don't think we've adequately factored into what the ACL is and  
19 so that's really the issue that we're talking about, is the ACL  
20 properly specified? If it is, then, okay, the accountability  
21 measures need to kick in. If it's not though, we need to adjust  
22 it and so it does seem, to me, to make some sense to have a  
23 group get together and revisit queen snapper in light of the  
24 assessment. Can we get a new ABC, new catch level, out of it?  
25 If not, why?

26  
27 Then with red hind, given we've got all the work by Dr. Nemeth  
28 and evidence of an increasing stock, can we get a new ABC out of  
29 that? Then if we can make changes that avoid a closure, that's  
30 great. None of us want to close a fishery down unless there's  
31 some reason that that needs to happen.

32  
33 That's what we're trying to get at and I tend to agree with  
34 Bonnie that if you talk about pulling a group together to review  
35 everything and all these ACLs, that's going to be a lot of work,  
36 but maybe if we targeted in on a couple of these species that we  
37 know we have new information on it and with queen snapper, they  
38 must have been through all the landings data and gotten all that  
39 taken care of for the stock assessment and we'll see what will  
40 come out of that. That seems, to me, to be a much more defined  
41 task that could be done much more quickly and give us something  
42 to actually look at.

43  
44 **MIGUEL ROLON:** Bill, I agree with you in what you just said,  
45 because I said it at the last meeting. My question is, is this  
46 like sentencing somebody with the wrong information? We just  
47 want to make sure that if we need to have the AM that we have  
48 given the opportunity to review what we need to review.

1  
2 Also, I want to say, for the record, that implementing any of  
3 these mechanisms is in no way construed as something that you're  
4 going to change what you have already in the table. It's like  
5 Dr. Roy Crabtree mentioned before. You will probably end up  
6 worse, because after the working group, you will find that you  
7 may need to cut deeper.

8  
9 The working group is just going to look at the information that  
10 we have and see what happened, but from the information that we  
11 have seen, I am not that certain about the Snapper Unit 2 in the  
12 west, but I'm certain about the red hind, because we were very  
13 close with the red hind and what happened with the red hind.  
14 I'm sorry, but that's all I was saying and it's by no means that  
15 we are going to say in the record that we are, the Caribbean  
16 Fisheries, trying to avoid this. It's just that we want to make  
17 sure that the system is solid enough that we will be more at  
18 ease when we make the decisions.

19  
20 **BILL ARNOLD:** Just a few points I would like to make. One is,  
21 based upon what Roy said, I would not have a problem with  
22 targeted reconsiderations based upon changing conditions. I  
23 would certainly like to see that in the form of a motion clearly  
24 spelled out.

25  
26 The second thing is while I agree that there are some issues  
27 that need to be dealt with now, I personally feel that we also  
28 have some larger, more longer-term issues with the lack of  
29 robustness of our approach to managing these fisheries and I  
30 have made this clear to anybody who has wanted to talk with me.

31  
32 I would like to see a TIP program that functions properly with  
33 fishermen being randomly intercepted and being cooperative in  
34 the approach and giving the data that is necessary and I'm not  
35 indicting anybody. I'm just saying that's what we need and Todd  
36 would tell you the same thing. He taught me.

37  
38 I would like to see utilization of fishery-independent data.  
39 There's been a lot of fishery-independent data collected and so  
40 not to drag this out too long, but while I agree that we've got  
41 some short-term things we can deal with, I would like to see a  
42 more strategic reconsideration of this as well.

43  
44 **PHIL STEELE:** Mr. Chairman, just to help with the confusion  
45 here, I think a, like Billy hit on, a motion from the council  
46 directing your staff and our staff exactly what you would like  
47 them to accomplish would be greatly appreciated.

48

1 **MIGUEL GARCIA:** I am here representing the Government of Puerto  
2 Rico and before taking a decision, I am delegated to be sure  
3 that there's a recognition that there's no other option before  
4 going to anything that will impact stakeholders and local  
5 fishermen for sure and that's what we are trained to do here and  
6 it's nothing more.

7  
8 If a closure has to be implemented in July, it's because there  
9 isn't any other option possible and I am not sure, from the  
10 conversation that we're having here, that that's totally true at  
11 this point.

12  
13 **MIGUEL ROLON:** May I suggest you probably need a coffee break  
14 sometime, but you have two motions and one is the issue of the  
15 working group and I concur entirely with what Bill is saying and  
16 that will be probably the second motion.

17  
18 Given the importance of this, what I suggest is that probably  
19 allow Bill and Graciela to draft some language for what Bill  
20 said and then another motion about the working group and the  
21 terms of reference that we want that working group to do.

22  
23 That way, the people who are going to be in the working group  
24 will have a clear understanding of what we want from them and  
25 then the other long-term strategy, if Bill can draft something  
26 like that, can be pursued, because this can be included in the  
27 budget that we have and everything. Probably we might be able  
28 to have a better system, for lack of a better word, for this  
29 area.

30  
31 **EUGENIO PIÑEIRO:** I think we're going to take a coffee break  
32 afterwards and then we'll talk about motions. Is that so?  
33 Okay. Roy and Bonnie, let me see if we're on the same page.  
34 The motion is to have a working group work out so that we would  
35 be looking at the impacts of the possible closures before they  
36 would go into effect?

37  
38 **MIGUEL ROLON:** The working group we are looking at is just to  
39 analyze the data that we have. It doesn't have anything to do  
40 with management measures or reconsideration of management  
41 measures. We want to make sure that the system that we have,  
42 the data that we have, is the best available and Dr. Bonnie  
43 Ponwith has stated very clearly that it will be an enormous  
44 task.

45  
46 She has stated very clearly that it will be an enormous task to  
47 do this in even three or four years, to take all the species  
48 that we have and have a stock assessment for each one of them.

1  
2 This working group, probably the motion will be to allow the  
3 staff to work with the Center to put together this working group  
4 and then you will receive, again, the terms of reference of the  
5 working group and the timing.

6  
7 The other motion is what I propose to allow Bill to write it  
8 better, because I won't be able to write it like he will, which  
9 is the long-term issue, this other issue that we have of a  
10 mechanism that we can incorporate.

11  
12 Then with that motion, the staff, all the scientists I have on  
13 the Caribbean Council staff, Graciela, and the Center and the  
14 Regional Office can come up with some ideas of what to do. This  
15 is similar to the situation we had when we didn't have any SEDAR  
16 and we came up with SEDAR and so that's what we are after.

17  
18 **EUGENIO PIÑEIRO:** To follow up, my question is to Dr. Ponwith  
19 and to Roy. What I'm talking about is we are not talking about  
20 closures of any kind until the committees and the working groups  
21 -- Where are we?

22  
23 **ROY CRABTREE:** This is what the regulations require. We have  
24 been through this process and we've consulted and assuming that  
25 the Center's determination remains the way it is, then we had  
26 those three groups that increased reporting and so there  
27 wouldn't be any accountability applied there.

28  
29 For the other groups, we will publish a notice in the Federal  
30 Register early next year, probably within the first month or two  
31 of next year, and that notice will announce those closure dates  
32 and that these fisheries are going to close on this date.  
33 That's going to happen before this council meets again  
34 regardless of anything any working group does.

35  
36 Now, if we come in at our next meeting or at the August meeting  
37 and we have new information and a new catch level that indicates  
38 we can make changes, then we can make those changes and that  
39 could eliminate the closure and undo it, basically, but unless  
40 we get new information and then we as a council take some sort  
41 of action, those closures will be announced and they will  
42 happen.

43  
44 **EUGENIO PIÑEIRO:** The only way to avoid those closures would be  
45 at the next council meeting and is that right, Miguel?

46  
47 **MIGUEL ROLON:** There's no way to avoid those closures, guys.  
48 They are going to kick in next year unless we find new

1 information that we can use to modify, following all the  
2 guidelines that we have, to modify the numbers we have.

3  
4 **ROY CRABTREE:** Or, and we talked about this at the last council  
5 meeting, but no one showed any interest. You could come in and  
6 put some management measure in place to slow down the catch  
7 rate, like a trip limit, and that could push the closure date at  
8 least way back or maybe get rid of it.

9  
10 The problem we have now, because at the last meeting we didn't  
11 do anything, is it's now December 19. It's almost Christmastime  
12 and so even if we wanted to do some sort of an emergency rule to  
13 implement a trip limit, we probably couldn't get it in place  
14 until March or so of next year and in the case of, for example,  
15 the deepwater snappers, half the ACL would probably already be  
16 caught up before the trip limit went in place.

17  
18 Now, it might push that closure date further back, but I don't  
19 know that it would get rid of it. You could do something with  
20 grouper, potentially. I don't know exactly what, but if you  
21 could slow down the catch rates, you could probably get  
22 something different in place, but it's kind of late in the  
23 season right now to do it and I don't know -- We did do a kind  
24 of trip limit analysis on the deepwater snapper group, because  
25 we thought this might come up, and we could look at that.

26  
27 **EUGENIO PIÑEIRO:** I asked you because when we did the ACLs, none  
28 of those species were overfished and then all of a sudden, we  
29 found out, at the last meeting, that they were.

30  
31 **ROY CRABTREE:** They're not overfished, necessarily. Bear in  
32 mind we've got some species that are over the ACLs, but they're  
33 not over the overfishing levels and so they're not undergoing  
34 overfishing or overfished, but they all have ACLs in place and  
35 that means if you go over them, you could end up with a closure.

36  
37 **EUGENIO PIÑEIRO:** Roy, to that point, I'm sorry, and I didn't  
38 mean overfished, because we really -- We know that they are not  
39 overfished and we know that there's some other issues in here of  
40 data collection.

41  
42 We really would like to go over it, because it's not only an ACL  
43 thing, but it's just that it's a crisis the way the data is  
44 being collected and we would like to talk about that, at least  
45 in the next meeting, so we could slow down and go to the truth  
46 of the whole thing and that's what we all want.

47  
48 **MIGUEL ROLON:** The ACL has been a learning curve and it's still

1 a learning curve for everybody. We have these acronyms that  
2 don't make any sense to you until you are hit by them and this  
3 is a problem and when Dr. Crabtree mentioned this at the last  
4 meeting, I can bet you that nobody around the table understood  
5 what we were talking about.

6  
7 You didn't ask the right questions, by the way. If you don't  
8 understand something, you cannot ask any questions, but now we  
9 are here and you know what ACLs can do to you and, again, ACL is  
10 not overfishing.

11  
12 Just to give you another issue, a fisherman called me the other  
13 day and he asked me to explain to him what is this uncertainty  
14 thing and he was worried that if he gives too much information  
15 that they are over the ACLs and I said, no. I told the more  
16 information you give, the less uncertainty we have and  
17 therefore, your ACL can be closer to a higher level, but if you  
18 don't give information, the uncertainty is bigger and so the gap  
19 between the ACL and the overfishing is bigger and your fishery  
20 probably will be closed sooner rather than later.

21  
22 Again, the point is that we are here and the mechanism that we  
23 are proposing for next year does not stop what the law requires  
24 that we are going to do, but it will give you a better  
25 understanding of the datasets that we have and a better  
26 understanding of this particular group of species that you're  
27 dealing with and at the end, and Dr. Roy Crabtree has said this  
28 before, but we don't know what is going to happen.

29  
30 It may be a futile exercise when we come back in August, but at  
31 least we will give it a try and I hope that after this process  
32 that we will have a better mechanism and understanding of our  
33 fisheries and, again, in the case of the west coast, we don't  
34 have time to stop that fishery from being closed unless we do  
35 what Dr. Crabtree was mentioning before.

36  
37 **EUGENIO PIÑEIRO:** Which was?

38  
39 **MIGUEL ROLON:** Not for this year, but maybe for 2013, if you can  
40 identify management measures that you can put in place to make  
41 sure that the fishery will not go over the ACL limits -- Think  
42 about those and not now and maybe overnight, but you have to  
43 think about those kinds of things.

44  
45 This is similar to what we were talking about in the parrotfish.  
46 If you don't implement the size limit for the parrotfish to  
47 prove that you can manage that fishery, the other alternative is  
48 worse. It's like total closure of the fishery.

1  
2 **EUGENIO PIÑEIRO:** Trip limits?  
3  
4 **MIGUEL ROLON:** Trip limits or what have you. You have to think  
5 about that.  
6  
7 **ROY CRABTREE:** Billy has a trip limit analysis for Snapper Unit  
8 2 that you could look at, but like I said, even that is  
9 problematic at this time, because it will take so long to get it  
10 in place, but unless we come up with a much higher ACL, it's  
11 likely that you're going to be in the same boat in 2014 and  
12 looking at a closure then.  
13  
14 This is the risk if we sit around thinking we just need better  
15 data and better data and all the catch levels will go up.  
16 That's fine, but what are you going to do if that doesn't  
17 happen? They might not go up enough and then you're still  
18 looking at closures, but we do have that analysis and when and  
19 if you guys want to see it, we can look at it.  
20  
21 **EDWARD SCHUSTER:** Back to where the effort was before the  
22 conversation sparked between the middle of the table, one thing  
23 is the consideration is our electricity bill is up like forty-  
24 seven-and-a-half or forty-eight-cents and you've got fishers  
25 disconnecting freezers and ice makers and so they don't go out  
26 as often as they should. The gas price went up and that reduced  
27 their effort as going out to fish as often as they did.  
28  
29 Back to this thing about closures and all of this stuff, we're  
30 back into this thing. If you guys are familiar with the game  
31 dodge ball, and if you're not, you can rent the movie and see  
32 how it works, but the only people left standing in the middle of  
33 this game is fishers.  
34  
35 Here again, now you're implementing closures and talking about  
36 shutting the fishery down and all this other stuff and we're  
37 still standing and we're the only ones that are being penalized  
38 here.  
39  
40 As far as I'm concerned, we have overrun the ACLs by a great  
41 percentage, unknown to us and unknown to the council and unknown  
42 to any other fishery, because you don't have a grip on the  
43 recreational fishery that's still impacting the same resources  
44 that we are.  
45  
46 The only ones here talked about now that are being affected that  
47 make a living and it's our livelihood is the fishermen that you  
48 have a grip on. Like Bonnie said, ACLs were crammed in within a

1 year and that was the first species that were undergoing  
2 overfishing and then we had to come up within another year, or  
3 within that same year, to think about for next year, about the  
4 species not undergoing overfishing and then it was crammed in.

5  
6 In the meantime, all the scientists and the people sitting  
7 around the table were familiar with ABC equals OFL and what ACLs  
8 were and we were in the learning process of the whole thing.

9  
10 We complied to every change that was made to us and we sat at  
11 tables and we came up with new CCRs and had to come up with a  
12 common name and learn scientific names and all of this stuff and  
13 now we're back here again, where you all crammed the whole thing  
14 into one group, and we're being penalized again.

15  
16 I think the buck needs to stop here and yes, we have an option.  
17 You know what the option is? I would like somebody to say what  
18 the option is, for the record. For my record, it's Edward  
19 Schuster. We team up and we find an attorney, the fishermen I'm  
20 talking about and not specifically me, and sue and have a  
21 lawsuit and sue the whole thing and then it stops and then it  
22 levels the playing field, because I've followed this thing.

23  
24 I have sat around with a lot of fishermen and we formed it and  
25 I'm going to go back to one thing that happened back in 2004, a  
26 SEDAR meeting where you had a bunch of intern students and if we  
27 didn't stand up, our yellowtail fishery would have been shot  
28 down, too.

29  
30 This guy didn't take into fact the bait, the currents, the lunar  
31 phases, nothing, but then told us at the SEDAR meeting, which is  
32 a whole lengthy process with a numerous bunch of people, fishers  
33 not included and now we're included into it, and he would have  
34 shot our fishery down and this guy had no idea, none whatsoever.

35  
36 He didn't rent a boat from a fisherman and didn't include a  
37 fisherman that had the expertise in yellowtail fishing and he  
38 was telling us at a SEDAR meeting that yellowtail was  
39 overfished. I think it's nonsense and you can't go based on one  
40 person that flies under the radar and disguises himself as a  
41 fisherman and reports 9,000 pounds in one day, which is  
42 ridiculous, in Puerto Rico. I am backing my Puerto Rico  
43 fishermen.

44  
45 Then you have people too that impact the fishery and they're not  
46 commercial fishermen, but then they're still coming into the  
47 same market. We need to come to an equal median here where we  
48 could come and get this thing, because we complied to everything



1 that was rammed down our throat with a funnel and we made the  
2 adjustments.

3  
4 We modified our CCR forms and imagine if we went -- We're doing  
5 it on a biweekly reporting now, biweekly reporting, and the data  
6 is coming in. We have asked to revisit and do an assessment in  
7 these closed areas to see how they're doing and not taking into  
8 consideration some of the species that are not a part of our  
9 staple food within our community.

10  
11 Mutton snapper, for example, in St. Croix, it's been closed from  
12 shoreline all the way to 200 miles and you've got people that  
13 are recreational fishers that have been reported catching  
14 sixteen and fourteen-pound snappers that have not been heard of  
15 since 1989, previous to Hugo, which destroyed the whole reef  
16 system. Let's be fair and come up with something that fishers  
17 are working to work with to come in here that we don't have  
18 closures. Thank you.

19  
20 **DAVID OLSEN:** I don't know how to follow that. I want to go on  
21 from the two things that are on the table, the working group and  
22 the trying to find some alternative. I think there's an old  
23 saying that says insanity is doing the same thing over and over  
24 again and expecting a different result and that is, almost by  
25 definition, SEDAR.

26  
27 The data are never going to be any different than they are. You  
28 knew back in 2004 the problems with the data, the big holidays  
29 in TIP sampling and that, and yet we've continued to have these  
30 SEDARs that have not been productive except for the one on the  
31 east coast utilizing Todd's length thing.

32  
33 It's clear that the data are not what's preventing a result.  
34 What's preventing a result is the tools that are being used on  
35 the data. They are clearly not appropriate or we would get  
36 something out of them.

37  
38 I think that this working group ought to be considered as a  
39 first step towards finding some kind of a solution that would be  
40 more responsive to the data. We now know the data down here.  
41 We've seen it in Roy said seven SEDARs and I've seen it over and  
42 over and over again and that ten-year holiday in the TIP  
43 sampling in St. Thomas is never going to go away. It's there  
44 forever.

45  
46 Yet, there is certainly ways to look at the data and I'm  
47 absolutely convinced that appropriate tools can be developed  
48 that can give management advice that can withstand review and I

1 think that I'm really kind of applauding Miguel for starting out  
2 on this process and clearly the stimulus of having these two  
3 species groups that are on the verge of having to have  
4 accountability measures is definitely a good starting point and  
5 having two species rather than a whole bunch of species is a  
6 good one.

7  
8 I think what Bill was headed for, and I thought he said it  
9 pretty clearly, is we need to find a system that works down here  
10 and we've seen very clearly that SEDAR, which is both very  
11 expensive and has been unsuccessful, is not that system.

12  
13 **NELSON CRESPO:** I just want to read a few comments that I wrote  
14 a few days ago. All of us here in this room want the same thing  
15 and that is sustainable fish and better management. In order to  
16 do this, we have to look at what we have and what works and what  
17 is not working the way it should.

18  
19 To that effect, let me tell you, from the perspective of a  
20 commercial fisherman, the impression we get of what is going on  
21 in the field. A lot of things have changed since the ACL  
22 working group met with our NOAA partners three years ago and  
23 specifically troubles at the DNR lab. None of those changes  
24 have been for the better.

25  
26 On the contrary, everything is going south since Aida Rosario  
27 left the lab. To begin with, there is no permanent director and  
28 no one can make or take decisions without authority. The lab  
29 has insufficient resources and no funding to improve the data  
30 collection. They have no port agents.

31  
32 It's hard to believe, but at one point, the agency did not pay  
33 for the mailbox and so there was no way to send the data trip  
34 tickets. The U.S. mail closed their box for an indeterminate  
35 period of time. They also spent months at a time without  
36 telephone service and no email either. We are afraid what to  
37 expect next.

38  
39 For example, last month, they had electricity issues in the data  
40 room and due to the excessive heat, you could barely breathe in  
41 there. As of today, they don't have the capacity to tell you  
42 who is an active fisherman or who is not.

43  
44 For example, we are in December of 2012 and they have just  
45 entered April 2012 data and that's eight months behind schedule.  
46 The employees at the lab are very good people and dear friends  
47 and they try to do their best, but trying is not good enough for  
48 United States standards.

1  
2 By all means, we are faced with what I call insufficient  
3 management and they need financial help pronto. Also, they are  
4 using a controversial correction factor without even knowing who  
5 is active in the fishery. Right now, we have at least twenty to  
6 twenty-five fishermen less in the deepwater snapper fishery that  
7 I know of and the lab doesn't know about it.

8  
9 Currently, we are able to fish around 40 percent of the year,  
10 due to rough weather and strong ocean current conditions that we  
11 call the natural closed season. That's probably about 150 days  
12 in the calendar year, but in reality, we go out no more than ten  
13 days a month and we are proud that our fishery is healthy and  
14 robust.

15  
16 It's hard to believe that in the last two years, 2010 and 2011,  
17 where we have one of the worst weather and strong ocean current  
18 conditions, the lab received around 5,000 trip tickets more.  
19 However, the worst part is that all the fishermen that for the  
20 last twenty years have submitted their data and worked hand-in-  
21 hand with the lab and NOAA Fisheries are now concerned that due  
22 to this collapse in management that they are going to get  
23 punished unfairly.

24  
25 Finally, we just found out that the outgoing DNR Secretary  
26 declared a moratorium for new entries to Puerto Rico fisheries,  
27 including the deepwater snapper fishery, a fishery already hit  
28 with a total allowable catch.

29  
30 The net result of this action is that it gave commercial  
31 licensing to recreational folks with no previous license nor  
32 data record, allowing them to own and possess electric reels and  
33 other commercial fishing gear and at the same time, create an  
34 artificial overfishing status in the fishery with bogus data  
35 that deeply troubles my mind and clearly questions not only the  
36 legitimacy of this data, but also the legality of it and the  
37 possible commission of both state and federal crimes in the  
38 process. The obvious intent here is not to comply with the  
39 five/fifteen bag limit approved by this council.

40  
41 I don't want to play the blame game between the recreational and  
42 commercial. I don't play games. We are confident that this  
43 council will move towards a more reliable management and we must  
44 have a commitment not only in Puerto Rico, but also in the  
45 United States Caribbean to have more port samplers, more port  
46 agents, and more resources for our lab, even if we have to pay  
47 for it in order to have more credible data.

48

1 **EUGENIO PIÑEIRO:** Thank you, Nelson. I promised the Chair that  
2 I would be brief, because we all want to have a coffee break and  
3 then we have to do some motions and we would like to work on  
4 some motions to address this issue formally.

5  
6 To what Nelson said, Nelson, it's not twenty. It's thirty  
7 people that are not under the fishery and some of them dead,  
8 three of them dead, and there's nine on a permanent tour in the  
9 United States prison system and they are dressed in tangerine,  
10 but they won't be coming back. It's thirty people out of the  
11 fishery that they didn't know of.

12  
13 It's curious, because on one of the pictures we saw, the  
14 recreational sector, from 35,000 they came down to 5,000 and in  
15 Unit 2, from 60,000, they came down to 30,000 in Unit 1 and it's  
16 because, as you said, a lot of people -- Daniel Matos is a very  
17 trustworthy man and he mentioned to me that they're going there  
18 to get commercial licenses.

19  
20 They get a commercial license and then they can -- The Coast  
21 Guard has been so efficient and so effective that they get them  
22 back. When they go out at sea, the Coast Guard asks them for  
23 their permits and since they don't have one, they send them back  
24 to shore.

25  
26 They go down to the lab and get a beginners license, commercial  
27 license, so then they are allowed to use commercial gear.  
28 That's how it goes and so then they're legal and they can go out  
29 and do commercial fishing and sell it, but then they write this  
30 bogus data and it's not even funny, but I really would like to  
31 know, where does the guy who caught 9,000 pounds in a day live?  
32 That's all I want to know, because I want to see that guy. I  
33 want to see his face, because that's incredible. That's  
34 unbelievable.

35  
36 Nelson, in 2010, caught 9,000 pounds all year and then this guy  
37 comes out in one day and claims 9,000 and so I think what we're  
38 talking about is the legality and not if it's reliable or not.  
39 It's more than that.

40  
41 I don't think Magnuson intended to close or open fisheries with  
42 illegal data. It's very grave. It's a very serious issue here  
43 and it's not that -- It is something that is really deeply  
44 troubling. It's deeply troubling that we have some people in  
45 here using illegal data knowingly and the net effect is to  
46 punish the people who comply and who have been working with us  
47 for the past twenty years.

48

1 I think we should address that and I thank Roy Crabtree and Bill  
2 for the opportunity to look at the other alternatives to avoid  
3 this catastrophic thing that approaches us of a closure, which  
4 it shouldn't be happening. I don't think, after all we've been  
5 through here, we shouldn't be passing through this very sad  
6 moment.

7  
8 **MIGUEL GARCIA:** Most of the issues in Puerto Rico we are  
9 discussing with our current Secretary, who is going to be in the  
10 position until the end of the year, of the month. We are  
11 waiting for a new Secretary to be appointed and that's going to  
12 be among the first things that are going to be put on his table,  
13 is this discussion again.

14  
15 We sent a letter to Dr. Crabtree in October and the letter was  
16 answered in November and any action from the Puerto Rican side  
17 has been delayed until the next person takes the position in  
18 January.

19  
20 **CARLOS FARCHETTE:** We're going to take a quick break. We'll  
21 take ten minutes. We've got work to do.

22  
23 (Whereupon, a short recess was taken.)

24  
25 **CARLOS FARCHETTE:** We're going to get started again. We'll  
26 probably end up going over time today, too. I guess there may  
27 be no more discussion and so maybe we're going to get into  
28 drafting this motion, unless there's more discussions to be had.

29  
30 **MIGUEL ROLON:** Mr. Chairman, we have two languages that we want  
31 to submit for your consideration. Neither Bill nor I are  
32 council members and so what we're going to do is to attempt to  
33 write some language that will be acceptable by any council  
34 member. They can say "so I move" and then you can have the  
35 discussion.

36  
37 The first one, which is to work at the working group, Attorney  
38 Mara Levy advised me that in order to avoid FACA -- Whenever you  
39 have somebody from outside the system, a non-federal, non-  
40 council member, FACA kicks in and you cannot allow that person  
41 to share information.

42  
43 The best way is to have an advisory panel under Section  
44 302(g)(2), which would allow us to have that mechanism. It  
45 would be a panel under the council and I suggest that we have a  
46 sunset so we don't have that guy forever if you don't need it,  
47 but they will have specific tasks and the terms of reference for  
48 this group then will be drafted by Dr. Bonnie Ponwith and the

1 staff.  
2  
3 Remember, we want to allow her to sit down with her staff and  
4 see what we can do. The idea is that this group will meet and  
5 look at the Snapper Grouper 2 and the grouper group that we were  
6 discussing before and maybe some other, but narrow the scope of  
7 what they are going to do to this particular species at this  
8 time and so that way, we might be able to have a workable group  
9 that can give us some product at the end of the exercise. Is  
10 that agreeable, Bonnie? Is that what we were thinking?

11  
12 **BONNIE PONWITH:** Yes. Here's my perfect scenario. My perfect  
13 scenario would be if we took a Caribbean SEDAR slot and said  
14 instead of doing one stock assessment on the stock of our  
15 choice, we're going to take that slot and use that to do a  
16 composite of stocks that hold promise for reevaluating using the  
17 data-poor approaches, to be able to revisit how the OFLs and  
18 ABCs were established.

19  
20 That, to me, would be the perfect way of doing it, where you  
21 create terms of reference. One of the things that you said  
22 before we broke is that you're troubled by SEDAR and I want to  
23 be careful about vilifying SEDAR.

24  
25 SEDAR is a tool and it's a process and it's a way to make stock  
26 assessments transparent. How it works is generated by the  
27 authors of the terms of reference and so we can make SEDAR  
28 anything that we need to succeed in managing Caribbean stocks  
29 and so that's something to keep in the back of our minds.

30  
31 I think part of what we need to do is think about how we define  
32 a successful stock assessment, because I think what happens is  
33 people who have participated in SEDAR have experience in  
34 conducting stock assessments in data-rich areas for data-rich  
35 species and their notion of what a successful stock assessment  
36 is can be very, very different.

37  
38 We need to be very explicit that this is what we consider a  
39 success and this is how we would use the results of the stock  
40 assessment to spec out what the OFL and the ABC is to enable an  
41 ACL to be set.

42  
43 I would love it if we could use a SEDAR slot for this drill. If  
44 we can't use a SEDAR slot for this drill, then I would agree  
45 that doing something collaboratively, where the Science Center  
46 can hold then pen in consultation with the SSC on what  
47 constitutes the process, would be fine and the tricky part is  
48 the scope and the timing. The scope and the timing will drive

1 what -- That combination will drive what can be accomplished by  
2 the timeframe that you want.

3  
4 **MIGUEL ROLON:** Vilifying SEDAR is, at least personally, not my  
5 intention. As we say in Spanish, my wine is sour, but it's my  
6 wine. That goes with SEDAR, too. Probably what we need to look  
7 at is a happy median on this.

8  
9 I believe that what you just said goes in line with what Bill  
10 Arnold was saying before and maybe we can use SEDAR for the long  
11 run and have this advisory panel look at these particular  
12 species that we have now and let's see how it goes.

13  
14 Maybe the advisory panel is the worst idea I have come up with  
15 or maybe the best and I don't know, but until we try it, we  
16 won't know if it flies or not. The other two concerns or not  
17 two concerns, but the other approach, in the long run, is really  
18 what probably we all agree and that's why I suggested to divide  
19 the motions in two.

20  
21 Bill's approach is in line with what Dr. Ponwith just said and  
22 SEDAR is not a rock. You can modify SEDAR and tailor it to your  
23 needs and actually, we have done this before, where we were able  
24 to, at the Steering Committee level, to deviate a little bit  
25 from the strict SEDAR approach that we use on the continent and  
26 have this workshop that Graciela came up with for this area.

27  
28 I propose that we have this language and you can look at it and  
29 shoot at it and if you don't like it, then fine, we'll go to the  
30 next one.

31  
32 The first will be that the CFMC creates an advisory panel under  
33 Section 302(g)(2) to address the ACL process of certain species,  
34 to be determined by the Southeast Fisheries Science Center.  
35 That's the basis of the language and now you can shoot at it and  
36 maybe come up with something better.

37  
38 Guys, this motion will address the first part that we were  
39 thinking before and what this motion does is that we create a  
40 panel and then we can leave it to the discretion of the Chair  
41 how many members. We don't want to have a large, big panel,  
42 because this is a lot of work, but some of the key people, some  
43 of the usual suspects, like some of the members of the SSC could  
44 be there and other people from the Center.

45  
46 What this panel is going to do, they are not going to create any  
47 new information. What they're going to do is add the  
48 information that we have and if we have some information to

1 submit to that panel, then that information will be there and  
2 they will be looking at it and discussing it and then they will  
3 provide some guidance to the council, some recommendations, as  
4 to the robustness of the data.

5  
6 They can identify where do we need data and they also can  
7 identify that there's no way that you will be able to get a  
8 catch level with the information that you have for this  
9 particular species.

10  
11 "Catch level" is the phrase that we are looking at. We want to  
12 look at catch levels and we want to have some guidance from this  
13 group. The process, once this committee provides something to  
14 us, is we'll submit to the Southeast Fisheries Science Center  
15 and then at the next meeting in August, you will see the full  
16 report.

17  
18 The meeting will be between here and March. There's a lot to be  
19 done and then in August. If we can do it sooner than that, we  
20 can have the group, but this way, we will allow the group to  
21 provide the schedule and the Center to pull out some of the  
22 resources they have and address this.

23  
24 Again, for the record, the motion doesn't mean that we will be  
25 avoiding or stopping the process that will be kicking in next  
26 year, the first half of the year. If somebody says "I so move",  
27 then you have a second and you can discuss it and you can modify  
28 it anyway you want.

29  
30 **EUGENIO PIÑEIRO:** I so move.

31  
32 **CARLOS FARCHETTE:** We have Genio Piñeiro moves and Nelson Crespo  
33 seconds. Now it's open for discussion.

34  
35 **ROY CRABTREE:** I think it needs to be more specific, in some  
36 ways. I don't really like the saying "to address the ACL  
37 process". I think we need to be clear what we're looking for  
38 are catch level recommendations that could then go the SSC for  
39 them to give us one.

40  
41 Then I would like some more specificity in the species. I don't  
42 mind having the Center say, hey, we think we could have  
43 information on this and this, but based on the discussion we  
44 have, I think we need to be specific with red hind and queen  
45 snapper, because I still -- We went through the whole SEDAR  
46 process on that and it's still not clear to me why there's not a  
47 catch level recommendation that comes out of that.

48



1 I think if we could change that "address the ACL process" to  
2 "reevaluate the catch level recommendations" or something like  
3 that.  
4

5 **EUGENIO PIÑEIRO:** Reevaluate the catch level recommendations of  
6 queen snapper and red hind.  
7

8 **MIGUEL ROLON:** Can Roy offer friendly language so the owner of  
9 the motion can --  
10

11 **ROY CRABTREE:** To readdress the catch levels for queen snapper,  
12 red hind, and then other species to be determined by the Science  
13 Center. I like that better and then I have some questions, I  
14 guess.  
15

16 **MIGUEL ROLON:** Does the owner of the motion accept it and the  
17 seconder?  
18

19 **EUGENIO PIÑEIRO:** Yes, I agree.  
20

21 **ROY CRABTREE:** Then what are we talking about in terms of a  
22 timeframe to make something happen?  
23

24 **MIGUEL ROLON:** That will depend on Bonnie.  
25

26 **BONNIE PONWITH:** Prior to the break, we refreshed our memory  
27 that red hind is on the SEDAR schedule and that it was scheduled  
28 to begin in October and my guess, and I just want to confirm, is  
29 that this would be done in lieu of the SEDAR red hind stock  
30 assessment and one thing that I think would be a strong approach  
31 would be to do this in place of that SEDAR red hind stock  
32 assessment, to basically substitute that stock assessment with  
33 this.  
34

35 That way, you use that slot for something that's intentionally  
36 using the data-poor approaches and where the assignment of that  
37 assessment is, to look at the specification of OFL of ABC and  
38 revisit that with new information that's available and new  
39 guidance that's available.  
40

41 **ROY CRABTREE:** If we did that, then you would be saying start  
42 this in October of next year and finish it in May of 2014 or  
43 something like that?  
44

45 **MIGUEL ROLON:** At least my idea is to start this as soon as we  
46 can and then the red hind could be removed and in October, or  
47 when we deem necessary, we can incorporate into the SEDAR  
48 process what Bonnie just mentioned.

1  
2 At least that's the way I see it. If we remove the red hind and  
3 plug it into this new mechanism, then we have that SEDAR spot  
4 that could be occupied by what you just said.

5  
6 **BONNIE PONWITH:** I guess you lost me there. What would actually  
7 be put in in place of red hind in the SEDAR slot?

8  
9 **MIGUEL ROLON:** Whatever you guys want. I am concentrating to  
10 the red hind and the queen snapper and to do this as soon as we  
11 can and then for the SEDAR, come up with something that we can  
12 plug it into the SEDAR and the Steering Committee can approve.  
13 Otherwise, we are not doing anything in terms of timing and we  
14 will be dragging this all the way until maybe the middle of  
15 2015.

16  
17 Anyway, if we have this motion, we will be addressing the catch  
18 level of the queen conch and red hind using this mechanism as  
19 soon as possible in 2013 and then the SEDAR issue, we need to  
20 address that differently somehow.

21  
22 **ROY CRABTREE:** To me, in part what this is about, Bonnie, is  
23 looking at an existing stock assessment that was just completed  
24 and why can't we get a catch level out of it? Maybe there's  
25 some really good reason why we can't, but I sure haven't heard  
26 it and don't know what it is.

27  
28 Then based on what I'm hearing about red hind, we've got a lot  
29 of indications that we have a population that's increasing and  
30 it seems to me, within ORCS and other things, there are  
31 different ways to scale average catches for things that you have  
32 evidence that they're increasing and we haven't done that.

33  
34 I am not really looking at this as we're going to come in and do  
35 everything you would do in a normal stock assessment. I am  
36 looking at this as get to the bottom of the assessment we just  
37 did and then look at red hind and is the information that it's  
38 increasing compelling enough to allow us to rescale the average  
39 catches in a way that would give us a different ABC. That  
40 seems, to me, to be something that could be done, by the right  
41 group of folks, in a matter of two or three days.

42  
43 **BONNIE PONWITH:** In a data-poor situation, the things that come  
44 to play in how you scale average catch is it's things like the  
45 geographic range, the vulnerability of the stock, and if you --  
46 To the extent that you're seeing evidence that the average size  
47 of landed species is increasing, that would be one of the  
48 indicators that would help you evaluate how resilient the stock

1 was to the current fishing level.

2  
3 **GRACIELA GARCIA-MOLINER:** Does SEDAR actually have to deal only  
4 with managed species, because since the council is looking  
5 towards island-specific FMPs, one of the big issues is the  
6 coastal pelagics that we have mentioned a number of times,  
7 dorado, for example, being one and for which there is probably  
8 quite a bit of information. That would be very important for  
9 the St. Croix commercial fishery and for the Puerto Rico  
10 recreational fishery. SEDAR might be -- If it's not only for  
11 managed species, then that would be one possibility.

12  
13 **BILL ARNOLD:** I just have a couple of comments on the motion.  
14 The first one is if you want a date -- What you want is a date  
15 as early in 2013 for that advisory panel to convene, right? You  
16 should say create an advisory panel that will convene as early  
17 as possible in 2013 and that so that advisory panel probably  
18 would have one member, at least, of the Science Center on it,  
19 but it would have SSC members and it would be a small group and  
20 it seems like that would be feasible.

21  
22 Then the second thing is by including "and other species",  
23 you're kind of leaving this thing open-ended. Why don't you  
24 just focus on queen snapper and red hind? That seems to be the  
25 issue and then, if you get rid of "and other species", then you  
26 don't have to be determined by the Southeast Fisheries Science  
27 Center, but you could say, in there, "in consultation with the  
28 Southeast Fisheries Science Center" and these are just  
29 suggestions and they probably will get beat up a little too, but  
30 I wanted to get them out there.

31  
32 **MIGUEL ROLON:** Regarding the timing on this and how quick, the  
33 Chairman has the authority to do it January 1, if he wants to,  
34 if they were available in the Science Center, but I know for  
35 sure we won't be able to do it.

36  
37 To me, I believe that Bonnie and the Chair have enough  
38 information here to go and have that meeting made. I don't want  
39 to lock everything there, personally. About the other species,  
40 maybe there's one species that we haven't thought of here that  
41 the Center may want to take up doing it, queen triggerfish or  
42 any other species, but I don't want -- I shouldn't care, but  
43 anyway, I believe that what we're trying to pursue here is the  
44 immediate issue with the queen snapper and the red hind, but  
45 maybe there may be another species that especially you, Bill,  
46 can tell us how about this one and we can talk to Bonnie and  
47 say, yes, we can add that one, but we don't want to expand it to  
48 a lot of other species, because that's the second motion that

1 you have, unless you want to do it more restrictive, the scope  
2 of it.

3  
4 **ROY CRABTREE:** I tend to agree the focus here is red hind and  
5 queen snapper and I guess I can understand why if someone came  
6 up with one other species that there was something that clearly  
7 could be done, I wouldn't want to preclude it. Maybe we could  
8 modify this to say "other species determined by the Council  
9 Chairman, in consultation with the Science Center", with the  
10 understanding that we might be talking one or two species and I  
11 don't really want to get into the unmanaged species things.

12  
13 Now, I think that's getting beyond what we're trying to do here.  
14 What we're trying to do is see if there's something that could  
15 be done quickly and in a short period of time based on these two  
16 species. Then I think the Chairman understands that maybe we  
17 could add one more with good reason, but we don't want to let  
18 this get too complicated.

19  
20 I think, Genio, it's your motion, but if you were agreeable with  
21 that, maybe that takes care of it. **We would change it to be "to  
22 be determined by the Council Chairman, in consultation with the  
23 Science Center".**

24  
25 I guess the only other question I might ask is of Bonnie.  
26 Bonnie, would it be helpful to you if you had time to  
27 contemplate on this and consult with your staff about what might  
28 happen and seeing that Bonnie is saying that, I would move that  
29 we table this motion until tomorrow and let Bonnie talk to her  
30 folks and then come back to it in the morning and see if we,  
31 based on what she tells us, want to tweak it anymore and then we  
32 could dispense with it at that time.

33  
34 **MIGUEL ROLON:** You have a motion to table until tomorrow and  
35 vote on that one and then split with it until tomorrow.

36  
37 **ROY CRABTREE:** You could just ask if there was objection or  
38 something like that to tabling.

39  
40 **CARLOS FARCHETTE:** **Any objection to tabling this motion until  
41 tomorrow? All in favor say aye; any opposition. Hearing none,  
42 we will table it until tomorrow morning.** That will give Bonnie  
43 time to speak to her team.

44  
45 **MIGUEL ROLON:** Mr. Chairman, the second motion dealt with the  
46 long-term approach to the discussion and I believe that Graciela  
47 and Bill have something to propose on the screen, so you can go  
48 the same way. Get a motion and then second and then discuss it.

1  
2 **BILL ARNOLD:** I certainly was smart enough to consult with  
3 Bonnie on this and we revised the motion accordingly and so this  
4 is the motion. The motion is the council charges its SSC to  
5 develop research priorities to acquire and integrate fishery-  
6 dependent, fishery-independent, life history, and other  
7 pertinent data for the purpose of supporting sound management  
8 decisions. We acknowledge that the SSC is working along these  
9 lines right now and appreciate that.

10  
11 **MIGUEL ROLON:** The other decisions were unsound until this  
12 point?

13  
14 **CARLOS FARCHETTE:** Does somebody want to make this motion?

15  
16 **EUGENIO PIÑEIRO:** I move.

17  
18 **CARLOS FARCHETTE:** We need a second.

19  
20 **NELSON CRESPO:** Second.

21  
22 **CARLOS FARCHETTE:** Genio Piñeiro moved and Nelson Crespo  
23 seconded. Any discussion?

24  
25 **ROY CRABTREE:** That all sounds great, but what exactly would we  
26 be looking for the SSC to give us when they do this?

27  
28 **BONNIE PONWITH:** If I were king, the thing that I would want is  
29 this. We are in a heinous du loop here. We have people whose  
30 livelihoods are depending on the long-term sustainability of  
31 these stocks and we have a very, very tall order to be able to  
32 create management advice based on data that it's very, very  
33 challenging and I think that investments need to be made on the  
34 inputs.

35  
36 I don't think there's anything wrong with the SEDAR process. I  
37 think that the data that we have available at our fingertips to  
38 be able to understand the status of those stocks in response to  
39 the management decisions that are being made is weak and if we  
40 can count on the SSC collaborating with the council on what is  
41 our vision for how we want these stocks managed and what data  
42 would it take to do that, to use the SSC's analytical prowess to  
43 recognize, of the types of data that we need, how do you set the  
44 priorities?

45  
46 If you were given one extra dollar, what would you put that  
47 into? Would you hire a port sampler or would you hire an  
48 economist or would you hire a vessel and do fishery-independent

1 data, setting those priorities so that we're prepared for how we  
2 would make improvements in a way that's strategic to wring the  
3 absolute most out of that dollar we can.

4  
5 **CARLOS FARCHETTE:** Any more discussion? Did everyone understand  
6 what Bonnie was saying here or we were in the clouds?

7  
8 **BARBARA KOJIS:** I think that what Bonnie is saying is that we  
9 need to -- Well, she may -- Because I was off thinking about  
10 something else, but we really need to be focusing, the SSC, in  
11 setting the research priorities, need to be focusing on how we  
12 resolve some of these problems.

13  
14 What Bill has put up there is very general and maybe the CFMC  
15 could make a motion that would be very specific, because right  
16 now -- I know when we were first discussing, the SSC was first  
17 discussing, these research priorities that we have researchers  
18 there that do work on this and that and so on and so forth and  
19 so people were kind of including all the things that they were  
20 really familiar with rather than just focusing on what is needed  
21 for the CFMC to resolve a problem.

22  
23 Now, I think that the CFMC needs to say to the SSC that this is  
24 specifically what we would like you to come up with research  
25 priorities to address and then we can say this -- Because  
26 obviously we have ACLs that are a real issue, but these are --  
27 Those would be part of the research priorities that I'm sure the  
28 SSC would come up with what research needs to be done so that we  
29 can come up with more accurate annual catch limits for the SSC,  
30 OFL, but they probably need to just focus on a couple of things  
31 rather than going into a lot of different areas that may, in the  
32 long term, lead to the types of research that might need to be  
33 done, but may be in a much longer-term -- The result may take  
34 much longer to where we want to go and we need to focus right  
35 now.

36  
37 We need to focus on a few things and the CFMC needs to tell the  
38 SSC what questions they want answered and then we can look at  
39 the research priorities that need to be set in place in order to  
40 try to attack those problems.

41  
42 **MIGUEL ROLON:** Barbara, that's exactly what we were saying all  
43 along, but every time that we ask the question to the SSC, we  
44 get a lot of, well, we go this way and we go that way and I just  
45 want an ACL approach that can give me a catch level and every  
46 time we ask that to the SSC, we have a lot of jargon that  
47 doesn't make any sense.

1 **BARBARA KOJIS:** The whole purpose of the research priorities is  
2 to get the data, because right now the SSC can't give you that,  
3 because they don't have the data. Everything that comes over is  
4 the landings data, the landings data from the fishermen. The  
5 fishermen come up and stand up here and say we didn't really  
6 report it accurately and it's not any good and so that's out the  
7 window.

8  
9 The TIP data, we don't get enough TIP data in order to do this.  
10 There's only fifty samples over ten years for this particular  
11 species and so what is it that we need to focus on?

12  
13 The question is what do we need to focus on to get the  
14 information that the SSC can make a decision on OFL? It may be  
15 just the TIP data. It may be that we throw out the landings  
16 data because in order for everybody to be confident of that, you  
17 have to do what you're doing in Puerto Rico and they're not even  
18 very confident, but you've got to set up something where you've  
19 got an expansion or correction factor. You've got to kind of  
20 give the SSC this is the area that you want us to concentrate  
21 on.

22  
23 **MIGUEL ROLON:** We already did that and you guys put together a  
24 very nice report that nobody read and that report just said  
25 that, that if you want to do this, we need to have better data  
26 and you even have an approach where you have a study design by  
27 the SSC. Mike Sissenwine, every time that we meet, he says are  
28 we going to talk about this again? He even sent an email about  
29 it.

30  
31 I don't know and if you need more specifics, I need some smarter  
32 people than me to address this again and ask you the question.  
33 Can you ask the question yourself, so we can tell you to do  
34 this?

35  
36 **BARBARA KOJIS:** If he wants the SSC to look at it, because  
37 obviously you don't have that much money, because it wasn't the  
38 SSC who put it together. I believe this was something that MRAG  
39 put together on what to focus on to get the data so that you  
40 could do, right? That was over --

41  
42 **MIGUEL ROLON:** You endorsed it.

43  
44 **BARBARA KOJIS:** We endorsed it, yes, and there was millions of  
45 dollars, as I recall, and obviously that's gone nowhere and not  
46 necessarily, because the TIP data, maybe, there's been more of  
47 an emphasis, but I think we even at the -- The SSC has even said  
48 we need to send somebody down from the Southeast Fisheries

1 Science Center or someplace that is an expert like for TIP and  
2 help the different agencies in Puerto Rico and the Virgin  
3 Islands come up with sampling data strategies for TIP,  
4 especially in the Virgin Islands, that are practical to use and  
5 that will get the randomized data or the stratified random data  
6 that's needed for TIP so that we've got information, that we're  
7 collecting information, that can be used in the long-term, and  
8 that's five or ten years, probably, to come up with the data  
9 that we need for establishing ACLs.

10  
11 I don't believe that has happened yet and that may be just the  
12 one thing that needs to be focused on. That may be the way to  
13 go with all of this and put our money into what we can do and  
14 that we're scientifically feeling confident with the data.

15  
16 Then you have a liaison with the fishers as well, so that you  
17 can explain to fishers, as you're doing all of this, why you're  
18 collecting the data and why it's important and everything else.

19  
20 **BILL ARNOLD:** There's two key components to this, the acquire  
21 and integrate. My thinking originally was the integrate part  
22 and not worry -- Since we don't have the money. We had a \$4  
23 million commercial data improvement program that is extremely  
24 unlikely to happen, even at \$1 million.

25  
26 We can't even get enough money to travel and money is tight and  
27 let's just leave it at that, but we have a lot of data out there  
28 and so the first thing I would like to see happen, and maybe  
29 this is just unrealistic, but is to identify the data we have  
30 and to develop approaches that can use those data that are  
31 presently available to reassess our approach to making these  
32 management decisions.

33  
34 That component of this thing is relatively short-term. The data  
35 are already out there. You simply need to get a group together  
36 that can evaluate approaches to use those data and integrate  
37 those data.

38  
39 The second component is acquire and acquire is a much longer  
40 term process of identifying that we've got eighty-five species  
41 under management or whatever it is and how are we going to get  
42 age and growth information on those species and how are we going  
43 to pay for it? How are we going to improve our trip intercept  
44 program so that we fill in the gaps and make it something that  
45 the Science Center will be comfortable with?

46  
47 How are we going to expand these data acquisition efforts? That  
48 is a long-term and potentially expensive component of this and



1 so those are my thoughts on it and maybe we want to, for the  
2 time being, just focus more on the integrate part and less on  
3 the acquire part and actually do this rather than putting the  
4 research priorities out there.  
5  
6 This is just a suggestion from me, but actually focus on  
7 developing data integration approaches that might work and I  
8 look to the experts to overcome it.  
9  
10 **MIGUEL ROLON:** Where does that leave us with the motion?  
11  
12 **BILL ARNOLD:** I think it leaves us with we've got some more  
13 talking to do and maybe we should table this one too and hammer  
14 it out of the course of the evening.  
15  
16 **ROY CRABTREE:** Move to table this motion until tomorrow.  
17  
18 **CARLOS FARCHETTE:** All in favor of tabling this motion until  
19 tomorrow; anybody against. Hearing none, it will be tabled  
20 until tomorrow also. We are way behind on our agenda here. We  
21 have Barbara again with Research Priorities, SSC Report.  
22  
23 **BARBARA KOJIS:** I did that.  
24  
25 **CARLOS FARCHETTE:** Okay. We are on to island-specific FMPs.  
26  
27 **MIGUEL ROLON:** Graciela, how big is your presentation on island-  
28 specific?  
29  
30 **GRACIELA GARCIA-MOLINER:** At least half-an-hour.  
31  
32 **MIGUEL ROLON:** Can we meet at eight o'clock tomorrow and have  
33 that?  
34  
35 **GRACIELA GARCIA-MOLINER:** Yes. I am here and I'm not going  
36 anywhere. You did receive, in the briefing books, the scoping  
37 documents. They are the same, but they just changed the title  
38 and the information, but it's St. Croix or St. Thomas or Puerto  
39 Rico.  
40  
41 The three scoping documents that were prepared, and Miguel Lugo  
42 was really in charge of these, are the same and so you can just  
43 read one and what we really need from the council members is  
44 specific direction in terms of where you want these island FMPs  
45 to go. There is a very neat diagram in the scoping document  
46 that shows all the FMPs that we have in place.  
47  
48 **MIGUEL ROLON:** Graciela, is that part of the presentation that

1 we said that we're going to do tomorrow at eight o'clock? I  
2 sent everybody a copy of a letter that was sent by the Pew  
3 Commission. I wasn't giving any instruction to the council  
4 members, but it was just to make sure that you have that letter.  
5 That letter is germane to the discussion tomorrow. It is  
6 related to their position regarding this strategy for the island  
7 FMPs.

8  
9 **GRACIELA GARCIA-MOLINER:** There is also another letter that you  
10 should have received from Earth Justice, also regarding the  
11 topics in the agenda. Did everyone receive it?

12  
13 **CARLOS FARCHETTE:** I read them both.

14  
15 **MIGUEL ROLON:** So where are we? Are we about to close for the  
16 day?

17  
18 **CARLOS FARCHETTE:** We are going to come in early tomorrow and so  
19 it's going to be eight o'clock instead of nine o'clock. We will  
20 now have our Public Comment Period and is there anyone in the  
21 public that wants to make a five-minute presentation?

22  
23 **PUBLIC COMMENT PERIOD**

24  
25 **RAY CAMPBELL:** My name is Ray Campbell and I was an Alaskan  
26 fisherman for twenty-two years and I've had my Virgin Islands  
27 commercial fishing license since 2000. I have been a member of  
28 the St. Thomas FAC for about eleven years and it isn't on the  
29 agenda and so I asked a few people, but I wanted to know -- At  
30 the last council meeting I was at, they were considering a  
31 program for IFQ management on the west end of Puerto Rico for  
32 the deepwater snapper and grouper fishery.

33  
34 I got conflicting answers and so maybe you can answer me a  
35 question. Is the council still considering an IFQ management  
36 plan for the deepwater snapper fishery in Puerto Rico?

37  
38 **MIGUEL ROLON:** I believe that you are referring to the catch  
39 share. What we had on the west coast of Puerto Rico was an  
40 exercise to ask the fishermen whether they would be willing to  
41 work on a catch share program for the deepwater snapper grouper  
42 and it could include ITQs or not.

43  
44 After several months of working with them and experts and  
45 everything, they turned it down and they decided that they  
46 didn't want to do it and so that was the end of it.

47  
48 **RAY CAMPBELL:** Okay. That's good that that was the end of it,

1 because at the last council meeting, I recommended that the  
2 council members look into the devastation that IFQ management  
3 did to the Alaskan halibut fishery and I requested that the  
4 council members research what has gone on with the halibut  
5 fishery in Alaska and the devastation that IFQ management has  
6 caused and has anybody looked at that?

7  
8 **MIGUEL ROLON:** Actually, I checked what you just mentioned and  
9 there are two sides of it. Some people believe there was  
10 devastation and others believe it was okay and they're happy  
11 with it. It depends on who you talk to.

12  
13 Anyway, we would like to thank you for that, because that was  
14 another piece of information that I had to share with the  
15 fishermen. However, the decision not to follow the catch share  
16 made by the fishermen of the west coast was because of other  
17 issues that they have and we'll just leave it at that. It seems  
18 that this doesn't work for this area, at least for the west  
19 coast fishermen of the deepwater snapper grouper fishery.

20  
21 **RAY CAMPBELL:** Okay. The point that I really wanted to make in  
22 my public comment was IFQ management of the fisheries really  
23 needs to be looked at very carefully before it's instituted,  
24 because in Alaska, it was a Frankenstein that they created that  
25 just has grown and grown and grown and it's really been  
26 devastating.

27  
28 If you look at what it's done to the halibut fishery, one of the  
29 oldest, best-established fisheries in Alaska, and have seen what  
30 it's done -- Last year, they had a 30 percent reduction in the  
31 quota and this year, they're planning another 30 percent  
32 reduction in the quota, which means a 60 percent reduction in  
33 the quota in the last two years. If you do plan on any IFQ  
34 system, I think you should really take a close look at it.  
35 Thank you for your patience, folks.

36  
37 **CARLOS FARCHETTE:** Thank you.

38  
39 **TONY IAROCCI:** Thank you, Mr. Chairman. I have sat on my hands  
40 and bit and held my tongue through this whole meeting and I have  
41 to come up and first, I have to say, Bonnie, I want to thank  
42 Steve Turner and Kevin McCarthy personally for the time they put  
43 in to get some of this stuff on some of these overruns and the  
44 data.

45  
46 Fishermen have been telling me that now for a long, long time,  
47 that that was the problem. I think it was August of 2011 when  
48 the new trip forms were starting to be used and there was that

1 discrepancy between the two. I think it's a great start to look  
2 at what we're doing.

3  
4 Secondly, to Miguel's motion or suggestion to create this  
5 advisory panel, I'm a strong supporter of advisory panels. I  
6 started, before I got on the council, on the advisory panels on  
7 the South Atlantic. A lot of issues are dealt with before the  
8 council, as you know, and can be dealt with, with the  
9 fishermen's involvement.

10  
11 I want to stress the importance of making sure that the  
12 fishermen are going to be involved in this process, especially,  
13 and Nelson, as a council member, would know that you need the  
14 right fishermen. If you're going to be dealing with the  
15 deepwater snapper fishery, you need some of the high-line  
16 deepwater snapper fishermen, just like you do with SEDAR, and at  
17 the beginning, you gather the information from the fishermen.

18  
19 With this AP, you can do the same thing. You can get to the  
20 commercial fishermen here and they will have the data and the  
21 same thing with the hind. I've been hearing the same thing.

22  
23 I personally saw some of the catches that Winston -- He called  
24 and said, come here and look. The hind are bigger and they're  
25 catching more. In the closed areas, they've been talking about  
26 doing that research for a while, but I think it's a great idea  
27 and there was a lot of discussion today and I have so much more  
28 to say, but it's late and I'm not going to say it and maybe  
29 tomorrow I'll get into some other things and some things off the  
30 record, but there's a lot of great discussion.

31  
32 These motions need to be dealt with and looked at and done  
33 right. The timing on this, I think, at the table and look at  
34 the importance and you see and you can hear when Nelson speaks  
35 and when Eddie speaks. You see how this is going to affect this  
36 industry down here.

37  
38 It's very important to do this right and you did hear Eddie say  
39 that people are looking at lawsuits. We do have the  
40 environmental community here and there's lots of lawsuits on the  
41 table. From New England all the way down, you're dealing with  
42 this stuff.

43  
44 This can be dealt with within this process with the right kind  
45 of AP and the right data and I think you've got the right things  
46 on the table to work and do it right.

47  
48 **CARLOS FARCHETTE:** Any other public speaker? Hearing none, we

1 will move to the Administrative Committee meeting. We will be  
2 in recess until tomorrow morning at eight o'clock.

3  
4 (Whereupon, the meeting recessed on December 19, 2012.)

5  
6 - - -

7  
8 December 20, 2012

9  
10 THURSDAY MORNING SESSION

11  
12 - - -

13  
14  
15 The Caribbean Fishery Management Council reconvened at the  
16 Marriott Frenchman's Reef, St. Thomas, USVI, Thursday morning,  
17 December 20, 2012, and was called to order at 8:00 o'clock a.m.  
18 by Chairman Carlos Farchette.

19  
20 **CARLOS FARCHETTE:** Good morning and welcome back to the  
21 continuation of the 144<sup>th</sup> Caribbean Council meeting being held at  
22 Frenchman's Reef, St. Thomas. It's December 20, 2012 and it's  
23 8:00 a.m. We'll do a roll call and I'll start on my left with  
24 Natalia.

25  
26 **NATALIA PERDOMO:** Natalia Perdomo, council staff.

27  
28 **WINSTON LEDEE:** Winston Ledee, council member, St. Thomas.

29  
30 **MIGUEL GARCIA:** Miguel Garcia, council member, Puerto Rico.

31  
32 **ROY PEMBERTON:** Roy Pemberton, Jr., DPNR.

33  
34 **EUGENIO PIÑEIRO:** Eugenio Piñeiro, Puerto Rico.

35  
36 **CARLOS FARCHETTE:** Carlos Farchette, council Chair.

37  
38 **MIGUEL ROLON:** Miguel Rolon, council staff.

39  
40 **DIANA MARTINO:** Diana Martino, council staff.

41  
42 **BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.

43  
44 **NELSON CRESPO:** Nelson Crespo, council member, Puerto Rico.

45  
46 **BILL ARNOLD:** Bill Arnold, NOAA Fisheries.

47  
48 **PHIL STEELE:** Phil Steele, NOAA Fisheries.

1  
2 **ALIDA ORTIZ:** Alida Ortiz, Outreach and Education Panel.

3  
4 **BRUCE BUCKSON:** Bruce Buckson, NOAA Office of Law Enforcement.

5  
6 **MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

7  
8 **ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

9  
10 **OTHA EASLEY:** Otha Easley, NOAA Office of Law Enforcement.

11  
12 **TONY IAROCCI:** Tony Iarocci, Florida.

13  
14 **KEN STUMPF:** Ken Stumpf and I'm with Pew.

15  
16 **GRACIELA GARCIA-MOLINER:** Graciela Garcia-Moliner, council  
17 staff.

18  
19 **CONTINUED COUNCIL DISCUSSION OF ACLS**

20  
21 **CARLOS FARCHETTE:** Thank you. We're going to continue with what  
22 we tabled yesterday on the motions.

23  
24 **MIGUEL ROLON:** Mr. Chairman, we have the two motions on the  
25 screen and the first one is a motion that the CFMC creates an  
26 advisory panel under Section 302(g)(2) to readdress the catch  
27 level for queen snapper, red hind, and other species to be  
28 determined by the council Chairman, in consultation with the  
29 Southeast Fisheries Science Center, exactly the same language  
30 that you had yesterday.

31  
32 **CARLOS FARCHETTE:** Any further discussion?

33  
34 **BONNIE PONWITH:** I did have a chance to consult with staff on  
35 this and collectively, we believe that this would be a stronger  
36 effort if it were done within the process, which would be to do  
37 this exact thing, but do it under the auspices of SEDAR.

38  
39 We recognize that there are some timing issues and for that  
40 reason, the Center does support the council's motion up there to  
41 pull together an AP.

42  
43 I think the challenge will be creating a strong terms of  
44 reference to make sure that those include not only the ability  
45 to acquire the proper representation on this, getting the  
46 scientific expertise AP representation, so we can reflect on the  
47 fishery participants' observations on the status of these, but  
48 also the terms of reference need to include some special

1 provisions for peer review.

2  
3 It might be as simple as having half of the SSC involved in this  
4 and hold the other half out to serve as an independent peer  
5 review, but because this decision is so important, peer  
6 reviewing this is going to be really critical.

7  
8 I don't think those are insurmountable things to be able to  
9 accomplish this correctly. These are things you have to do  
10 because we're doing it outside of SEDAR.

11  
12 In summary, the Science Center can get behind this. The biggest  
13 challenge is going to be squeezing something in that wasn't  
14 scheduled among all the other SEDAR activities, but we will  
15 evaluate staff availability to be able to pull the data together  
16 and help craft the terms of reference.

17  
18 The other thing is once the motion is voted on, I think that it  
19 would be important to spend some time on next steps, so that we  
20 don't walk away from the meeting and say, oh yeah, we were going  
21 to do that and how did we plan on doing that? That's something  
22 that we should be thinking about as the council contemplates its  
23 vote.

24  
25 **MIGUEL ROLON:** Bonnie, the peer reviews that has been done  
26 before, we have the Blue Ribbon Panel and we followed the SEDAR  
27 process and that Blue Ribbon Panel is composed of three people  
28 sometimes. Are you thinking about those types of peer review?

29  
30 **BONNIE PONWITH:** What we can do -- Unless the peer review hinges  
31 on the vote on the motion, it might -- I think we need to talk  
32 about peer review and I think that we need to come up with an  
33 agreed-upon process for establishing it.

34  
35 We can either sit down in this group and agree on what the  
36 protocol is for the peer review or we can name a small working  
37 group to sit down in the aftermath and create sort of the formal  
38 steps that we perceive as being necessary for the peer review.

39  
40 The main thing is we can't just pull the group together and say  
41 this is final and let's use it. It's important enough that I  
42 think it strengthens the product to go through a peer review  
43 process.

44  
45 It could be as simple as an SSC member, a CIE person, and a  
46 person from the Science Center who had no hand in the panel or  
47 other combinations, but some level of peer review will be  
48 necessary. The process for setting that up is something we

1 should talk about. How we want to deal with the details of the  
2 next step in this motion is going to be an important discussion.

3  
4 **MIGUEL ROLON:** I believe that the key to the success of this  
5 process is just what you mentioned and, for example and for  
6 discussion, let's say that you approve this. We can have --  
7 From outside, we can have an expert, Mike Sissenwine from the  
8 SSC, and somebody else chosen by Dr. Ponwith from the Center and  
9 those three persons will be the peer reviewers.

10  
11 Those are stock assessment guys and they are just pure  
12 scientists and this is the way it is and the process for  
13 selecting the group can be dealt with by the Chair and Bonnie  
14 and Roy, so we make sure that the composition of the group is  
15 the right one.

16  
17 At this time, what we need is scientists knowledgeable about  
18 stock assessment that can go through the datasets and come up  
19 with recommendations.

20  
21 The other thing I was going to, in discussing with other people,  
22 is we want to make sure that everybody understand that this  
23 group is going to examine the data and will tell you what they  
24 think about it in a very professional way. That doesn't mean  
25 that the ACL catch level will go down or will go up or will stay  
26 the same.

27  
28 The result might be something that you expected and it might be  
29 something that is totally unexpected, but we want to make sure  
30 that everybody understands that this group is a neutral,  
31 scientific group and we are all familiar with that.

32  
33 Then the composition of the group could be five people or six  
34 people, but I believe that if everybody understands the essence  
35 of the motion and that you approve it, then immediately we need  
36 to start corresponding with Dr. Bonnie Ponwith and the other  
37 players and see if we can set the wheel in motion about it.

38  
39 The other point is the timing of when and where we are going to  
40 meet and in the case of the federal government employees, I  
41 cannot pay for them to come to meetings and so that's a variable  
42 you have to think about, because money is tight. I believe that  
43 NMFS, all the way from Washington to here, is really looking at  
44 money very carefully.

45  
46 That means that if people from the Center and people from the  
47 SSC and people from outside, we are more flexible. We have the  
48 authority to pay for them. The same with the peer reviewers.



1 If we get peer reviewers from outside the system and they have  
2 to move, it creates some problems and if they don't have to move  
3 -- We can do everything by email nowadays or a webinar and that  
4 will save time and money.

5

6 **CARLOS FARCHETTE:** Any further discussions?

7

8 **WINSTON LEDEE:** I think what we're doing here is a good idea. I  
9 think there's flaws in the way we came to the conclusions of the  
10 fishery in the west of Puerto Rico and the hind fishery and I  
11 think we really need to look at both of them again and see where  
12 the flaws are.

13

14 **CARLOS FARCHETTE:** Anybody else?

15

16 **ROY CRABTREE:** I'm okay with all of that and I think that Bonnie  
17 and Carlos and I can talk and Carlos can appoint, consulting  
18 with the Center, who is on the panel and then some combination  
19 of the Center and the SSC to do the peer review on it.

20

21 I am okay with the motion. I would encourage the Chairman  
22 probably not to drag other species into this and let's keep it  
23 focused and see if we can't do this in a timely fashion, but I  
24 think I'm good with it.

25

26 **CARLOS FARCHETTE:** Anyone else? Anybody from the state?

27

28 **MIGUEL GARCIA:** I would like to express my gratitude to Dr.  
29 Ponwith and the rest of the people to take care of this in an  
30 expedited manner. We do agree with the proposed approach and  
31 you will have the ultimate participation from Puerto Rican  
32 fishermen and the Puerto Rican people. Thank you.

33

34 **CARLOS FARCHETTE:** Thank you for that, Miguel.

35

36 **ROY PEMBERTON:** I think this is a good way to move forward to  
37 kind of clear this up, but I would also caution that there are  
38 probably going to be another couple of species that will be  
39 right around the corner that we will probably have to do  
40 something similarly for, particularly I'm looking at mutton  
41 snapper over here for St. Croix and possibly maybe even some of  
42 the triggers over here, but that might be a little bit further  
43 down the road for St. Thomas, but definitely mutton snapper is  
44 the next one that's probably going to be on this list.

45

46 **MIGUEL ROLON:** The other part that we didn't talk about is that  
47 when we create an advisory panel, it's not forever, but it is  
48 not for an instant. They will be active as long as you need

1 them and so this first part, we are going to address those two  
2 species and maybe another one, but we want to concentrate on  
3 those two, first, because it's better for everybody. It will  
4 help the Center to focus on what they want to do and also to  
5 assign the personnel.

6  
7 If this flies and doesn't crash, then next year or two years  
8 from now, we can examine all the species that are important and  
9 then we will continue using this mechanism. If this doesn't  
10 work, then we can come back here and say, well, guys, it didn't  
11 work, but we will have an opportunity here to see if we can  
12 expedite the process, all within the SEDAR and infrastructure  
13 that we have, because that point about peer review is probably  
14 the most critical one.

15  
16 We will have the same people working and the same council  
17 members taking decisions, but we have peer review and you make a  
18 stronger case for whatever you do that will come out of this  
19 process.

20  
21 **BONNIE PONWITH:** This is being offset from the typical SEDAR  
22 process because of some time sensitivities, but I view it as an  
23 interesting pilot, because it is within -- There is precedent  
24 and it is within the ability of SEDAR to take a collection of  
25 species and rather than doing a more conventional formal stock  
26 assessment on an individual stock, to take a collection of a  
27 species and walk them through the ORCS process.

28  
29 Our SSC Chair yesterday pointed out that the last time we set  
30 ACLs that it was using the as yet to be formally released, on  
31 the brink of being released report of how to deal with only  
32 reliable catch species, but the difference is they used the  
33 approach in a way that was by the book and other council's SSCs  
34 have looked at how our SSC did it and took the results of what  
35 worked and what didn't work well for us and customized the  
36 process.

37  
38 With each successive meeting, using the ORCS approach, it got  
39 better and better and more refined and so I think it's our turn  
40 now to circle back and use that ORCS approach on a large number  
41 of species, customizing the approach for the idiosyncrasies, the  
42 things that are unique about the Caribbean, and run several  
43 species.

44  
45 Exactly what you said, Director Pemberton, is what I hope will  
46 be the outcome of this, is that we try this at a pilot scale and  
47 circle back to the SEDAR and use the SEDAR process, but  
48 customize it to fit our special needs in that way.

1  
2 **CARLOS FARCHETTE:** Thank you. Any other discussion? We are  
3 going to do a roll call vote and I'm going to start to my right.  
4  
5 **NELSON CRESPO:** Yes.  
6  
7 **ROY CRABTREE:** Yes.  
8  
9 **EUGENIO PIÑEIRO:** Yes.  
10  
11 **ROY PEMBERTON:** Yes.  
12  
13 **MIGUEL GARCIA:** Yes.  
14  
15 **WINSTON LEDEE:** Yes.  
16  
17 **CARLOS FARCHETTE:** Yes. Anyone opposed? **Hearing none, the**  
18 **motion carries.**  
19  
20 **MIGUEL ROLON:** The second motion we have probably some more  
21 discussion or maybe a different modified language and so we want  
22 to ask Bill, if after consulting with your pillow yesterday  
23 evening, you have something else to add.  
24  
25 **BILL ARNOLD:** Yes, I do. This is what happens when you wake up  
26 at 4:00 a.m. thinking about this stuff. What I tried to do was  
27 take what we discussed yesterday and make it a little more  
28 action oriented.  
29  
30 **The motion as I have rewritten it, and it's certainly out there**  
31 **for discussion and change, is the council desires to fund a data**  
32 **mining effort to identify, acquire, and organize all pertinent**  
33 **data regarding distribution and abundance of reef fish in U.S.**  
34 **Caribbean waters. The council will then convene a workshop to**  
35 **develop at least one model that uses the available data to**  
36 **provide applicable management advice.**  
37  
38 **MIGUEL ROLON:** You may want to discuss this new language and,  
39 after discussion, if the councils wants to adopt that, then the  
40 owner of the motion can accept a friendly amendment to the  
41 language or you can just withdraw the first one and substitute  
42 it for the second. The second motion is mostly a process to do  
43 something and to get a product and that's all and you can start  
44 discussing it.  
45  
46 **CARLOS FARCHETTE:** I'm just going to take a minute to soak that  
47 second motion in.  
48

1 **EUGENIO PIÑEIRO:** They are completely different. They're  
2 completely different motions and so perhaps the way to go would  
3 be to withdraw the first motion.  
4

5 **MIGUEL ROLON:** You don't have to.  
6

7 **EUGENIO PIÑEIRO:** I know I don't have to, but they're so  
8 different that we have to look at them differently.  
9

10 **MIGUEL ROLON:** My suggestion is that you keep the two motions  
11 and discuss what is different between the two. The first one is  
12 charge the SSC to develop research priorities to acquire and  
13 integrate fishery-independent blah, blah, blah.  
14

15 That's something that the SSC has been doing so far, but here,  
16 we have kind of a mandate that they move forward with it.  
17 However, the second one that Bill dreamed about at four o'clock  
18 is more in tune with what we really need to do. It's more down  
19 to earth and here, what we are going to do are two things.  
20

21 We form the data mining, and we have done that before, and so  
22 whomever we hire to do this will go and get everything that is  
23 there about the reef fish. We need to decide how many reef  
24 fish, because there are 4,000 species.  
25

26 One of the problems that we have in the Caribbean is that we  
27 have 4,000 species and five pounds of each and in this case, we  
28 need to go over the species that we want to address through this  
29 motion.  
30

31 The second part of the motion is to convene a workshop to  
32 develop and model at least one that can work here. In the past,  
33 also we have done something similar and now the work that has  
34 been done by the National SSC Meetings and others, we have  
35 manuals to work with data-poor, which is the situation that we  
36 have here, and others. I believe that you need to discuss a  
37 little bit more the second one, just to make sure that we  
38 understand what the process is.  
39

40 **BONNIE PONWITH:** There are many things in the second motion that  
41 concern me, but if I look at the spirit of what it's trying to  
42 accomplish -- My last intervention was that we need to watch  
43 very closely how this work with queen snapper and red hind goes  
44 in the AP and how a customized approach to ORCS works for us.  
45

46 The next step would be to take a collection of key species and  
47 run them through a special SEDAR and not the traditional SEDAR,  
48 but a special SEDAR that is focusing on exactly this kind of

1 thing, getting the data and running a customized ORCS approach,  
2 a data-poor approach, to the stocks to actually give catch  
3 advice to the managers.

4  
5 Again, I think that this is a good idea, but the mechanism that  
6 I think it would be best served by would be to run it through  
7 the SEDAR process in the next slot that the Caribbean has in  
8 SEDAR.

9  
10 **MIGUEL ROLON:** Bonnie, that would be the red hind that we are --  
11 When and where is that slot?

12  
13 **BONNIE PONWITH:** One of the things that I need to do is if we're  
14 going to invest resources and time to pull together this special  
15 group, whether that absorbs the time we have available that we  
16 would have been spending on red hind as a traditional  
17 assessment.

18  
19 That's something that I need to investigate with my staff and  
20 with the SEDAR staff and so I'm not sure if that slot exists.  
21 If it does exist -- In other words, if we can do this  
22 aggressive, expedited evaluation this spring and still be able  
23 to do another stock assessment in the fall, it could be as early  
24 as this fall that we do that.

25  
26 **BILL ARNOLD:** Just a couple of comments. It would probably read  
27 better if you said "distribution and abundance of managed reef  
28 fish in the U.S. Caribbean waters" rather than all 4,000 or  
29 whatever reef fish.

30  
31 The second thing is the workshop, if that's a SEDAR-based  
32 workshop, I certainly would have no problem with that. The  
33 third thing is this is a strategic approach and so it's not as  
34 time essential as the red hind/queen snapper analysis and I  
35 think that people would be more amenable to Bonnie's timeline  
36 concerns.

37  
38 **GRACIELA GARCIA-MOLINER:** In terms of the data mining, the  
39 reason for that is because even when we go to the SEDARs, there  
40 is still a lot of literature out there that we just don't have  
41 the time or the manpower to go find.

42  
43 For example, the Department of Natural Resources and DPNR have  
44 had surveys done over a very long period of time, but they were  
45 done in the 1970s and the 1980s and so they're sitting in some  
46 file cabinet somewhere and they have not been brought up to PDF  
47 and things like that.

48

1 Even if we try our best, it would be like the map mining effort  
2 that we're doing right now. We're looking for all maps, in  
3 paper, to bring them to the GIS age. If we could bring that  
4 information in and especially because in the 1970s and 1980s,  
5 everything was ecologically oriented.

6  
7 There are huge surveys that look at the whole reefs and that  
8 look at the association of fish with habitat, et cetera. Of  
9 course, they didn't have the technology that we have now, but  
10 that's the kind of effort that we need to focus on.

11  
12 **BONNIE PONWITH:** That makes a lot of sense and that would allow  
13 for a more thorough evaluation or a thorough collecting of  
14 existing data and I think that's always a smart thing, because  
15 time is always a constraint.

16  
17 If we do that, it might be -- One alternative would be to break  
18 that into two pieces. If the council is interested in a data  
19 mining effort and had resources to support that, they could pull  
20 together a team or contract out to some entity doing the contact  
21 work with the agencies, with the NGOs, with the academics, and  
22 gather up those data and then package that for the data phase of  
23 a SEDAR.

24  
25 Getting the data is always the first step and the second step is  
26 making a determination of whether the data meet the quality  
27 requirements that you have for the evaluation and that is the  
28 part that's best done by a team of trained scientists. That  
29 filtering process is important.

30  
31 **CARLOS FARCHETTE:** Just a comment. Wouldn't that maybe be a  
32 third motion, because I think Motion Number 2 is also important  
33 and so maybe that could be a third motion.

34  
35 **MIGUEL ROLON:** If you agree on the process, don't get entangled  
36 in the motions. You can dispose of the first one the way that  
37 we're talking now and then maybe rearrange the language in the  
38 second one, so you can make sure that you can capture what Dr.  
39 Bonnie Ponwith just said, plus whatever the council members  
40 would like to see done.

41  
42 The data mining issue is not new. We have done that before. We  
43 hired Dr. Reni Garcia one time for the data mining on coral  
44 reefs and it was successful. We hired MRAG to do the same thing  
45 with essential fish habitat and others and so if we do something  
46 like that, the staff, Graciela, she has done this before also  
47 and she knows what everybody is burying and we can have a data  
48 mining project and then filter, from that data mining, whatever

1 it is -- Which is really what Dr. Ponwith is saying, but  
2 whatever is applicable for the SEDAR process.  
3  
4 That way -- Because the other problem about SEDAR is you have a  
5 budget and you have a program and you have a schedule and if you  
6 want to go outside that schedule, then you have to come up with  
7 the money and the timing and all that.  
8  
9 What we are saying here is that the CFMC will work on the data  
10 mining and prepare the data to be used by the SSC or the SEDAR  
11 or whomever is out there who is in need, like the Regional  
12 Office and the Center. That's the gist of this second language  
13 for the motion. If that's the intent and that's what you all  
14 understand will happen, then you will be ready to work.  
15  
16 The second part about the workshop, I'm not so sure about that  
17 workshop yet. However, you can leave it there, because that  
18 gives us the flexibility of incorporating that workshop or not,  
19 depending upon what you desire to do at the end of this first  
20 part, which is the data mining and processing of the data.  
21  
22 **BONNIE PONWITH:** If you want to leave the second part in to  
23 leave the flexibility, then it would require another motion to  
24 dissolve it if you decided that the SEDAR approach was the way  
25 you wanted.  
26  
27 **It might be something worth considering to say, rather than the**  
28 **"council will", to say the "council may" and that gives you the**  
29 **maximum flexibility.**  
30  
31 **MIGUEL ROLON:** That way, the council has the instrument there  
32 and you can use it if you need to and if not, you don't have to.  
33 If Genio and Crespo agree with the new language, you can have  
34 substitute language or you can just withdraw the first one and  
35 move to have the second one, which is probably the easiest way.  
36  
37 **EUGENIO PIÑEIRO:** Yes, I move to withdraw the first motion and  
38 **instead use the language of --**  
39  
40 **MIGUEL ROLON:** The motion will be to withdraw the first one and  
41 just do that and then go into the next one.  
42  
43 **EUGENIO PIÑEIRO:** I so move.  
44  
45 **NELSON CRESPO:** Second.  
46  
47 **MIGUEL ROLON:** Now you are back to square one and now we need a  
48 motion to read what the second paragraph says.

1  
2 **CARLOS FARCHETTE:** I think we still need some language there.  
3 Motion to delete Number 2 and --  
4  
5 **MIGUEL ROLON:** No, you don't need that. He just withdrew it and  
6 so it's non-existent. Now you have to say I move to the council  
7 and blah, blah, blah, the second part.  
8  
9 **EUGENIO PIÑEIRO:** I move that we adopt the language for the  
10 remaining motion to the council, to fund the data mining  
11 efforts.  
12  
13 **NELSON CRESPO:** Second.  
14  
15 **MIGUEL ROLON:** For the record, the motion on the table reads:  
16 Motion to the council to fund a data mining effort to identify,  
17 acquire, and organize all pertinent data regarding distribution  
18 and abundance of reef fish managed in U.S. Caribbean waters.  
19 The council may then convene a workshop to develop at least one  
20 model that uses the available data to provide applicable  
21 management advice. Now, if you're ready to vote, just roll call  
22 and vote and move.  
23  
24 **CARLOS FARCHETTE:** I will do a vote, starting on my left.  
25  
26 **WINSTON LEDEE:** Yes.  
27  
28 **MIGUEL GARCIA:** Yes.  
29  
30 **ROY PEMBERTON:** Yes.  
31  
32 **EUGENIO PIÑEIRO:** Yes.  
33  
34 **ROY CRABTREE:** Yes.  
35  
36 **NELSON CRESPO:** Yes.  
37  
38 **CARLOS FARCHETTE:** Yes. Any opposition to the motion? **Hearing**  
39 **none, all in favor and it's unanimous and the motion carries.**  
40  
41 **MIGUEL ROLON:** Mr. Chairman, from yesterday, you have one item,  
42 which is an interesting item, and it's the Island-Specific FMP.  
43 For that, we would like to allow Graciela and Dr. Bill Arnold to  
44 give us a presentation.  
45  
46 **ISLAND SPECIFIC FMP**  
47  
48 **BILL ARNOLD:** I was hoping to get Miguel on the line here, so he



1 could listen in. Hopefully he will call any second. Anyway,  
2 the council has been discussing, actually since December of last  
3 year, the possibility of changing over from a species-based  
4 approach to managing federal fisheries in the U.S. Caribbean to  
5 an island-based approach.

6  
7 This really flows from our application of annual catch limits on  
8 an island-specific basis and just to remind you guys, what we  
9 did was assigned ACLs to three separate island groups in the  
10 U.S. Caribbean: Puerto Rico, St. Thomas/St. John, and St. Croix.

11  
12 During the process of developing those ACLs, it was made very  
13 clear to us that the islands would greatly prefer to have their  
14 fisheries managed on a local basis, due to differences in  
15 culture, markets, fishing practices, et cetera, et cetera.

16  
17 I would like to make clear that while maybe the direct impetus  
18 for this is these culturally-based and market-based and economic  
19 influences, they flow right down into the reefs and into the  
20 practices of harvesting and just fishing in general.

21  
22 You've got deepwater fisheries off of Puerto Rico and you've got  
23 a major parrotfish fishery in St. Croix and these reflect the  
24 culture and environment within which those fish are harvested.

25  
26 Like I said in December, the council passed the original motion  
27 to develop a managing by islands discussion paper. SERO and the  
28 council staff did develop that discussion paper and it was  
29 discussed at the April meeting of the council and then we took  
30 it to council scoping hearings during the summer of 2012 and  
31 just got feedback from the crowds on St. Croix, on St. Thomas,  
32 and at several sites in Puerto Rico. At least in that initial  
33 stage, I think it was made clear that there was a lot of  
34 interest in this and a lot of preference for it.

35  
36 In August, the council discussed the outcomes of the July  
37 hearings and they requested that SERO and council staff develop  
38 an outline and that's where we are now. We have developed basic  
39 outlines for what the new FMPs would look like, the island-  
40 specific FMPs, and that's kind of where we are now.

41  
42 Now, we anticipate that we would develop a programmatic level  
43 environmental assessment regarding this shift and that  
44 environmental assessment would be used to determine whether  
45 there is or is not a significant impact due to this transition  
46 from a species-based to an island-based management scheme.

47  
48 If that initial environmental assessment determined that there

1 would be significant impacts, then we would do a programmatic  
2 environmental statement, which is much more involved and longer  
3 term, but would evaluate all aspects of this transition.

4  
5 Then once that is moved forward, we would begin development of  
6 the fishery management plans for each island, assuming that  
7 that's what was determined -- As the initial inputs indicate  
8 that's what is determined to be the best approach to take.

9  
10 This is what this initial environmental assessment would do. It  
11 would analyze management shift. It's the first step in  
12 modifying fisheries management and it describes the steps needed  
13 to replace the current species-based FMPs and if it is  
14 identified that the impacts would be significant, it would also  
15 evaluate those impacts of economic, social, biological,  
16 administrative, and a very in-depth analysis of what this  
17 transition will involve.

18  
19 As a template for this, you can look at the Western Pacific's  
20 programmatic environmental impact statement for their transition  
21 to archipelago-based fishery ecosystem plans. I would point out  
22 that the Caribbean is like a single one of those archipelagos  
23 and so it's not going to have such distinct ecosystem-based  
24 differences, but I would also point out that a lot of the recent  
25 literature coming out, genetic literature, physical  
26 oceanographic literature, and the melding of those into  
27 connectivity literature, indicates that while there are a lot of  
28 similarities among the islands that constitute the U.S.  
29 Caribbean, there are also some fundamental differences that are  
30 complex and unique and not necessarily to the islands, but  
31 sometimes to subsections of these islands.

32  
33 On the surface, it seems like you've got a bunch of islands that  
34 pretty much operate the same, but when you really start drilling  
35 down into it, you find that there are fundamental differences  
36 that influence not just the fisheries and the cultures, but the  
37 populations upon which these fisheries and cultures are based.

38  
39 The environmental impact statement, and this would definitely be  
40 required for the fishery management plans. It's a fundamental  
41 requirement and it also may well be required for the  
42 programmatic level analysis.

43  
44 It describes and analyzes the processes for developing each FMP.  
45 It would analyze any changes that may occur when tailoring the  
46 new FMPs and, based upon our initial guidance, would most likely  
47 involve three environmental impact statements and three FMPs,  
48 those being one for Puerto Rico, one for combined St. Thomas/St.

1 John, and one for St. Croix. Again, we're at the beginning  
2 process of this and so some of this remains to be determined and  
3 decisions remain to be made.

4  
5 These are the actions that would be included in these island-  
6 specific scoping documents. We would establish fishery  
7 management units and potentially revise the species compositions  
8 of those units and they may not be the same among islands.

9  
10 Some islands have a heavy involvement of particular species that  
11 are not even harvested on other islands or are harvested at  
12 extremely low levels and, to the degree necessary, it would also  
13 modify or establish additional management measures, as the  
14 council saw fit.

15  
16 Our next steps are to update the scoping documents based on your  
17 feedback, schedule scoping hearings, and initiate development of  
18 the FMPs and the associated National Environmental Policy Act  
19 analyses that will be required in this process.

20  
21 As I've said at previous meetings, we anticipate this is going  
22 to be a long process and certainly I would guess a minimum of  
23 two years. That's where we are with this and we plan, unless  
24 directed otherwise, to keep moving forward on it.

25  
26 **MIGUEL ROLON:** Bill and Graciela, have you seen the letter from  
27 the Pew Commission regarding this issue and do you have any  
28 comments?

29  
30 **BILL ARNOLD:** I have seen a letter from the Pew Commission and  
31 also a letter from Earth Justice, I believe. Both of them  
32 commented on this and I can't reiterate it off the top of my  
33 head. I think the gist of both of those letters was -- Their  
34 focus was really on the programmatic level and their concerns  
35 that we do a thorough programmatic analysis and I would not  
36 disagree with that at all and I think it's very important, in  
37 the long run, that we develop a really good programmatic level  
38 document, because that document will guide us going into the  
39 future for many, many years and if we're successful and create a  
40 good programmatic document, then it will give us good guidance  
41 going into the future and allow us to tier a lot of our  
42 activities off of that programmatic document.

43  
44 In my opinion, the comments they made are good comments and  
45 comments that, personally, I would agree with and I think that,  
46 without putting words in people's mouths, I think most people  
47 would probably have no aversion to their comments.

48

1 **MIGUEL ROLON:** I sent the letter to council members and  
2 "programmatic" means that we follow the NEPA process and all the  
3 processes that we have for a single FMP or any other FMP as we  
4 have now.

5  
6 We make sure that we comply with everything that we have and  
7 it's an open process and you have an opportunity then to get  
8 anybody who has to say anything about this to participate in the  
9 discussion and the decision making process. Graciela and Bill,  
10 what do you need from us today?

11  
12 **GRACIELA GARCIA-MOLINER:** We are going to go through the scoping  
13 document that you received. We need more guidance in terms of  
14 what the council wants to do. We will show you preliminary  
15 plots of the non-managed species, for example, for each of the  
16 islands.

17  
18 We'll show you a plot of the recreational versus the commercial  
19 harvest for some of these non-managed species and a little bit  
20 more guidance in terms of how specifically you want us to deal  
21 with the options in terms of management. Do you want to start  
22 dealing with the non-managed species or do you want to just  
23 start off the species that are managed?

24  
25 The reason why we keep bringing up the non-managed species is  
26 because there are quite large differences among the islands with  
27 these other species and so let me get the --

28  
29 **MIGUEL ROLON:** Graciela, once you do that, what will be the next  
30 step, or Bill?

31  
32 **BILL ARNOLD:** Our next step would be to develop the NEPA-level  
33 scoping documents for this process, including the environmental  
34 assessment, which really probably is the first thing we need to  
35 do, is to develop what we call a FONSI, which is a Finding of No  
36 Significant Impacts, for the programmatic level document.

37  
38 If we find that the outcomes indicate there will be no  
39 significant impacts, then we could do an environmental  
40 assessment. If we find that there would be significant impacts,  
41 we would have to do the more extensive environmental impact  
42 statement. Again, there are advantages and disadvantages to  
43 each.

44  
45 **MARA LEVY:** I think it's a good idea if you look at what they  
46 have put together so far in terms of scoping documents, but I  
47 would hesitate to have you make any concrete decisions at this  
48 point, because part of what NEPA scoping is, it's taking your

1 general idea out to the public to scope the issues that need to  
2 be addressed and we haven't done that yet and that's sort of the  
3 next step in the environmental impact statement process.

4  
5 We go to NEPA scoping and we say to the public, this is what we  
6 want to do and this is the scope that we think we want to take  
7 and do you see any other things or do you have any comments on  
8 the scope or the issues that need to be addressed?

9  
10 I would talk about it and I would look at what's in there, but I  
11 would refrain from making any concrete, I guess, choices at this  
12 point and I just wanted to make one point on the programmatic  
13 idea.

14  
15 NEPA is intended to work sort of in a stepwise process. If the  
16 agency thinks right off the bat that some federal action is  
17 going to have a significant environmental impact, it can jump  
18 right into the EIS, environmental impact statement, process, but  
19 NEPA provides for a first step if you want to evaluate whether  
20 something is going to have a significant environmental impact  
21 and that's the environmental assessment.

22  
23 The environmental assessment is supposed to analyze the impacts  
24 and then make a determination of whether there are going to be  
25 significant impacts, which would then move you into the EIS  
26 realm, or whether you can do a finding of no significant impact.

27  
28 I don't want to -- When I listened to what Bill said, it sort of  
29 seemed like you would write the FONSI upfront and then you would  
30 have the EA that would support that, but it's the other way  
31 around. Your environmental assessment should either support  
32 your finding of no significant impact or it should direct you to  
33 prepare an environmental impact statement.

34  
35 **MIGUEL ROLON:** Then, Bill and Graciela, rather than doing what  
36 Graciela mentioned, how deep do you want to go on this one? In  
37 essence, what we need to know from the council is if you have  
38 something else that you want to add for the scoping process,  
39 then so be it.

40  
41 At this time, probably I can bet that the document is probably  
42 ready to go for scoping meetings, because that scoping meeting  
43 is your first step to do anything else. At this time, we want  
44 to make sure that the staff has compiled the essence of what you  
45 wanted to do and decided is there.

46  
47 In that case, after hearing Mara, Graciela, I don't think that  
48 we have to go into every little detail about this, but just we

1 want to make sure that the document is ready for scoping.

2  
3 **GRACIELA GARCIA-MOLINER:** There's not too much detail that we  
4 can go into. The document is nine pages long and it has a  
5 complete section on what the scoping meetings are and what the  
6 public should interact with the council, et cetera, because it's  
7 been called to our attention that we need to be more into  
8 outreach and education when we go to the scoping meetings.

9  
10 We will present the information on what the scoping does and so  
11 it basically also has a Chapter 2 on the potential actions and  
12 they basically cover, I think, most of what we could think about  
13 and the first thing would be to establish the fishery management  
14 units.

15  
16 The reason for that is because we do have twenty-two FMUs in the  
17 documents now. Each FMU consists of more than one species.  
18 There are some FMUs that have up to ten species within it, like  
19 the parrotfish and things like that. We need to look at the  
20 FMUs for each specific island and what's being harvested and  
21 what's part of the fishery.

22  
23 We have a very long list of species in our FMUs, the coral, the  
24 spiny lobster, the queen conch, and the reef fish, and so these  
25 need to be evaluated in terms of each of the separate islands  
26 and so that would be the first main topic to cover.

27  
28 Once that is done, then we need to establish the status  
29 determination criteria, MSY, et cetera, all the parameters that  
30 go into everything that we've done so far for the twenty-two  
31 FMUs that we have in place.

32  
33 At that time, if there is any new species that are going to be  
34 added, and this would include things like the non-managed  
35 species, like the dolphin, for example, then that has to be  
36 developed for those.

37  
38 **MARA LEVY:** Action 1 is establish the FMUs and Action 2 is  
39 revise the species composition and would not those two things be  
40 the same, meaning once you establish the FMUs for St. Thomas/St.  
41 John -- Are you just meaning establishing the overarching names  
42 or I guess I'm -- Wouldn't that include the species composition  
43 is what I'm trying to get at.

44  
45 **GRACIELA GARCIA-MOLINER:** You do have the FMUs as they are right  
46 now, but we haven't looked at any of the non-managed species.  
47 Let me just show you a plot here, for example, of the other non-  
48 managed species that are of very significant harvest, for

1 example, for Puerto Rico.  
2  
3 You have dolphin and mackerels and so those are not part of the  
4 management right now, the management units right now, but they  
5 might be significant for one of the islands.  
6  
7 **MARA LEVY:** The first action, you're just looking at what's  
8 currently in the plans and deciding what would be appropriate  
9 for each specific island or island group and the second action  
10 is meant to then look at species that are currently not  
11 addressed at all and am I understanding that correctly?  
12  
13 **GRACIELA GARCIA-MOLINER:** I think that's what we want to do,  
14 because we have all the federally-managed species that still  
15 have fishery management unit problems. We don't have indicator  
16 species and that kind of thing. Then we have all the non-  
17 managed species that we need to decide whether we need to  
18 include them under management for those islands or not.  
19  
20 **MARA LEVY:** Where would you be looking at if you were going to  
21 look at removing things? That would be in the first action? If  
22 you felt that there was a particular species in an FMU that  
23 wasn't appropriate for management for one reason or another, you  
24 would be looking at that in the first action?  
25  
26 **GRACIELA GARCIA-MOLINER:** That's correct.  
27  
28 **CARLOS FARCHETTE:** A good example of that would be the goatfish,  
29 because you can't catch those anymore, but we'll discuss that.  
30  
31 **GRACIELA GARCIA-MOLINER:** The other thing would be to actually  
32 look at the species composition within each of the islands and  
33 that would be overall species composition, to see what really  
34 dictates the fisheries of that island.  
35  
36 For example, from way back when, when we were looking at the  
37 ACLs, the TMCT, the first advisory group that was created, we  
38 looked at the family compositions from the total landings and so  
39 most everything is within the -- It's already in the FMUs.  
40  
41 I'm sorry I'm bringing up Puerto Rico, but it's the one that has  
42 species-specific information and so that's why we were looking  
43 at this first. If you look at the commercial landings for  
44 Puerto Rico between any number of years, there is only a certain  
45 number of species that are part of the 50 percent of the total  
46 landings, so six of seven, but they actually land up to 150  
47 species per year.  
48

1 Some of those are in the FMU and some of those aren't in the  
2 FMU. For example, the mackerel is not part of the FMU and so  
3 every five or six years, mackerel becomes part of that top 50  
4 percent of the total landings and so do we need to deal with  
5 that or not?

6  
7 The other big issue that we have is that we only have  
8 recreational landings for Puerto Rico and not for the Virgin  
9 Islands, but if you look at this plot, this is only for dolphin,  
10 only for mahi, only for dorado, and so the blue is the  
11 recreational landings and the red is the commercial landings.  
12 It's not really a commercial fishery. It's almost a 100 percent  
13 recreational fishery and this one, we have not addressed.

14  
15 This might not be the case in every single one of the islands,  
16 because in -- This is only the commercial catch and this is for  
17 St. Thomas/St. John and dolphinfish is the fourth out of the  
18 non-managed species, but these are hundreds of pounds and in  
19 Puerto Rico, you were looking at millions of pounds. These are  
20 the differences that need to be brought out.

21  
22 This is for St. Croix, where dolphinfish -- This is only the  
23 commercial harvest and it's only about 2,000 pounds, but for St.  
24 Croix, that is a significant harvest. Dolphin is a seasonal  
25 species and so are the mackerels, the wahoo, and these are the  
26 ones that need to be brought into the specific island FMPs.

27  
28 This is just an example of the things that we've been mining to  
29 see where the differences are and so going back to the scoping  
30 document, once you deal with the FMUs as they are, with the  
31 other species that are part of the fisheries in each of the  
32 islands, for everything that goes into the FMP for that island,  
33 you have to have the status determination criteria, the MSY, you  
34 have to set an ACL, et cetera.

35  
36 Then the next step is depending on what you decide to do and the  
37 species that are in there and the parameters that you set up,  
38 then you have to come up with additional management measures if  
39 they are needed or drop from the books anything that is not  
40 needed for each one of these islands. That's how far we've gone  
41 with the scoping document.

42  
43 **CARLOS FARCHETTE:** I think the lady from Pew was waiting to make  
44 a statement.

45  
46 **LEDA DUNMIRE:** I'm Leda Dunmire with the Pew Environment Group  
47 and I was just going to clarify our comments and I don't know if  
48 now is the time. We are very pleased to see the direction it



1 looks like you're going with the EA and then the EIS. Certainly  
2 the programmatic aspect is very important to us.

3  
4 We just wanted to make sure that the point of our comments  
5 weren't lost in the discussion of island-based. This may be the  
6 best way to go forward. We want to make sure that we're not  
7 just talking about going from species-based to island-based  
8 without consideration of other alternatives and not that there  
9 are many of them and perhaps that's happened over the last few  
10 years, but that should be part of the NEPA process, is the  
11 consideration of all other alternatives. As long as that's part  
12 of the discussion too, this is good.

13  
14 **MIGUEL ROLON:** Graciela and Bill, where are we?

15  
16 **GRACIELA GARCIA-MOLINER:** We need direction from the council if  
17 the scoping document is in shape to be taken to scoping  
18 meetings.

19  
20 **MIGUEL ROLON:** Okay, because if nobody else has something smart  
21 to say, the document is okay and we can go to scoping meetings.  
22 What Pew wants to make sure is that we take three alternatives  
23 at least, to comply with NEPA, through this process.

24  
25 **MARA LEVY:** I think when she was talking about alternatives, it  
26 was more in terms of when we evaluate the shift, which is not  
27 included in these three documents. That's the environmental  
28 assessment that Bill was talking about and that is not  
29 necessarily something that would go to scoping if it stays in  
30 environmental assessment, because environmental assessments  
31 don't have to go to scoping.

32  
33 I think it's something that NMFS needs to look at when they're  
34 doing the initial environmental assessment as to what  
35 alternatives they need to consider in that regard and then if it  
36 gets to the EIS process or whether it gets to a FONSI then, but  
37 in terms of these documents, I don't think that's what they were  
38 talking about.

39  
40 **MIGUEL ROLON:** I am more concerned about the basics of it. We  
41 have no action, leave it as is, no more island areas and all  
42 that, and then you have the areas and we have discussed how to  
43 divide the areas and just to make sure, for the record, is that  
44 what we're talking about and if we are ready to go to the  
45 scoping process and if we have complied with all that is needed  
46 to go to the scoping process?

47  
48 **MARA LEVY:** Again, I think that if the umbrella document that

1 analyzes the shift from species-based to an island-based stays  
2 an environmental assessment, it's not necessarily going to go to  
3 scoping.

4  
5 These documents, the actual FMPs and island documents and island  
6 management plans and the NEPA that's going to go along with that  
7 is going to be an environmental impact statement. They've  
8 already determined that they need to do that. Those will  
9 definitely need to go to NEPA scoping.

10  
11 I think if you're okay with the way that those three documents  
12 are set up, that you can say you're okay with it and the agency  
13 will proceed along, noticing NEPA scoping. I think they need to  
14 go back, maybe before that, and really look at the overall  
15 document and the EA piece of that, maybe before they go to  
16 scoping, but if you're okay with the way these three documents  
17 are set up and the issues that they're going to take to scoping  
18 in these three documents, then I think you can, as a council,  
19 say that that's fine.

20  
21 If there are other ideas that you want included in these  
22 particular island-specific documents, then I think this is the  
23 time to let them know that you want these other ideas brought  
24 out to scoping.

25  
26 **BILL ARNOLD:** My suggestion would be that during this winter  
27 that we prepare our EA and go through the FONSI process and make  
28 a determination as to whether this is going to be an  
29 environmental assessment level programmatic document or an  
30 environmental impact statement level programmatic document and  
31 bring that back to you for the spring meeting and let you know  
32 what that determination was and whether we're going to take an  
33 environmental impact programmatic EIS to scoping or whether it's  
34 an EA and then we are going to request -- One way or the other,  
35 we would be doing scoping in the summer rather than in the  
36 spring and I would be curious as to Mara's comments on that, but  
37 I think that's a reasonable and probably better approach to  
38 this.

39  
40 **MARA LEVY:** I don't know that you're going to get a completed EA  
41 and FONSI done in that amount of time. I don't know. I haven't  
42 seen what the document looks like in that time. I don't know  
43 that it necessarily has to come back to the council in that  
44 regard.

45  
46 You've all decided and given direction that you want to move  
47 from this species-based to island-based and that's what the  
48 agency needs to evaluate. I don't know that you need to have a

1 document come back for that particular piece of the NEPA  
2 process. It's not -- These documents are also Magnuson-based  
3 and that's why they need to come back here.

4  
5 I would suggest not putting the hard timeline in right now.  
6 NMFS can schedule scoping meetings on these documents. They  
7 have to publish a notice in the Federal Register announcing NEPA  
8 scoping and I would assume that you would scope it on the  
9 relevant island groups.

10  
11 If you all want to have input into that, that's fine and I would  
12 voice that now, but I don't know if you want to set a hard  
13 timeline like that at this point. Maybe you can do scoping  
14 before the next meeting and maybe it needs to wait until after  
15 the next meeting and I don't know.

16  
17 **MIGUEL ROLON:** The council already pronounced, way back, that  
18 this is the way we want to go and then we instructed the staff  
19 to prepare this document and if I interpret Mara's comment well,  
20 the only thing that you need now is to instruct the staff to  
21 pursue this and follow the process and don't put a time schedule  
22 on something that you don't know how much it will take.

23  
24 Then by the summertime, we will have something back to you in  
25 form that will follow the program and the process and so maybe  
26 the motion will be as simple as saying the council agrees with  
27 the three documents presented and good work and let us know what  
28 happens or the next step. Somebody can say something like that.

29  
30 **EUGENIO PIÑEIRO:** When we get the language, I would move to have  
31 the council move in this direction.

32  
33 **MIGUEL ROLON:** The language is that the council accept the three  
34 documents as presented and instruct the staff to proceed with  
35 the necessary steps to prepare the appropriate documents for the  
36 island-specific FMP approach.

37  
38 **MARA LEVY:** I would just suggest that at the beginning, instead  
39 of saying "accepts the documents", to be more specific of  
40 "accepts the draft island-specific FMP scoping documents", just  
41 so we know what we're talking about.

42  
43 **EUGENIO PIÑEIRO:** That's good.

44  
45 **CARLOS FARCHETTE:** We will take that to a vote and I'll start on  
46 my right.

47  
48 **NELSON CRESPO:** Yes.

1  
2 **ROY CRABTREE:** Yes.  
3  
4 **EUGENIO PIÑEIRO:** Yes.  
5  
6 **ROY PEMBERTON:** Yes.  
7  
8 **MIGUEL GARCIA:** Yes.  
9  
10 **WINSTON LEDEE:** Yes.  
11  
12 **CARLOS FARCHETTE:** Yes. Anybody opposed? **It's unanimous and**  
13 **the motion carries.** Now we're going to move forward on the  
14 agenda. Next is the Endangered Species Act Procedures: Updates  
15 on Queen Conch, Corals, and Nassau Groupers.

16  
17 **ENDANGERED SPECIES ACT PROCEDURES: UPDATES ON QUEEN CONCH,**  
18 **CORALS, AND NASSAU GROUPER**  
19

20 **ROY CRABTREE:** We have a number of listing petitions and things  
21 and so I'm going to go through all of them with you. The first  
22 one is the corals and I think most of you are aware that on  
23 December 7 the Fisheries Service published a proposed rule to  
24 list twelve corals as endangered, five of which are present in  
25 the Caribbean and seven in the IndoPacific.

26  
27 It also proposes to reclassify Elkhorn and Staghorn corals,  
28 which are currently listed as threatened, to endangered and then  
29 to list an additional fifty-four corals as threatened, two of  
30 those in the Caribbean and fifty-two in the IndoPacific.

31  
32 This was all based on a petition that we had to list I think it  
33 was eighty-one or eighty-two corals and we determined the  
34 listing of sixteen of the corals, all in the IndoPacific, was  
35 not warranted.

36  
37 There is a comment period open on the proposed rule now that  
38 runs through March 7 and there are a series of seven public  
39 hearings that are scheduled for the Caribbean, a couple in  
40 Puerto Rico in February and a series -- One in St. Croix, one in  
41 St. Thomas, and then three in Florida that will take place.  
42 That's corals.

43  
44 We also have a petition to list queen conch and this was  
45 submitted to us by Wild Earth Guardians. We did publish a  
46 positive ninety-day finding and what that means is that we're  
47 going to do a status review for queen conch.

48

1 That ninety-day finding published back in August and we had  
2 public comments on that through October the 26<sup>th</sup>. We have Dr.  
3 Richard Appeldoorn, who is on the council's SSC and at the  
4 University of Puerto Rico, who is conducting a biological  
5 assessment and that will be used to inform the status review.

6  
7 Dr. Appeldoorn would be the way for the council and your SSC to  
8 provide scientific information that would be included in the  
9 status review and then in the fall of 2013, the review will be  
10 completed and the Fisheries Service would make a determination  
11 at that time.

12  
13 If the determination is not warranted, then that is the end of  
14 it. If the determination was that listing was warranted, either  
15 as threatened or endangered, then there would be a proposed rule  
16 and a whole other public comment period at that time and there  
17 would also be a series of public hearings that would be  
18 conducted at that point, before any final decisions were made.

19  
20 We also have a petition to list Nassau grouper and this was  
21 again submitted by Wild Earth Guardians. We published a  
22 positive ninety-day finding on that one, saying that we would do  
23 a status review.

24  
25 Public comments were received through December 10. Dr. Ron  
26 Hill, who I think many of you have worked with or the council  
27 has worked with in the past, is conducting a biological  
28 assessment for Nassau grouper and so if the SSC or the council  
29 wants to provide information, you can do it through Dr. Hill.

30  
31 We anticipate making a twelve-month determination in the fall of  
32 2013 and, again, it's the same basic process here as with queen  
33 conch.

34  
35 Another petition that we have is to list eight species of  
36 damselfish, one of which is the yellowtail damselfish, which  
37 does occur in the Caribbean. This is, again, from a group  
38 called Wild Earth Guardians and we are working on a ninety-day  
39 finding on this and so we haven't made any decision as to  
40 whether a status review is warranted on that.

41  
42 We are working through that and we will, I expect, make a  
43 determination probably in March and whether it will be before or  
44 after our next council meeting, I don't know.

45  
46 If we made a negative ninety-day finding, then that would be the  
47 end of this one. If we made a positive ninety-day finding, then  
48 we would start the whole status review process and there would

1 be plenty of opportunities for the council to comment at that  
2 time.

3  
4 The last petition that we have is for the scalloped hammerhead  
5 and, again, this is from a group called Wild Earth Guardians and  
6 another group called Friends of Animals and we got this petition  
7 in August and we have published a ninety-day finding on that,  
8 saying that we are going to conduct a status review.

9  
10 This is a petition that's being handled by headquarters and so  
11 we'll go through the status review process on this. It looks  
12 like they're anticipating some sort of decision by February of  
13 next year and so those are the ones that we have now.

14  
15 This group, Wild Earth Guardians, is sending a lot of petitions  
16 through on a whole bunch of animals and so I don't know that --  
17 There may well be more of them coming in in the near future.

18  
19 **EUGENIO PIÑEIRO:** Thank you, Roy. First, I noticed that the  
20 council -- Carlos sent a letter regarding the queen conch and is  
21 the council going to respond to all these other petitions by the  
22 Friends of Animals and the Wild Earth Guardians?

23  
24 **ROY CRABTREE:** That's really up to you. If we get to the stage  
25 where we're doing status reviews, then you can certainly provide  
26 your comments and information at whatever level you choose to.

27  
28 **EUGENIO PIÑEIRO:** The second question is could you go a little  
29 bit deeper into the short and long-range implications of these  
30 actions for the fishermen?

31  
32 **ROY CRABTREE:** If, for example, queen conch were to be listed,  
33 there would likely be a prohibition on take and there would have  
34 to be biological opinions and all of those sorts of things would  
35 take place.

36  
37 It really depends on the circumstances. If an animal is listed  
38 as endangered, then take is prohibited. If it's listed as  
39 threatened, take is not necessarily prohibited. It could be or  
40 it may not be, but there would have to be biological opinions  
41 and all of those sorts of things that would need to be done and  
42 generally we allow some incidental take of listed animals, but  
43 I'm not aware of any listed species where a fishery is allowed  
44 to take place on it.

45  
46 Again, we're a long ways away. We have had a lot of other  
47 petitions from this group over the last year and a number of  
48 them have been denied, but obviously in the case of corals,

1 that's one of the largest listing decisions the Fisheries  
2 Service has ever made and so it really just depends on the  
3 specifics of the species and what's taken, but there would need  
4 to be -- If an animal is listed, then you have to decide what  
5 the regulations are about that.

6  
7 You would have to come in and establish critical habitat for it  
8 and then you would need to work on a recovery plan and so it's  
9 an awful lot that goes into it.

10  
11 **EUGENIO PIÑEIRO:** My question goes direct at that. If an animal  
12 is listed as threatened or is listed, would it close the range  
13 for other fisheries? For example, the Nassau grouper, would  
14 that hurt the red hind?

15  
16 **ROY CRABTREE:** It just depends on the circumstances. Obviously  
17 the corals has had implications with parrotfish and those types  
18 of things. Turtle listing decisions have had impacts on  
19 longline fisheries and the shrimp fishery, where there's  
20 incidental take.

21  
22 With something like queen conch, would it impact the grouper  
23 fishery or something like that? It's hard for me to see that  
24 connection, just off the top of my head, but I can't rule it  
25 out. If Nassau grouper was listed, yes, that would have big  
26 implications in terms of bycatch concerns and so that would  
27 create some real issues for us if that happened.

28  
29 **DAVID OLSEN:** I have a couple of questions. The protection of  
30 habitat of endangered species, like if the corals or the Nassau  
31 were -- The corals are listed and is that -- What kind of  
32 constraints is that going to provide, for example, to our trap  
33 fisheries?

34  
35 **ROY CRABTREE:** I can tell you, for example, in the Florida Keys  
36 that we put in place a number of closed areas where spiny  
37 lobster traps aren't allowed to protect corals. Down here,  
38 we've done biological opinions that looked at the impacts of  
39 traps. That was a big part of our discussion about setting  
40 annual catch limits for parrotfish.

41  
42 I think you're all aware that there is litigation going on now  
43 over that biological opinion. I think it was the Center for  
44 Biological Diversity that has challenged that opinion and those  
45 briefings are going to be before the court early next year and  
46 we'll see what the judge determines in that, but all of these  
47 can have big implications for certain fisheries, depending on  
48 the interactions between the fishery species and the listed

1 species or the impacts of fishing gear on the habitat.

2  
3 **DAVID OLSEN:** I could kind of follow all of this except the  
4 damselfish. It seems to me like anyone can kind of get an idea  
5 about something and send you a request to list it and it's going  
6 to cost a lot, in terms of time and energy, for you to respond  
7 and isn't there some threshold of reasonableness here?

8  
9 **ROY CRABTREE:** Yes, the threshold is part of the initial ninety-  
10 day finding and if we determine that the petition has no  
11 substance or merit and doesn't present any substantive  
12 information, then we can deny it at that stage and not do  
13 anything more with it, but if it does present information, and I  
14 think the language is that a reasonable person might think could  
15 indicate listing might be warranted, then you're supposed to go  
16 through the whole status review process.

17  
18 I think with damselfish there were clownfish that were listed in  
19 the IndoPacific and I think they're drawing a connection between  
20 those species and they're dependent on corals and now the corals  
21 are being listed and I think the petitioners are arguing because  
22 the corals are threatened and endangered that these fish then  
23 should be threatened and endangered. Whether there's any  
24 substance to that remains to be determined.

25  
26 **DAVID OLSEN:** We have a problem in everything that's going on in  
27 the lack of information that exists on the fish species that are  
28 relatively well known and I cannot imagine that there's much  
29 information available on that damselfish. Is the absence of  
30 information going to lead toward listing or away from listing?

31  
32 **ROY CRABTREE:** I don't know and it's hard to say. We're  
33 supposed to make conservative decisions when we look at these  
34 kinds of things, but I think it depends on the specifics of the  
35 species and what the supposed threats are, but it is complicated  
36 and it is very time consuming, but that's what the law requires.

37  
38 **MARA LEVY:** I just wanted to point out that at the ninety-day  
39 stage, when there's an actual petition to list, which can pretty  
40 much petition on anything, the petitioner has some burden to  
41 present substantial scientific or commercial information  
42 indicating that the action may be warranted.

43  
44 The petitioner presents the information and the agency looks at  
45 what it has in its files, but there's no obligation for the  
46 agency to sort of go out and do some grand -- It's own research  
47 into the issue of whether the petition may be warranted at that  
48 ninety-day stage.



1  
2 When you get to the status review, you have a bigger obligation  
3 to look at everything that you can out there and do the  
4 assessment and all of that, but there's a more limited review at  
5 the ninety-day stage and part of the burden is on the petitioner  
6 to present enough information to get over that initial hurdle,  
7 which is quite low, but it's still there. There is that piece,  
8 too.

9  
10 **TONY IAROCCI:** This is definitely a wake-up call for the  
11 commercial fishing industry in the Caribbean, especially dealing  
12 with ESA and the corals. When it happened in south Florida, we  
13 were within the reality of the National Marine Sanctuary, but we  
14 did have the corals in fishing areas where we all fished our  
15 traps.

16  
17 It took us -- We were given the opportunity as fishermen to  
18 develop a trap, which I talked about earlier, that has less  
19 movement to it and we were able to prove to the council and to  
20 the people involved that this trap does not move as much or  
21 whatever, but when you've got the listing in these coral areas,  
22 it will impact not only the lobster fishery and the traps and  
23 the fish trap fishery down here -- It's very important that the  
24 fishermen are aware of what's going on and be given the  
25 opportunity to be involved in this from stage one and look at  
26 ways.

27  
28 If coral is going to impact, big time, it's going to really  
29 affect these fisheries and the bottom and the area that they  
30 fish.

31  
32 **CARLOS FARCHETTE:** Where do we move forward from here?

33  
34 **CITES: QUEEN CONCH STATUS**

35  
36 **MIGUEL ROLON:** The only comment I wanted to make is that some  
37 people outside the U.S. are really worried and they are confused  
38 about the process, especially with the queen conch and the  
39 Nassau grouper, because it has implications on international  
40 trade.

41  
42 This leads us into the next presentation. Nancy Daves could not  
43 attend, given to the budgetary constraints, but she sent me a  
44 presentation on CITES and I will go very quickly about it.

45  
46 For those of you who are not familiar with CITES, she prepared  
47 this presentation to go very quickly on what CITES is. CITES is  
48 the Conventional for International Trade and Endangered Species

1 and when I asked her about this presentation, this presentation  
2 was done at the working group of WCAFC and the basis was to ask  
3 her what CITES is and what it's not.

4  
5 In the case of CITES, the Appendix 1 incorporates those species  
6 that are threatened with extinction and there you have leopards  
7 or buzzards or whatever is considered a species in danger of  
8 extinction and it goes in Appendix 1. No commercial trade, no  
9 commercial international trade, is allowed on these Appendix 1.

10  
11 Appendix 2 is a little bit lax. It's a species vulnerable to  
12 overexploitation, but not at risk of extinction are included in  
13 Appendix 2. The trade is regulated, but exports are allowed  
14 through permits.

15  
16 How it works is before issuing an export permit, the country  
17 needs to find that the specimen was legally acquired, meaning --  
18 You all know that it has to be acquired following the  
19 regulations of that particular country. The export will not be  
20 detrimental to the species survival in the wild, meaning that  
21 you are taking the species from a sustainable fishery.

22  
23 What it's not, it's not a list of species on which international  
24 trade is prohibited. Although it looks innocent, in many  
25 countries, more than twenty countries that deal with queen conch  
26 -- By the way, queen conch, the only place you can get queen  
27 conch in the world is the Caribbean and so these countries are  
28 more than twenty and they have queen conch interests or they  
29 have a fishery and they cannot then go in the wrong if they  
30 belong to the United Nations. At the same time, we cannot  
31 prohibit them to have this international trade. This is mostly  
32 voluntary.

33  
34 We have a legal framework to regulate international trade and  
35 prevent overexploitation. In the 1990s, when we were discussing  
36 the issue of queen conch, we were trying to have an FMP for the  
37 entire Caribbean and the Caribbean is a very complex sea.

38  
39 We have around thirty-eight to forty-eight countries. You have  
40 countries and territories of countries that belong to -- We  
41 belong to the U.S. and others belong to the Netherlands and  
42 France and England and so it's a very complex, politically  
43 speaking, situation.

44  
45 Most of the trade information we get through the wildlife trade  
46 and import and export countries share responsibility to ensure  
47 that trade is sustainable. Again, we want to make sure that the  
48 benefits you get from CITES are understood by all countries.

1  
2 The last one, that promotes projects to assess population status  
3 of species in trade and effects of international trade, this one  
4 is the one that we're using at the WCAFC, at the Western Central  
5 Atlantic Fishery Commission, to collect information from country  
6 to country that will be shared by all countries.

7  
8 For example, in the case of Honduras, Haiti, and the Dominican  
9 Republic, at one time they were found by CITES not in compliance  
10 and because of that, they were not allowed to trade, legally.

11  
12 Honduras then went and instituted a stock assessment project  
13 that is now an example to be followed and now they have a  
14 situation in which they know where each vessel is on a timely  
15 basis. They have VMS and they can control the fishery that way  
16 and now they are allowed to trade again.

17  
18 This one, you won't be able to see, but it's just an idea of how  
19 many imports go from countries that have queen conch. By the  
20 way, the United States is the number one buyer of queen conch.  
21 At the discussion that we had, people were really, really  
22 interested in knowing what is going to happen with the ESA  
23 process.

24  
25 Actually, because this is an internal matter of the United  
26 States, our delegation just explained the process to the group  
27 and explained about the ninety-day period and all that and we  
28 all told them that we have to make sure that what we're doing is  
29 to follow a process that at the end of that process it doesn't  
30 mean that we are going to list or not list the queen conch with  
31 a priority decision.

32  
33 At the end of the process, we have other things to do, as Dr.  
34 Roy Crabtree mentioned, but still they believe that we have a  
35 concern here. These are the imports that go into France and  
36 other territories and if you can see from 2008 and 2011, it has  
37 been almost consistent.

38  
39 We even have Cuba and Jamaica there and by the way, Jamaica is  
40 the biggest ground for queen conch in the island arch.  
41 Nicaragua, Columbia, and Honduras are the biggest shelf for  
42 queen conch in Central America.

43  
44 I am not going to bother with this, but these are the activities  
45 through the years that we have undertaken to work with the queen  
46 conch. In 1992, the *Strombus gigas* was listed in Appendix 2 and  
47 since 1992, we have that tool that we call CITES to manage the  
48 queen conch fishery in an international way.

1  
2 We have, this council, since the 1970s, we have been very --  
3 Because it's part of our charter and we have been very involved  
4 in the Pan Caribbean management of the queen conch. We have the  
5 international queen conch initiative that was something that was  
6 designed by this council in coordination with the U.S.  
7 Department of State.

8  
9 That 1996 meeting was the first step toward managing the fishery  
10 in an orderly fashion throughout the Caribbean. We had a lot of  
11 hopes at that time and we had a declaration. A personal note  
12 here is I hate declarations, because the people come to meetings  
13 and declare and they do nothing when they go back home, but  
14 that's the tool that we have.

15  
16 We declared in 1991 and we declared in ninety-ninety-something-  
17 else and this year, we declared again and so we have been  
18 declaring since 1992, but this year, at least, we came up with  
19 the decision that we are going to elevate this to the CITES  
20 convention meeting sometime in March and that the countries  
21 agree to have an FMP that could be adopted by every country  
22 involved in the Caribbean, which are two giant steps.

23  
24 We believe that is this is done -- One of the threats was the  
25 possibility of the United States incorporating the queen conch  
26 in the ESA, because if that happens, these countries will have  
27 to sell the queen conch to other countries rather than the  
28 states.

29  
30 China is buying everything that moves and so they are already  
31 buying stuff in the Caribbean and France is a big buyer of queen  
32 conch, but still the U.S. is the number one buyer of queen  
33 conch.

34  
35 In 1997, we had a meeting in Costa Rica and we had another one  
36 in the Dominican Republic. That was an international queen  
37 conch meeting. We had, in 1999, a stock assessment workshop in  
38 Belize.

39  
40 We asked every country that had queen conch to come to Belize  
41 with data in hand and we had experts there that would work the  
42 data and provide them with models to be used. Some of the  
43 countries did and some of the countries sent people that didn't  
44 know what a queen conch was, but it was something that we called  
45 a success, because the countries that were interested adopted  
46 models for the stock assessment in each country.

47  
48 2001, we went to the Dominican Republic and in 2001, we also

1 went to Vietnam and the CITES decision was to conduct another  
2 review of significant trade. The significance of the  
3 significant trade is that the queen conch is the only animal  
4 where CITES has done twice a significant trade finding within  
5 thirty years.

6  
7 The reason for that is once you have a significant trade report,  
8 a significant trade report is the report that encompasses all  
9 the data that you have about the queen conch and you describe  
10 the trade of queen conch and then you make recommendations to  
11 each country to make sure that the animals come from a  
12 sustainable fishery in each country.

13  
14 They did the report, but nobody did anything and so it was a pie  
15 in the face and I was sent all the way to Geneva to convince the  
16 people there to have another significant trade report and so we  
17 did and that's the report that we have been using now for the  
18 working group of the WCAFC to move forward with the management  
19 of the queen conch.

20  
21 2002 and 2003, we conducted another review and that's the second  
22 significant trade review. The Fishery Enforcement Conference in  
23 Puerto Plata, Dominican Republic, we went there to discuss ways  
24 in which we can improve the enforcement of the queen conch.

25  
26 Enforcement is a big, big problem everywhere you go and queen  
27 conch is not an exception. To give you an idea, I was in that  
28 meeting with -- We had a round table and the captain next to me  
29 that was a vessel owner and captain of queen conch vessels, he  
30 was kidding and he said he didn't care much about enforcement  
31 because he already had a boat in the Honduras with a Dominican  
32 Republic crew and the captain is from Columbia and so he covered  
33 all the bases. He said, if they stop my vessel, I have all  
34 kinds of excuses.

35  
36 They also told us that in some countries the law says that you  
37 cannot go out with more than twenty or so crew members and  
38 fishers and they do so.

39  
40 They leave the port and they are certified to have twenty-three  
41 or whatever number of fishermen are allowed to be in that boat,  
42 but then they go out and they stop at every little island and  
43 pack the boat full of people and we found a boat that was  
44 photographed and he had 151 fishers on that boat rather than  
45 twenty-three.

46  
47 Literally, the fishermen were hanging from the side of the boat  
48 and the main reason for that is, as a business owner told me one

1 time that he did a little survey and he found that one fisherman  
2 had a farm and netted \$149 a year and his sons make \$1,500 every  
3 fifteen days on a trip. There's an incentive for the fishermen  
4 of these other countries to go and fish queen conch.

5  
6 The rest is just several times that we have met and as I said,  
7 we have met and we have had workshops and we have had  
8 declarations left and right, but now we believe that with the  
9 help of the CFMC, the International Fishery Office of Washington  
10 -- Here, I want to, for the record, say thanks to Nancy Daves  
11 and Rebecca Lynn. They always have been helping us and now Sam  
12 Rauch, when he went to the meeting in Panama, he understands the  
13 importance of this since the beginning, because he has a special  
14 interest in the Caribbean.

15  
16 He said that we were not doing enough in the Caribbean and so he  
17 took time aside from his busy schedule and he went to the  
18 meeting of the working group in Panama and so he now understands  
19 the importance of this.

20  
21 That's about it. We will continue, as I say, working in 2013.  
22 We have a second working group sometime in the fall and we are  
23 going to go to the meeting of CITES and Columbia is going to  
24 present a resolution to incorporate into the agenda the  
25 discussion of the queen conch.

26  
27 The idea is that after 2013 that we would like to pursue a Pan  
28 Caribbean management approach with a document, with a tool that  
29 the CITES Secretary would like to see, which says this regional  
30 management approach through a big umbrella FMP.

31  
32 Already, Central American countries for fishery management, they  
33 are behind this. They understand that it is the way to go. The  
34 Caribbean Regional Fishery Mechanism, that encompasses nine  
35 countries and several observers, already endorse this approach.  
36 We have two important organizations in the Caribbean that are  
37 composed of Caribbean states behind this approach and, of  
38 course, we have the Secretary of WCAFC.

39  
40 WCAFC is the big umbrella that encompasses all the countries for  
41 fisheries and that's all I have about CITES and the initiative.  
42 Through 2013, the Chair and I will inform you of the development  
43 of new events of whatever happens.

44  
45 Also, I would like to thank Carlos Farchette. At this meeting  
46 in Panama, I had a family situation and I had to leave before  
47 the end of the meeting, but he chaired the whole thing and  
48 everybody was happy with the way that he chaired the meeting and

1 this is something that we really appreciate, because not  
2 everybody can chair an international meeting. It's not that  
3 easy. If you have any questions, that's all I have.

4  
5 **CARLOS FARCHETTE:** Thank you, Miguel. Any questions on this  
6 presentation? Hearing none, since we started at eight o'clock  
7 today, we're going to take a ten-minute break.

8  
9 (Whereupon, a brief recess was taken.)

10  
11 **CARLOS FARCHETTE:** Before we go into the next subject, I do want  
12 to make a comment about the last presentation that Miguel made.  
13 I want to thank him for the words of confidence when I had to  
14 chair the WCAFC meeting in Panama, but the real heroes and who  
15 did a very monumental job there was Diana Martino and Angie  
16 Irizarry, who handled all the needs for such a large group and  
17 they did an excellent, excellent job.

18  
19 **TONY IAROCCI:** I also would like to thank Miguel. That was a  
20 great presentation and conch is very important to a lot of the  
21 fishermen, but also, on behalf of the commercial fishing  
22 industry, we've had a lot of discussion here on listings and  
23 endangered species and stuff.

24  
25 On behalf of the St. Thomas and the St. Croix Fishermen's  
26 Association, I would like to look at filing a petition to  
27 declare the commercial fishermen an endangered species and put  
28 them under the ESA and look at funding for that project.

29  
30 **CARLOS FARCHETTE:** I guess you've got to form a Friends of  
31 Commercial Fishermen. Now we're going to move forward to Queen  
32 Conch Compatibility Issues with the USVI and the EEZ and I think  
33 that this would really fall just for St. Croix, since that's the  
34 only island that's allowed to harvest conch in the EEZ.

35  
36 **QUEEN CONCH COMPATIBILITY ISSUES WITH USVI**

37  
38 **GRACIELA GARCIA-MOLINER:** The council had requested that we look  
39 into the compatibility of the queen conch regulations between  
40 the council or the federal jurisdiction and the territorial  
41 waters of the Virgin Islands. Maria Lopez and Miguel and  
42 everyone from the Regional Office have been involved in all of  
43 the things that we've looked at in the past two days.

44  
45 We do have an open season for queen conch. We do have the  
46 compatibility of that open season and we have the 50,000-pound  
47 compatible regulations, but what we're going to do is that,  
48 since you've already asked us to look at what's not compatible

1 among the two jurisdictions, we need to establish -- We need to  
2 know if you want to establish compatible regulations among the  
3 two jurisdictions for what we don't have compatibility yet.

4  
5 One of the main reasons is to help with the enforcement. There  
6 is no better way to really enforce any of the regulations than  
7 to have everything compatible across the board.

8  
9 This is a busy table, but it really summarizes everything that  
10 has to do with queen conch and the regulations that are in  
11 place. You have the type of regulation here and the  
12 jurisdiction and what's in place right now and that's why we are  
13 going to be looking at, in the following slides, where we're not  
14 compatible yet.

15  
16 To start with, we're going to deal with the specific trip limit  
17 that has been implemented in the federal waters since 1996, 150  
18 conch per licensed fisherman per day, and then in 2008, the USVI  
19 implemented a 200 quota per boat per day and so that's the first  
20 issue with compatibility regarding queen conch. That's for the  
21 commercial trip limits.

22  
23 For the recreational bag limits, then we have three conch per  
24 person per day, to a maximum of twelve conch per boat per day,  
25 which the USVI still has a six conch per person per day, to a  
26 maximum of twenty-four conch per boat per day. That's one issue  
27 that we have to deal with, which direction do you want to go.

28  
29 Then we have gear restrictions. The hookah gear has been banned  
30 in federal waters since 1997. It's not prohibited in the Virgin  
31 Islands that we know of yet and I don't know. We have this in  
32 red and a question mark, because we don't know if it's being  
33 proposed to be banned in the Virgin Islands and if that's going  
34 to become part of the regulation.

35  
36 In terms of landing the conch, the federal jurisdiction requires  
37 that it be landed intact, in the shell. There is, in the Virgin  
38 Islands, a regulation that states that you can have it off the  
39 shell, but you can have two uncleaned or three cleaned conch to  
40 the pound. That's another issue that we have.

41  
42 At the time, in 1996, that had been proposed for the federal  
43 FMP, but that was not part of the management measures that were  
44 implemented.

45  
46 **MARA LEVY:** Did you say that in the USVI there's an option not  
47 to land it in the shell, because when I look at the table in the  
48 options paper, it has that possession thing, which I take as



1 possession after you land it, but it also, in the table, says  
2 conch must be landed alive and in the shell at the final landing  
3 site.

4  
5 **GRACIELA GARCIA-MOLINER:** I misspoke. It's no possession. It's  
6 no possession of meats other than two uncleaned or three cleaned  
7 conch to the pound. As far as I know, that hasn't changed. You  
8 still have to land the conch in the shell.

9  
10 The first thing would be to look at Option 1 to modify the trip  
11 limit for the commercial harvest and so that would be to -- No  
12 action is leave it the way it is and to make it compatible with  
13 the USVI, 200 conch per boat per day, or no more than 150 conch  
14 per day if there is one licensed commercial fisherman onboard or  
15 no more than 200 queen conch per boat, no matter how many  
16 licensed commercial fishermen are onboard. That's your first  
17 option and the three alternatives that we came up with.

18  
19 In terms of modifying the bag limit for the recreational sector,  
20 then, again, the no action and leave it as it is, three to a  
21 maximum of twelve, or change it so that it would be compatible  
22 with the USVI, to have six conch per person per day and no more  
23 than twenty-four.

24  
25 For the other requirement of the no possession of conch meats,  
26 this is one issue that the council needs to discuss and whether  
27 this is going to become part of the alternatives in the  
28 amendment or not.

29  
30 We do have a size limit imposed and it's the same for everyone.  
31 It's nine inches, the length of the shell, or three-eighths of  
32 an inch for the lip thickness.

33  
34 The issue with the conch meats is that once you take the meat  
35 out of the conch, there is no way of putting it back and so  
36 whenever you fish for conch and you take it out, that's it. If  
37 it doesn't meet the requirements of the size, you have already  
38 killed the organism and so that's one big issue that we have to  
39 deal with.

40  
41 The other thing would be the enforceability of the requirement  
42 of the shell. The idea was that it would be the best way to  
43 enforce the regulation of the size limit, would be to have it on  
44 the shell.

45  
46 Two issues that were raised back in 1996 and are still on the  
47 table is the landings sites for these shells. We had presented,  
48 at that time -- We had shown mounds of queen conch, everything

1 from very small sized queen conch all the way to very large ones  
2 around the islands.

3  
4 The other issue that's always been raised and the reason why  
5 Puerto Rico changed that regulation to you can take the conch  
6 out of the shell while you're in transit is to deal with the  
7 issue of safety at sea.

8  
9 At that time, there had also been testimony at the council  
10 showing eighteen-foot wooden boats with 150 or 200 conch on the  
11 boat, but the larger conch can weigh up to five or six pounds  
12 each and so do the math and it's a heavy weight on the boats and  
13 so that's the other issue that we need to deal with, especially  
14 when you're speaking of taking the complete conch back to shore.

15  
16 You could conceivably have an actual way of looking at the meats  
17 and defining whether they are adults or not. The reproductive  
18 organs only show once the conch becomes an adult. They are not  
19 present in the juveniles and so it is possible -- The other  
20 thing is conch are really messy to deal with if they still have  
21 everything around them, the gut and everything else.

22  
23 It is possible to have them out of the shell and determine that  
24 they are adults, but as I said -- Then there's the whole issue  
25 of how much clean is clean? Is it 50 percent clean or is it 75  
26 percent clean or what's the percentage?

27  
28 FAO just published, very recently, a whole memorandum on the  
29 conversion factors for the meats, because there are very large  
30 fisheries that have that conversion already in place and so they  
31 have already determined how much clean is clean, if it's 10  
32 percent, 20 percent, 70 percent, et cetera.

33  
34 We do have a number of other issues in all of Puerto Rico.  
35 Puerto Rico's EEZ is closed and fishermen are still calling the  
36 regulations that are in place, mostly in the state waters, and  
37 one of them is the recreational sector exceeding the bag limit  
38 that's in place and Puerto Rico does have a bag limit for the  
39 recreational fishers.

40  
41 The people who call, it's not only the commercial fishermen, but  
42 it's also scientists have been surveying some place and find a  
43 whole bunch of shells that are undersized queen conch and so  
44 there is an illegal take and whether it be recreational or  
45 commercial, that's still to be determined, but most of the  
46 places that are visited and recorded are recreational sites. Of  
47 course, there's always the problem of the recreational selling  
48 of conch.

1  
2 There are a series of international and other issues that we  
3 have with the queen conch, the ESA listing petition, and the  
4 fishermen requested that we keep them informed on everything  
5 that is happening and so an update on what is happening with the  
6 listing, CITES, and at least three people have called us at the  
7 office requesting that we look at the possibility of managing or  
8 regulating the importation of queen conch to the U.S. Caribbean  
9 when there is a seasonal closure in place.

10  
11 The reasons for that is because imported conch can be undersized  
12 and it doesn't meet the requirements that we have in place  
13 locally, that the meats are available then when there is a  
14 seasonal closure in place and so when it opens, they already  
15 have the queen conch on the table at the restaurants, et cetera,  
16 and so it's what they call unfair competition.

17  
18 Again, an issue with illegal aliens, and that's specifically for  
19 the west coast of Puerto Rico, still fishing for queen conch  
20 both in the EEZ and in the state waters. That's what we have up  
21 to date regarding the amendment and what we need, in terms of  
22 the council, is direction in terms of the alternatives that were  
23 presented here.

24  
25 **CARLOS FARCHETTE:** Thank you, Graciela. I did want to make  
26 mention here that the St. Croix Fisheries Advisory Committee has  
27 already reviewed. One of the advantages that we have is that me  
28 being a council member, I'm also the Secretary for the FAC and  
29 so all these issues are brought up to our FAC.

30  
31 In regards to hookah, and I do remember the FAC, maybe about  
32 twenty years ago, prohibited the use of hookah in territorial  
33 waters and so I don't know how come it didn't make the  
34 regulations in the handbook, but I'll make a note of that so we  
35 can fix that, but I know it was Toby who presented that to the  
36 FAC and we approved it and it was many years ago, I think the  
37 early 1990s or something like that, if I recall right. I think  
38 maybe Schuster was there too and remembers that.

39  
40 **ROY PEMBERTON:** Was hookah just in relation to queen conch  
41 harvest?

42  
43 **CARLOS FARCHETTE:** That's a good point and I believe it was just  
44 in the use for conch and not lobster. I was just corrected and  
45 it was for conch and lobster.

46  
47 **ROY PEMBERTON:** Not for any other kind of harvest?  
48

1 **CARLOS FARCHETTE:** Right and now that you mention that, I think  
2 our FAC really has to tighten that up and just prohibit hookah  
3 for any type of use, commercial fishing use. I also wanted to  
4 talk about shell landing, because I know that has always been a  
5 big issue, particularly on St. Croix.

6  
7 Like Graciela mentioned, the weight of these conch with the  
8 smaller fishing vessels that these guys use and the distance  
9 that they travel -- Since there was no specific landing sites  
10 required for landing the conch, like maybe the launch site that  
11 you used -- One of the ideas was to use a launch site as a  
12 specific landing site and that was totally rejected by the  
13 fishermen because of the distance they would have to travel and  
14 so the regulation was passed that you could land it practically  
15 on any beach as long as you came into the shore, but there was  
16 no management plan in place to dispose of these shells by the  
17 government after they came in and that became a big issue.

18  
19 One of the biggest concerns of the fishermen was the weight of  
20 all these shells on top of the boat coming in in rough seas and  
21 I can attest that that's not really happening anymore. They are  
22 still shucking conch out at sea and I don't know how to fix  
23 that.

24  
25 The FAC came up maybe with an idea to have buoys marking areas  
26 in sand, where the fishermen can go there and tie off and shuck  
27 their shells and leave them on the bottom and maybe, while  
28 enforcement passes by, they can check them. That may become an  
29 issue too, of how many times enforcement would be out there to  
30 check those guys shells.

31  
32 I know that Dr. Dalila Aldana did make a very good -- She has  
33 been studying conch for so many years and she said that really  
34 shell size is not the way to go, although you can have both, but  
35 lip thickness is really the way to go to check maturity, but  
36 shell length is also one way to do it and I don't know what the  
37 solution for this conch shell landing is going to be, unless the  
38 government develops a management plan to do away with those  
39 shells when they get onshore, because we had kids that cut  
40 diving in the water and boat trailers that got flat tires  
41 because the fishermen would just drop them right there on the  
42 shore next to where their launch ramp is and it became a big  
43 issue.

44  
45 Then the smell of these rotting shells -- There really wasn't a  
46 plan in place and maybe that should have not been instituted  
47 unless you had a management plan in place first.

48

1 It reminds me a lot of the fish market. There was no management  
2 plan in place to manage the market and they opened it and so  
3 they put the cart before the horse.

4  
5 **MIGUEL ROLON:** Just a question, but I believe that we are  
6 discussing this just for the east end of St. Croix, because in  
7 the case of Puerto Rico and St. Thomas, it's closed.

8  
9 **GRACIELA GARCIA-MOLINER:** This is only St. Croix and what Carlos  
10 is referring to, it's what is happening there in St. Croix.

11  
12 **MIGUEL ROLON:** No, but I'm going back to what we're supposed to  
13 do here and the question that was presented to the council the  
14 last time was whether we have compatible regulations across the  
15 St. Croix area where the EEZ is open and I haven't seen any  
16 rationale to open the EEZ in other areas and so do you want to  
17 concentrate on that and see what is needed to be done in St.  
18 Croix or do you want to open the whole discussion for the rest  
19 of the U.S. Caribbean?

20  
21 **ROY CRABTREE:** I think what we've talked about was just dealing  
22 with St. Croix and the local government still requires that  
23 conch be landed in the shell, correct, in St. Croix?

24  
25 **ROY PEMBERTON:** That's correct, but it's not really enforced.  
26 The issue comes in, again, with the weight of the shell and the  
27 boat, but just my thing is --

28  
29 **ROY CRABTREE:** I understand that, but right now, we have  
30 consistent rules. Both of us require it be landed in the shell  
31 and so the thing we're not consistent on is the commercial limit  
32 and the recreational limit.

33  
34 Now, when commercial guys go out fishing, I'm assuming there's  
35 generally more than one person on the boat and so if we go from  
36 150 per person in the EEZ to 200 per boat, that's actually  
37 lowering the number of conch they'll be allowed to bring in and  
38 so it would slow them down.

39  
40 **EDWARD SCHUSTER:** Actually, this recommendation was brought  
41 forward from the commercial fishermen themselves as a proactive  
42 step just to save the fishery actually, to reduce the harvest  
43 from the commercial sector of the fishery.

44  
45 Before, it was 150 per license and so if you had four fishers  
46 onboard, they could harvest up to 600 conch and so, as a  
47 proactive step, we reduced it to 200 per boat, no matter how  
48 many fishers you had onboard.

1  
2 **BILL ARNOLD:** I just need a clarification on this. Helpers are  
3 not licensed fishermen, right? If you have a licensed  
4 commercial fisherman and three helpers onboard, you still are  
5 limited to 150 conch, right? I just want to make sure we're  
6 clear on that.  
7  
8 **CARLOS FARCHETTE:** Exactly, but that was one of the loopholes  
9 that the fishermen would also use. They would take another one  
10 or two licensed fishermen and be able to harvest more, but yes,  
11 the helpers are not licensed. They have an ID saying that  
12 they're helpers and that's all, but not a license.  
13  
14 **MIGUEL ROLON:** Carlos, in essence, what you would like to see is  
15 in the east end area, a quota for recreational and commercial  
16 identical to the one that we have in the USVI territory and  
17 that's it?  
18  
19 **CARLOS FARCHETTE:** Right. I would like the commercial quota and  
20 the recreational quota to be the same, so that enforceability  
21 would be simplified.  
22  
23 **MIGUEL ROLON:** That's Alternative 2 for commercial, no more than  
24 200 queen conch per boat per day?  
25  
26 **CARLOS FARCHETTE:** Right. That would be Alternative 2 and then  
27 I believe Alternative 2 also in the recreational.  
28  
29 **GRACIELA GARCIA-MOLINER:** That means that the federal waters  
30 will increase the number of conch for recreational.  
31  
32 **CARLOS FARCHETTE:** True.  
33  
34 **MARA LEVY:** I think you're jumping a little bit ahead of the  
35 process here. What I understand this to be is an options paper,  
36 which at the last meeting, you directed staff to look at the  
37 regulations and highlight and let you know what's consistent and  
38 what's not consistent and then you were going to look at the  
39 options and decide whether to move forward with it or not.  
40  
41 There has really been no analysis of impacts or anything like  
42 that. This, to me, isn't really the time to start saying this  
43 is the one we want. If what they've presented to you in terms  
44 of options and alternatives looks good, then I think you would  
45 move forward with the process. If there's something that you  
46 think is missing that you would like included, then this would  
47 be a good time to let staff know that.  
48

1 **MIGUEL ROLON:** Mara, if we concentrate on just what they want,  
2 the modification of the quota, then we can instruct the staff to  
3 work on just that part and leave the EEZ closed -- Be closed  
4 where they are and concentrate on St. Croix or do we want to  
5 open the whole thing.

6  
7 **MARA LEVY:** Right and so my understanding of it was you were  
8 just looking at consistency between the current regulations and  
9 that's why they developed these two options with the  
10 alternatives. Now, Graciela raised some issues, but it wasn't  
11 really within the scope of what you said you wanted to look at  
12 in the last meeting.

13  
14 If this is what you want to concentrate on, then I would let  
15 staff know that this is what you want to concentrate on and that  
16 they should continue to develop the document and whether you  
17 want to go to council scoping meetings or public hearing drafts  
18 or whatever the next step might be, then that's what you all  
19 should do.

20  
21 **ROY PEMBERTON:** How far along would that process then go in  
22 terms of timing? Would it be another six to eight or another  
23 year when you go through the scoping documents?

24  
25 **ROY CRABTREE:** If you came back in in March and chose preferred  
26 alternatives and then did public hearings, then we don't meet  
27 again until August, typically, and we would take final action in  
28 August and then it would go in place sometime in early 2014.

29  
30 **ROY PEMBERTON:** I am just wondering the timing with the conch  
31 season and when it opens and closes.

32  
33 **ROY CRABTREE:** When is the conch season?

34  
35 **ROY PEMBERTON:** November 1 through June 30. It's open now.

36  
37 **ROY CRABTREE:** Just procedurally, this is a regulatory  
38 amendment.

39  
40 **MARA LEVY:** I don't think we've determined whether it's an EA or  
41 an EIS.

42  
43 **ROY CRABTREE:** That seems pretty evident to me. I think it will  
44 be an EA. We're not changing the overall quota. We are just  
45 making some tweaks and so assuming this was an EA, we could ask  
46 staff to go ahead and do the analysis and things and have a  
47 public hearing in St. Croix between now and the March meeting  
48 and come in and vote this up and take final action in March,

1 couldn't we? Then we could get it in place by November.  
2  
3 **MARA LEVY:** I guess that's a possibility. Generally, from my  
4 experience, the staff tends to bring a public hearing draft  
5 back. Is the next meeting in St. Croix, because you could also  
6 have them develop a public hearing draft to present to you at  
7 the next meeting and you could either have public hearings right  
8 at that meeting, if you wanted to, or you could schedule them  
9 around the meeting. I guess it would just depend on timing.  
10  
11 **ROY CRABTREE:** It's a regulatory amendment. It's a framework  
12 action and there's supposed to be things that you can do quickly  
13 and assuming that staff -- That we're happy with the options  
14 that are in here, if they can get the analysis done on it, then  
15 I don't see why we couldn't come in in St. Croix, at our March  
16 meeting, and hold a public hearing on it and take final action  
17 on this and vote it up.  
18  
19 Then I think, Roy, it could be put in place by the time conch  
20 season opens in November. I don't see much controversial to  
21 this and the decisions don't seem that complicated, honestly.  
22  
23 The recreational part worries me a little bit, because I don't -  
24 - Do we really even know how many conch are taken  
25 recreationally? Do they count against the commercial quota? I  
26 am assuming they don't.  
27  
28 **ROY PEMBERTON:** No, it's not counted against the commercial and  
29 it's usually -- I guess during the Easter season, people will  
30 dive conch on St. Croix, but there could be some situations  
31 where I could see recreationally folks going out on a regular  
32 basis to get conch.  
33  
34 **ROY CRABTREE:** Do you think anybody is recreationally harvesting  
35 conch from the EEZ or is almost all of it in territorial waters?  
36  
37 **ROY PEMBERTON:** No, most of it is opportunistic and it's in  
38 territorial waters.  
39  
40 **ROY CRABTREE:** It's not likely that if we make a change to the  
41 recreational limits in federal waters -- It's not likely to  
42 really make much change at all to what's actually coming in.  
43  
44 **ROY PEMBERTON:** I wouldn't think so.  
45  
46 **EDWARD SCHUSTER:** We did this recreationally and commercially  
47 for the sake of enforcement. We also did the same thing for  
48 compatibility on our closed season when it was closed, which we



1 extended our closed season a month on either side, a month prior  
2 and a month after.  
3  
4 It was open in the EEZ, which caused conflict with enforcement,  
5 and so that's why we decided to just follow what we had in place  
6 and hope that the federal government would come compatible to  
7 us. Our question would be to Graciela and are we on the same  
8 five-month closure in the EEZ or no?  
9  
10 **GRACIELA GARCIA-MOLINER:** Yes, the closure is no problem. We  
11 are exactly the same and once the quota is reached, then it  
12 closes both the territorial and the federal waters.  
13  
14 **EDWARD SCHUSTER:** The harvest is what we're here for now?  
15  
16 **GRACIELA GARCIA-MOLINER:** We are only here for the commercial  
17 quota of 200 queen conch per boat versus the 150 per licensed  
18 fishermen and for the recreational quota.  
19  
20 **CARLOS FARCHETTE:** I guess what we're looking for is some type  
21 of a motion.  
22  
23 **ROY CRABTREE:** I move that we ask staff to complete the document  
24 and schedule for a public hearing and final action at our March  
25 meeting.  
26  
27 That means we would come in in March and be given a document  
28 with all the analysis in it and hear what the public says about  
29 it and then choose our preferred alternatives and vote it up and  
30 send it to the Secretary.  
31  
32 **CARLOS FARCHETTE:** Would that motion identify the document, like  
33 say --  
34  
35 **ROY CRABTREE:** Change that to say Regulatory Amendment 2 to the  
36 Queen Conch Plan. That should be a motion to ask staff.  
37  
38 **GRACIELA GARCIA-MOLINER:** Can we say "Regulatory Amendment"  
39 because I can't remember if it's the Number 2 or not. Is it  
40 Number 2?  
41  
42 **ROY CRABTREE:** That's what it says.  
43  
44 **CARLOS FARCHETTE:** Do we have a second for that?  
45  
46 **WINSTON LEDEE:** Second.  
47  
48 **CARLOS FARCHETTE:** Any discussion on this?

1  
2 **MIGUEL ROLON:** The understanding is that they are going to  
3 concentrate on the catch limits and the quota for recreational  
4 and commercial.

5  
6 **CARLOS FARCHETTE:** It would only be those two alternatives and  
7 this thing about hookah and landing, we'll have to fix that  
8 somewhere else. No other discussions? Hearing none, we'll take  
9 it for a vote and I will start on my left.

10  
11 **WINSTON LEDEE:** Yes.

12  
13 **MIGUEL GARCIA:** Yes.

14  
15 **ROY PEMBERTON:** Yes.

16  
17 **EUGENIO PIÑEIRO:** Yes.

18  
19 **ROY CRABTREE:** Yes.

20  
21 **NELSON CRESPO:** Yes.

22  
23 **CARLOS FARCHETTE:** Yes. Any opposition? **Hearing none, it's**  
24 **unanimous and the motion carries.** Next on the agenda is the  
25 Outreach and Education Panel Report by Alida Ortiz.

26  
27 **OUTREACH AND EDUCATION PANEL REPORT**

28  
29 **ALIDA ORTIZ:** Good morning, everyone. We are going to present  
30 an update of the activities that we have taken at the Outreach  
31 and Education Advisory Panel since our last meeting in Fajardo.  
32 In Fajardo, we were assigned a task from the council as a  
33 working group to evaluate some of the proposals that were  
34 received by the council and that working group was Mr. Carlos  
35 Farchette, Dr. Miguel Garcia, Mr. Roy Pemberton, and myself.

36  
37 We met on September 25 at the council facilities in San Juan and  
38 Roy Pemberton was present through the telephone and we met like  
39 a whole day there and these are the recommendations that we made  
40 to the council at that moment.

41  
42 We should have completed, by this meeting or by December 31, the  
43 Caribbean Council brochure that has to be updated. The first  
44 issue of the newsletter, that's something that we did complete  
45 and I think you have received in the mail, physical and email,  
46 the newsletter from that 143<sup>rd</sup> meeting.

47  
48 This newsletter is going to be published after each meeting and

1 so it will come out like three or four times a year and we also  
2 discussed the fisheries calendar that we are supposed to have  
3 ready for you today, but actually, the producers of the calendar  
4 -- It's UPR Sea Grant and we really don't have it right now and  
5 so we hope that before December 31 that we will get the calendar  
6 and we will send it to you and it will be distributed to all the  
7 stakeholders.

8  
9 Another recommendation was to assign the necessary budget to  
10 *Fuete y Verguilla* and that's a fisheries publication from UPR  
11 Sea Grant and it will be dedicated to St. Croix and they did  
12 send a proposal and the council had the budget under  
13 consideration.

14  
15 Then we also received a very large proposal from Lia Ortiz on a  
16 marine outreach and education USVI-style project. Within the  
17 entire proposal, the working group recommended that one of the  
18 activities that is Don't Stop Talking Fish, a Fun Day and  
19 Learning Experience could be supported by the council, depending  
20 on the amount of funding available. We are still expecting a  
21 complete proposal to see how much of that is going to be funded.

22  
23 We also agreed, in the working group, that the council will be  
24 present in the St. Croix agricultural fair, where fisheries is  
25 going to be a very big exposition. There, we will have all the  
26 materials that we have been working with, materials that the  
27 council already has, and members of the panel, of the advisory  
28 panel, will be present taking care of the booth.

29  
30 Another recommendation was the recruitment of Ms. Helena Antoun  
31 and she will serve as the fisheries liaison for the Caribbean  
32 Fisheries Management Council in Puerto Rico and she will be  
33 onboard in January. She is here already as part of our visitors  
34 and we have met with her several times to discuss the scope of  
35 work and how we will conduct that work in the field.

36  
37 Then the working group requested that I prepare two concept  
38 papers based on some of the activities that we had in the  
39 timeline and one was for the workshops for the legislators and  
40 that is supposed to be implemented in February, because both in  
41 the USVI and in Puerto Rico, we had a change in government.

42  
43 In February, we will have a presentation to those legislators as  
44 to what are the fisheries regulations and what are the functions  
45 of the council and start establishing that connection with the  
46 decision makers.

47  
48 The first paper we'll send to Miguel Rivera for the Puerto Rico

1 workshop and the second paper we'll send to Roy Pemberton for  
2 the USVI workshop. We expect that these workshops will be  
3 conducted between February and March, because by that time, both  
4 governments are going to be in place and hopefully we will have  
5 all the officials that have to do with fisheries in both places.

6  
7 Then they asked also for two different concept papers. We had  
8 proposed in the activities that the council should prepare some  
9 sort of a monograph on the issues and the science that is  
10 discussed in the council and this is a very simple, readable,  
11 understandable document. It is not a journal document. It will  
12 be reviewed by the council and it will be reviewed also by the  
13 Scientific Committee.

14  
15 We sent the concept paper and we have not received any other  
16 recommendations on that and so we will see what you want to do  
17 with that activity itself.

18  
19 Then the other document was also a one-page document on what we  
20 meant by those teachers resources. We have found out, in our  
21 inventory of marine education documents throughout the  
22 jurisdictions, that we do have a lot of information on the  
23 ecosystem and on the ecology and on the fish habitats, but  
24 really, we need more information and we need more activities and  
25 we need more contact with the fisheries involved and the  
26 regulations and the population dynamics of these organisms that  
27 can be discussed within the curriculum, especially social  
28 studies and science and make it a multidisciplinary and a very  
29 transversal discussion in the schools.

30  
31 We did receive some recommendations from the USVI to make the  
32 connection, but it's already being done in the USVI at the  
33 university and something like Fisheries 101, so that our  
34 citizens become more literate on what fisheries mean. We  
35 included that in the briefing book that you have and so if you  
36 have any other comments or any other recommendations, we will  
37 gladly take them for consideration.

38  
39 Another recommendation to the council is that, and I see it  
40 coming out in this discussion of today's meeting or yesterday's  
41 meeting, and it is the need for more scientists, for more people  
42 preparing fisheries in the area.

43  
44 If the council has so many connections with other councils and  
45 with other universities outside of the jurisdiction, I think we  
46 should make a very good promotion of getting more students to go  
47 into fisheries fields. They are not going to become fishers,  
48 but they are going to produce the information that we need for

1 the management. That's something that we will be working  
2 through the connections in the council.

3  
4 We did have our regular meeting in San Juan on October 30 and we  
5 had a presentation by Dr. Carrubba from NMFS in Cabo Rojo on the  
6 outreach and education activities. For a moment, we didn't have  
7 that much outreach and education in the field of fisheries and  
8 all of a sudden, we have a lot of people out in the field and a  
9 lot of activities and we wouldn't like to be either duplicating  
10 or saying the same thing and it is the same as stakeholders, no  
11 matter whether they are in Puerto Rico, in St. Croix, or in St.  
12 John.

13  
14 We want to connect with all the people that are doing work  
15 outside in the field and people who are producing materials and  
16 so Helena reported on the activities that she was doing in Cabo  
17 Rojo and we also participated in one of the focal groups that  
18 she prepared for the fisheries managers.

19  
20 Miguel requested that we prepare four or five PowerPoint  
21 presentations on very specific issues that the council discusses  
22 with the stakeholders and these would be high-quality  
23 presentations with good information and good visuals, so that  
24 anybody that needs it or a teacher that needs it or a community  
25 leader that needs information, we can give them a copy of the  
26 PowerPoint and they can use it.

27  
28 The O&E AP will be present, like I said before, in the February  
29 agricultural fair in St. Croix. It will not be a formal  
30 meeting. As the Executive Director reported yesterday, all our  
31 meetings from now on are going to be in San Juan, so that they  
32 can save some in travel and we will have some members of the  
33 panel come to St. Croix for that activity.

34  
35 The update, in very, very short, we are still working on the  
36 council brochure and we hope that will be ready by the next  
37 March meeting. The newsletter is already out and we have  
38 selected already topics or concepts to develop in the fact  
39 sheets.

40  
41 The calendar hopefully will be out before the end of December.  
42 On the webpage, Miguel is going to give some information and on  
43 the school resources, we are going to start developing at least  
44 the proposal to present it to the council and see how it  
45 develops.

46  
47 The workshop for legislators, we are already working on the  
48 outline of those workshops and we will keep working on those

1 stakeholder meetings, especially now that we have a fisheries  
2 liaison in Puerto Rico and we are still looking for a fisheries  
3 liaison in the USVI.

4  
5 Those meetings in the communities are very important. They are  
6 outside of public hearings and they are meetings to see what are  
7 the needs of these fisheries communities and how does the  
8 council relate to them.

9  
10 There are a whole bunch of posters that have been sponsored by  
11 the council and some of them have either to be renewed or see if  
12 they need to be distributed in a different way and so we are  
13 going to work on that and the ones that we had already was the  
14 Caribbean Fisheries monograph that we will expect the reaction  
15 from the council.

16  
17 The internship, I spoke about that already and some people have  
18 requested that the council publishes news somewhere in the  
19 public newspapers. That is something that has to be taken very  
20 careful.

21  
22 There is a newspaper in Puerto Rico, *la Regata*, that they are  
23 willing to take any kind of information at any time from the  
24 council and we would have to like then extend our agreement, so  
25 that they can leave some space for council news in *la Regata* and  
26 other commercial newspapers. It depends on whether they want to  
27 publish anything like that or whether the council has constant  
28 information that should go to the entire citizenship.

29  
30 This is what I have talked about and there's something that  
31 Miguel mentioned yesterday and it is that we were invited to  
32 participate in the International Pacific Marine Educators  
33 Network.

34  
35 This was a very important activity for us. First, because, to  
36 me, it is important to find out that the council does a lot of  
37 marine education and a lot of marine education through the  
38 schools, through communities, through the fishermen, through all  
39 the stakeholders.

40  
41 The council has sort of been a little bit aloof with part of the  
42 marine educators and there is a big possibility that we can form  
43 a marine educators network and that we can promote that network  
44 and work in communication with other members of the Caribbean  
45 region.

46  
47 There are a lot of teachers in different countries in the  
48 Caribbean that do have marine education programs and even though

1 we have Sea Grant in the Caribbean and we have information, the  
2 fisheries aspect of it is, I think, still not very outstanding.

3  
4 IPMEN has been supported and actually was created by the Western  
5 Pacific Fisheries Management Council and so those are the ones  
6 that promoted the formation of that organization that has met in  
7 Fiji and Hawaii and in other parts of the Pacific and then in  
8 California and the last meeting was in Chili.

9  
10 We had people there from Australia and from California and from  
11 Hawaii and, of course, Diana and myself were the members of the  
12 Caribbean and what we did there, first we helped a lot, I think,  
13 with the translation, because most of the information was given  
14 in English and so we did translate in paper and we also were  
15 interpreters at each one of the activities.

16  
17 We brought an activity from our region for people to look at the  
18 signs that are produced in the reef and compare them with the  
19 signs that they have in their own region and so we had all the  
20 materials that the council produces, like the coloring books and  
21 the coral reef book and other materials that were left in the  
22 schools in Chili.

23  
24 What did we learn? We learned first that this document of ocean  
25 literacy principles that I included -- I sent it to Diana for  
26 you for the briefing book and this is a document that has been  
27 produced or was produced by NOAA since 2004 and at this moment,  
28 most of the curriculum in different parts of the states, coastal  
29 states and Europe, is adopting the same document.

30  
31 Everything that we are talking on ocean at some time or another  
32 should be connected to these principles, because it is not  
33 curriculum material, but it is citizenship literacy on the ocean  
34 and how do you understand and how much do you know and how can  
35 you interpret all this information?

36  
37 Sometimes when I hear the discussions here and I see the public  
38 hearings and I have been to the scoping meetings, we come to  
39 those meetings with information that is very highly scientific,  
40 that has a lot of data, but the public that is receiving that  
41 doesn't even have the basics on understanding.

42  
43 We talk about seagrasses and okay, what is a seagrass? Where  
44 does it grow? What happens there? That's part of what the  
45 ocean literacy principles want, that every single citizen knows  
46 at least the basics of what are the oceans and what is their  
47 importance on the planet.

48 W

1 We feel that all of our materials that we develop for outreach  
2 and education in some way must be connected to these principles  
3 and so we are going to be working on that, I think, from now  
4 until the next millennium.

5  
6 What are the recommendations to the council? That we insert  
7 first this document. There is a lot of material that has been  
8 produced in the states, in Europe, using a document that was  
9 prepared by NOAA, a document that was distributed to the schools  
10 by NOAA, but we don't know it and the first thing that I did  
11 when I came back was I wrote to Sea Grant and I wrote to people  
12 in the USVI and I wrote to the people that I know in Puerto Rico  
13 and asked if they knew this document and no, they don't. We are  
14 going to work with that.

15  
16 Actually, the activities that we are going to bring to St. Croix  
17 in February will be aligned to the ocean principles and that's  
18 all we have done. Are there any questions or any  
19 recommendations?

20  
21 You have received some of the materials in the briefing book and  
22 so if there are any comments that you would like to share, we  
23 are open to that.

24  
25 **MIGUEL ROLON:** The Virgin Islands, we are trying to do the same  
26 thing that we did in Puerto Rico and, Dr. Garcia, you and I met  
27 and we discussed the possibility of joining efforts to have this  
28 fishery liaison person.

29  
30 We are still waiting to do the same thing in the U.S. Virgin  
31 Islands and we will be contacting Mr. Roy Pemberton and others  
32 to make sure -- The way we did is we combined liaison funds with  
33 basic funding and we will move forward with that.

34  
35 The other part that we are going to do, aside from the list that  
36 Alida just informed us about, is that we are going to -- Very  
37 low key at the beginning, but we are going to make a list of the  
38 networks, intra and inter countries in the Caribbean.

39  
40 There is a lot of NGOs working and we have worked before with  
41 the French and the Mexicans on outreach and education for  
42 specifics like the queen conch and so this is an activity that  
43 will be undertaken in 2013.

44  
45 The Western Central Atlantic Fishery Commission also endorses  
46 this activity, because they have found that we have papers up to  
47 the ceiling, but most people do not really get the information  
48 at the level they need.



1  
2 Fishermen and decision makers and others seem to not receive  
3 that information and so those are the things that we are going  
4 to be doing in 2013. Hopefully our budget situation in 2013 and  
5 2014 will allow us to do so and then I need to say something  
6 about the website.

7  
8 In the case of the website, Livia is really pulling her hairs  
9 out, because it's not the easy, but it is coming now. We have a  
10 better website mechanism and the whole page is improving. Livia  
11 is going to publish the new website and you have areas where you  
12 can interact and you have links with educators and NOAA and  
13 local government officials, et cetera, et cetera.

14  
15 There is a lot of areas though that we're still -- We have the  
16 sign "Men at Work", because we're still waiting for some links  
17 and we're still waiting for some information that Livia has to  
18 put into it.

19  
20 The Spanish version is coming along, because it's more  
21 complicated. The official language of the council is English,  
22 but we have people in St. Croix and we have people in Puerto  
23 Rico, of course, and the language they prefer is Spanish and we  
24 are trying to translate, as much as possible, the key documents  
25 that they need to understand the process and those will include  
26 the newsletter, of course, and the brochure and others, as  
27 mentioned by Alida Ortiz. That's all we have at this time.

28  
29 By the way, I would like to thank Alida and Diana here, the  
30 translators there. This invitation came from the Western  
31 Pacific Council and as I said, it was kind of a coincidence when  
32 Sam Rauch said you should get together with these guys and we  
33 were already talking about it and we were going to have this  
34 joint venture.

35  
36 They are interested in helping us develop the network in the  
37 Caribbean and they have a lot of experience about it. Sylvia  
38 Spalding, which is the counterpart of Diana at the Western  
39 Pacific, she is also willing to help us with anything that we  
40 might need.

41  
42 We have already been invited to the Capital Hill Ocean Week  
43 already. It's going to take place in June, some date in June,  
44 and I guess it's the first or the second week of June. Of  
45 course, it will be in the Washington, D.C. area. That's what we  
46 have for 2013, Mr. Chairman.

47  
48 **OTHA EASLEY:** From enforcement's perspective, of course,

1 outreach is extremely important, from educating those in the  
2 elementary schools to the industry, the fishermen themselves,  
3 and even the politicians. They can use some education and this  
4 sounds like you're on the right track and I appreciate it very  
5 much.

6  
7 **CARLOS FARCHETTE:** Thank you. Next on the agenda -- We're going  
8 to skip Lee Carrubba's presentation, because she's not here, and  
9 so we're going to go to Tony Iarocci and Trap Reduction Spiny  
10 Lobster Report.

11  
12 **TRAP REDUCTION SPINY LOBSTER REPORT**

13  
14 **TONY IAROCCI:** Thank you, Mr. Chairman. I would just like to  
15 address -- On the agenda, and I want to make it perfectly clear,  
16 it says "Trap Reduction Spiny Lobster Report" and it's Fish Trap  
17 Reduction and the Spiny Lobster Management Report and I don't  
18 want anybody to think that we are looking at any kind of  
19 reduction in the lobster fishery. We are looking at management  
20 and coming up with some other alternatives.

21  
22 On Tuesday the 27<sup>th</sup> of November, the St. Thomas Steering  
23 Committee met at the Windward. There were fourteen people in  
24 attendance and we were looking for a fish trap update and if  
25 somebody could get the Director in here for an update on the  
26 plan.

27  
28 The fishermen, at this time, are wondering what's going on. The  
29 timing, we're looking at why this hasn't moved forward. A lot  
30 of work has been put forth on this plan and the update and where  
31 we are with this. There was some information that was supposed  
32 to be put out at the FAC meeting and I think that Director  
33 Pemberton would be the one to address this right now.

34  
35 **ROY PEMBERTON:** I believe you're talking about the trap  
36 reduction. It's in the hands of the FAC right now. They are  
37 going through it and they are going through their comments on  
38 the actual plan. They are going to get it back to me on January  
39 8, the next FAC meeting in St. Thomas.

40  
41 We have one member here in the audience and I guess a lot of  
42 them revolve around the actual enforcement issues, monitoring  
43 issues, buoys, things like that, and so forth. They are going  
44 through it. They are not just taking this idly or not taking it  
45 seriously. They are really going through the entire plan and  
46 they want to give a good assessment to the Commissioner.

47  
48 **CARLOS FARCHETTE:** The St. Croix FAC has already moved this

1 forward and so we're just waiting for the St. Thomas FAC.  
2

3 **TONY IAROCCI:** Roy, I don't mean to put you on the spot or  
4 anything, and we do have a member of the FAC from St. Thomas  
5 here. If there are questions or pertinent things that they have  
6 questions about, I think that the fishermen on this steering  
7 committee can address those, because I think it's been in the  
8 hands of the St. Thomas FAC for a couple of meetings now. There  
9 must be some specific questions that they have to move this  
10 thing forward.  
11

12 **ROY PEMBERTON:** I want to give them all the time in the world.  
13 It took the group of fishers to come up with this plan a year or  
14 two years almost and I don't -- The cautionary thing is I don't  
15 want anything going forward to the Commissioner for her to make  
16 a final decision if everyone has not really gotten their full  
17 say in the matter.  
18

19 This has happened before, two commissioners back, I believe, and  
20 it turned into a major issue and so we're trying to do this as  
21 fast as possible, yet as diligently as possible.  
22

23 What they're doing is getting all their questions together and  
24 summarized so that we can then have probably members of the trap  
25 reduction committee come into a meeting and they can ask them  
26 questions directly as to why, when, how, and so forth and then  
27 we can go from there, but they have to have that time to get all  
28 this information together.  
29

30 **MIGUEL ROLON:** That discussion is not here. It's at the level  
31 of the local government and whenever they are ready, my  
32 understanding is that they will present a document to the  
33 council with the appropriate petition for action.  
34

35 **TONY IAROCCI:** Thank you, Director Pemberton. The Chairman was  
36 not in attendance at this meeting. He had called me that  
37 morning. Bill and I had flown in and he called me at the Miami  
38 airport and there was a little bit of confusion about the  
39 purpose of this meeting.  
40

41 There was a lot of discussion on trap inspections and the timing  
42 of that. I guess some of the fishermen were waiting a long time  
43 and enforcement was supposed to be there to address that and a  
44 bunch of people were called that weren't members of the  
45 committee and so Chairman Blanchard decided not to attend the  
46 meeting.  
47

48 He wanted to make sure that he apologized to everybody, but he

1 said this was not supposed to be part of the agenda and it was a  
2 lobster trap management meeting and it was taken out of context,  
3 but some of the things that were discussed were, like I said,  
4 the trap inspections, the timing on what was going on with a lot  
5 of this stuff, the appeals process, because there's questions  
6 with what's going on about this appeals process.

7  
8 To date, there are seven fishermen that have filed for an appeal  
9 to this process. They also -- There was a lot of discussion to  
10 revisit some of these closures and what good -- We talked about  
11 this earlier.

12  
13 There was a lot of discussion and Bill was able to open up  
14 discussion on a lot of topics on the ACL process. One of the  
15 things that came out of this, and a lot of the fishermen are  
16 saying the same thing, Julian in particular, but we dealt with a  
17 lot of the stuff, from angelfish on down, and I'm glad we talked  
18 about a lot of that yesterday with these ACLs, but a  
19 reassessment of the Virgin Islands fisheries and a new way of  
20 managing and looking at this and maybe we can do that through  
21 the island-specific.

22  
23 We're talking about putting a next meeting together on January  
24 29 at the Windward, starting with lobster, hopefully, and then  
25 look at this. Hopefully this fish trap plan, some of the  
26 enforcement stuff, but also looking at what the impact of this  
27 coral, the ACL process, and what's going with ESA, because ESA  
28 is really coming on and we've been able to address a lot of the  
29 issues, other than lobster or fish traps, at these meetings to  
30 open up communication.

31  
32 On the 28<sup>th</sup>, we met at St. Croix, at the Kings Alley. There were  
33 ten fishermen in attendance. We did get the fish trap update by  
34 Director Pemberton.

35  
36 There was a motion. Apparently there is an illegal fishing  
37 thing going on and there's a lot of people landing product over  
38 there unpermitted and the fishermen have brought it up and they  
39 made a motion for DPNR and for us to look at it and to address  
40 the illegal fishing and like I said, that needs to come from the  
41 fishermen.

42  
43 There was also a motion to add Daniel Santiago and Edward  
44 Schuster as voting members. There were ten fishermen in  
45 attendance and there's a lot of interest and a lot of new blood  
46 and new people coming to the table to discuss what's coming on  
47 with lobster and some of the other stuff.

48

1 I see that and with this proposal at looking at outreach and  
2 education, we do have some Spanish-speaking fishermen there and  
3 some of them, still to this day, don't understand fully the ACL  
4 process and the difference between the territory and the  
5 council.

6  
7 I think it's very important now to get some of that stuff out  
8 and also, we did have some ACL discussion at that. The next  
9 meeting is scheduled for January 30 at the King's Alley, but  
10 also, any of the stuff that can hand out in English and Spanish  
11 and I think Bill had put together an ACL paper to put something  
12 -- Get that out and get that circulating again and anything  
13 pertinent from the council that we can update to the fishermen  
14 and with that said, I think Eddie Schuster or Daryl, if you have  
15 anything you want to add to anything that I said, please feel  
16 free. Any questions?

17  
18 **MIGUEL ROLON:** Tony, what will be the next step?

19  
20 **TONY IAROCCI:** Hopefully the next step would be to get approval  
21 from the FAC on St. Thomas and move the fish trap plan forward  
22 and then work on the lobster management full time and move  
23 forward with something with that.

24  
25 I am hoping that -- Like I said, we do have a member of the FAC  
26 on St. Thomas and hopefully at the next meeting we can address a  
27 lot of these issues or questions that they do have or maybe  
28 beforehand and if there is -- We do have enforcement here if  
29 there are questions about this.

30  
31 I just want to add this to the record, too. I know there was a  
32 lot of discussion at that last meeting about people waiting to  
33 get traps inspected or inspections or stuff. I put together a  
34 couple of forms similar to what we had in Florida and just like  
35 it says at the top of it, it's an example application.

36  
37 It says "USVI Fish Trap Fishery Fish Trap Replacement  
38 Application" and this one says "Report Lost Stolen or Destroyed  
39 Traps". If this does happen, a fisherman has a form he can date  
40 and hand in for the record, to show that he has applied for this  
41 stuff so there is a formal record on when this is done.

42  
43 There's been a lot of -- I think it -- I hate to -- Was it one  
44 of the guys at the meeting said he wanted three months, was it?  
45 Three months to have traps inspected and I mean these guys -- It  
46 was a little -- It got a little hot at the meeting and a lot of  
47 people vented over this process.

48

1 I think there's a little failure to communicate there on the  
2 timing and maybe by putting a form or a dated form to do  
3 something like that, I think it can move forward a little  
4 quicker.

5  
6 **MIGUEL ROLON:** One last question. If the proposal that was  
7 discussed yesterday in the Administrative Committee is approved,  
8 would that have any effect on let's say 2014 or 2015 on your  
9 schedule of work that you have for the trap reduction program?

10  
11 **TONY IAROCCI:** No, I think it would enhance what we're doing and  
12 it was voted on and unanimously supported at the St. Croix  
13 Steering Committee. We talked about it and with, like I said,  
14 further discussion in doing it, doing it the right way.

15  
16 What I'm worried about, Miguel, and we had some little sidebars  
17 today and I did talk to Daryl and Eddie and Roy and other  
18 people, is this whole thing with the ESA and the corals. I  
19 think that any of this trap fishery and a lot of this stuff -- A  
20 lot of that stuff has to come to the table at the fishermen's  
21 level, so they understand where this is going to go. We're  
22 trying to deal with a lot of that stuff at these meetings also.

23  
24 Carlos has been able to give updates on a lot of the council  
25 stuff at the meeting on St. Croix and Julian has been able to do  
26 stuff and when David does come, David makes updates on his  
27 proposal and stuff like that, but I think all of this can work  
28 very closely together.

29  
30 **MIGUEL ROLON:** One thing that Alida and Helena and Diana and I  
31 discussed yesterday evening at our meeting is these fact sheets  
32 about what we do and perhaps this is one that we should do and  
33 it's to request information from Lee or the appropriate person  
34 to be able then to collect the information that we need so we  
35 can have a document that the fishermen can use.

36  
37 This is the law and this is what it means and what is it to you  
38 and what are the implications to the fishery operation that you  
39 have on a daily basis when the ESA for corals adopts these  
40 species the way they do it.

41  
42 That probably will be a top priority, Alida, for January, once  
43 we have all this ironed out. We need to probably confer with  
44 Dr. Lee Carrubba and maybe the Regional Office and see if we can  
45 have that as soon as possible, so the fishermen would understand  
46 what is in place.

47  
48 Like David Olsen. When he asked a question about the petitions

1 that National Marine Fisheries Service receives, some of them  
2 will have implications that we don't know about at this time,  
3 but the only one that has been adopted, as of now, is the coral  
4 reef and so let's start with that one and we'll collect the  
5 information and prepare it in English and Spanish and distribute  
6 it to the fishermen.

7  
8 **TONY IAROCCI:** Thank you, Miguel. That's very important and I  
9 wanted to talk to Lee and I wanted to address this when you were  
10 making your presentations, but I want to address it now. For  
11 the updates on the ACL, in English and Spanish is key.

12  
13 We've got some new people that are on this advisory panel there  
14 and they're very interested, but they don't have a clue to  
15 what's going on and what's coming on and what's pending, a lot  
16 of this stuff, especially with the coral and how it's going to  
17 impact or could impact, I should say, the trap fishery. They  
18 need to be aware of that.

19  
20 Stuff like that handed out and also I think, again, like I said  
21 to Bill, that thing on the ACL process, St. Thomas, with the St.  
22 Thomas Association, most of the guys know exactly what's going  
23 on. They have a lot of updates and they have people being  
24 involved.

25  
26 A lot of the new guys on St. Croix don't have that and the  
27 Association is trying to get onboard with that, but a lot of the  
28 stuff that through this outreach and education and what you  
29 could hand out could really help.

30  
31 **CARLOS FARCHETTE:** Thank you, Tony. Any more questions for  
32 Tony? Okay. Now we're going to hear from the STFA on Updates  
33 on Lobster and Trap Projects, among others.

34  
35 **STFA UPDATES ON LOBSTER AND TRAP PROJECTS**

36  
37 **DAVID OLSEN:** I have included a couple of other things. As  
38 Miguel mentioned yesterday, the council funded one of our  
39 younger fishermen to go to the Gulf and Caribbean Fisheries  
40 Institute and we reported on the trap vent project.

41  
42 Ron Hill and I wrote some papers and, Julian, we wrote a paper  
43 for the STFA and this is Julian presenting that paper and it was  
44 really interesting, because one of the general themes going  
45 through the entire session, and Carlos was there, was the need  
46 for co-management.

47  
48 From almost every country, people came forward and said that

1 they really did not feel that they could successfully manage  
2 their fisheries by just top-down management with the government  
3 making rules and that they needed to involve fishermen in it.

4  
5 We don't feel this is true. There was a comment by someone from  
6 Trinidad that says you people aren't asking for co-management,  
7 but you just took it. We don't feel we've been successful about  
8 it and we still think we have a long ways to go, but it was  
9 pretty clear that we were notably further along in that process  
10 than most of the other countries.

11  
12 This is a workshop on artisanal fisheries and this is Danny  
13 Berry, who the council funded. This is David Lanclose, who paid  
14 his own way to go to the thing, and Julian and Tony and I were  
15 funded out of the trap vent project. I had money for a  
16 videographer to come down and I ended up getting five days of  
17 video from a UVI student and so we didn't use that and so we  
18 used that to fund the trip.

19  
20 This is a workshop on artisanal fisheries. These are the boys  
21 at the spawning aggregation workshop and this was a lovely  
22 little cove that we went to on a field trip and this is our home  
23 away from home. The one complaint that we all had was the  
24 drinks were way too expensive. This is Danny Berry in the  
25 center.

26  
27 The next thing I would like -- We made two presentations, one of  
28 them I barely remember, because I had food poisoning and they  
29 said I did okay, but I don't remember. We did two posters in  
30 the poster session and we submitted four manuscripts/extended  
31 abstracts and they're all available on our website there.

32  
33 This is a postscript to the trap vent project. I asked Bill to  
34 do some of the selectivity analysis that he did in the project,  
35 but comparing control traps to the vented traps.

36  
37 You remember this table from before. We pointed out that for  
38 these species of interest that there was a significant reduction  
39 in the percent of fish caught between the vented traps and the  
40 control traps.

41  
42 Bill did the selectivity analysis that we reported on in the  
43 last thing and this is the equation and here, for blue tang and  
44 doctorfish, you see that the vented traps, which are the dashed  
45 line in all subsequent slides, is not only is there a reduction  
46 of 81 percent in the number of blue tangs being caught, but  
47 there's a shift in the size limit toward the larger sizes and  
48 also true in the doctorfish.



1  
2 The saucereye porgy, there was a huge difference. Now, porgy,  
3 to me, as I was saying in the discussion we had yesterday, I see  
4 an awful lot of small porgies on Saturdays that clearly they're  
5 not of much value. They're not of much poundage and I don't  
6 happen to know when they become reproductive, but they're a fish  
7 that grows to a much bigger size and they would be much bigger  
8 to catch later.

9  
10 The vents are having a very significant effect on porgies and a  
11 68 percent reduction in the total number of fish. The gray  
12 angelfish, which is a fish that reproduces late and is of  
13 concern because at the hauling rates that people haul them up,  
14 we showed in the MARFIN study there was an 80 percent mortality  
15 of these angelfish.

16  
17 Interestingly, when we did the diving studies, Daryl hauled at  
18 about half the hauling rate and we had zero percent mortality  
19 and it's totally an embolism effect of the rapid ascent and we  
20 get a major shift and a reduction in the catch.

21  
22 Here's a couple of fish that are not really the narrow-bodied  
23 fish that we were targeting with the vents and there's a slight  
24 shift, but still a reduction, in the catch and with the  
25 stoplight parrotfish, again, a shift and a reduction.

26  
27 The queen triggerfish, again, a smaller reduction and a shift  
28 and then the banded butterfly fish, which I thought would all  
29 get out, still we had some retention and the shift was in the  
30 other direction, but it's probably not significant.

31  
32 The white grunt, again, those two curves are nearly identical,  
33 but there's still a reduction. The red hind, which you wouldn't  
34 expect to see much of an effect, there was a shift on the  
35 smaller sizes.

36  
37 This is not an STFA project. This is a St. Croix Commercial  
38 Fishermen and the St. Thomas Fishermen's Association project and  
39 it's the first time that we've been able to do a project on both  
40 islands and I want to say, in many ways, it's the easiest  
41 project I've ever done in my life, because we have Ed Schuster  
42 on St. Croix doing all the dirty work and Daryl Bryan is  
43 basically doing the same job here on St. Thomas and his wife,  
44 Jessica, is taking all of the data and putting it into  
45 spreadsheets and so all I have to do is paste it into the  
46 database and it is a very smooth operation, except one of your  
47 council members does not turn in his tag recaptures.

48

1 This is the tagging operation. We've got calipers to measure  
2 the carapace length with. We're using the Floy tag gun to tag  
3 and then after the tag is put in, you check to make sure the tag  
4 is firmly in place.

5  
6 One of the concerns that everybody has when tagging lobsters is  
7 do the tags stay when the lobsters molt. This is a lobster that  
8 is in the process of molting and Daryl is separating the molting  
9 shell and the tail and it's showing that the tag is still there,  
10 although it's hasn't molted.

11  
12 Now, we had a discussion of the permit that we're waiting for,  
13 the federal permit, and we're going to take twenty small  
14 lobsters to Coral World and tag them and see how much retention  
15 loss there is during that.

16  
17 We've had Winston that told me that he got a recaptured lobster  
18 in which the colored part of the tag had been bitten off and so  
19 we have our first instance of a tag loss, a documented tag loss.  
20 We've had number of fishermen report that the tags are being  
21 chewed. I have seen one of the recaptures where the tag was  
22 chewed, but still it was totally intact and you could read  
23 everything.

24  
25 One of my great pleasures is that my phone number is on the tags  
26 and I get calls at odd times from someone who has just got a  
27 recapture, including one in Columbia, and that guy -- I'm sure  
28 that showed up on his phone bill.

29  
30 Another nice thing about this thing is you cannot make a table  
31 that is going to represent what things are today. This is about  
32 a week ago how many trips we had made. We had made 123 trips  
33 and pretty much evenly divided between St. Thomas and St. Croix.

34  
35 We tagged over 3,000 lobster. I have, in my phone right now,  
36 from Jessica another ten St. Thomas trips with another couple  
37 hundred lobster and maybe ten more recaptures.

38  
39 The average carapace length on -- As you recall, we did observer  
40 trips, which I'm calling complete trips here, in which  
41 everything was measured and then we've done trips where it's  
42 just the tagging trips, where they're just giving the sizes of  
43 the tagged.

44  
45 When we got Miguel's lobster, I bought another thousand tags and  
46 so we're targeting now 6,000 tagged lobsters instead of 5,000.  
47 We probably have now 3,500 tags and you can see that the average  
48 carapace length in St. Croix on the complete trips is about a

1 centimeter smaller than it is in St. Thomas. We have measured  
2 3,100 lobsters and we've tagged 2,600 or probably closer to  
3 3,000 now.

4  
5 We have put out these posters in St. Thomas and in St. Croix in  
6 English and in Spanish and we've had a number of recaptures from  
7 divers who have gotten lobster and have read my phone number on  
8 the tag.

9  
10 Here is the total lobsters by fisherman. On the recaptures,  
11 we've had one recapture -- This doesn't include the one that Ed  
12 just got. We've had two recaptures on St. Croix now, one just  
13 the other day, and we've had seven non-project recaptures on St.  
14 Thomas and there are two out there that I'm chasing down right  
15 now.

16  
17 These are the locations where lobsters have been released.  
18 There can be anywhere from one to sixty-five lobsters at any one  
19 of these points and so we've got coverage out on the north  
20 pretty much all around St. Thomas.

21  
22 One of the issues with this project is only Gerson Martinez and  
23 Tom Daley have GPS on St. Croix and so the rest of the  
24 fishermen, mainly the diving fishermen, are reporting them in  
25 the Fish and Wildlife reporting blocks, which are two-and-a-half  
26 miles on the sides, which is 6.25 square miles. The movement  
27 and location information from St. Croix is not going to be as  
28 informative as it is on St. Thomas. Again, we've got tagging  
29 all the way out to the end of Lang Bank and all the way out to  
30 the end of the southwest.

31  
32 These are the recaptures on St. Croix. It's not coming out very  
33 clearly, but there are two points there, a yellow one and a red  
34 one, basically showing where they are and then in St. Thomas,  
35 these are the location of all of our recaptures. Again, a  
36 tagging and a recapture. I've got a GIS guy trying to make the  
37 point-to-point calculations for me. That's beyond my GIS  
38 skills.

39  
40 The recaptures are all -- We had a lot of them and it seems like  
41 the lobsters' favorite habitat is the lobster trap, because we  
42 would catch lobsters and tag them and put them in and then a  
43 week later, when people went out to haul their traps, there was  
44 tagged lobsters in the traps.

45  
46 We had a lot of early recaptures, but we're starting now to get  
47 recaptures out to seventy-five days. I don't know how many days  
48 ago you all approved this thing, but it couldn't have been much

1 more than ninety and so we have recaptures of lobsters that were  
2 tagged basically immediately after you approved this thing.  
3  
4 Basically, they haul a string and put them in a barrel and then  
5 drop it at the end of the string and so they're very close to  
6 where they're caught, but how long is a string of traps? Half a  
7 mile? They could be a half a mile away.  
8  
9 These are the comparison of the complete trips and the tagging  
10 plus Miguel's lobsters and if you compare that with a KS test,  
11 it's not significantly different. In St. Croix, however, the  
12 complete trips give a very different picture than the tagging  
13 and so I guess if we wanted to, we could merge the St. Thomas  
14 lobsters, but we couldn't do that with the St. Croix lobsters.  
15 They are very different.  
16  
17 In St. Thomas, basically 98 percent of the lobsters are caught  
18 by trips and in St. Croix, 84 percent are caught by diving.  
19 There's a heavy emphasis on diving and the average sizes between  
20 the two islands are significantly different, but in St. Croix,  
21 the average size between trap-caught and scuba-caught lobsters  
22 are not significantly different.  
23  
24 Here's the thing and one of the -- I think the council made a  
25 wise decision on not trying to promote more traps into St.  
26 Croix. St. Croix, it's always been my opinion, that fishing  
27 serves as sort of a safety net for the economy. When times are  
28 bad, more people go into fishing and times are bad and there are  
29 probably more people into fishing.  
30  
31 This is 2006, which is the last year I have detailed data for,  
32 but you can see that basically twelve fishermen in St. Thomas  
33 land 90 percent of the lobster. In St. Croix, that's twenty-  
34 seven or twenty-eight fishermen and so more people are making a  
35 living in St. Croix out of the lobster resource than there are  
36 on St. Thomas and it's very probably the difference between the  
37 diving fishery, which is kind of a relatively low overhead, low  
38 risk in terms of putting traps in the water fishery.  
39  
40 The average size difference between the two islands was  
41 significant at the 0.001 level and these are just complete  
42 trips.  
43  
44 Now, from here on out, we're going to do some calculations that  
45 are based on basically the growth curve that I got back in 1971.  
46 I tagged -- I think I tagged about 400 lobsters and I got back  
47 ninety-seven of them and I did really a lot of tagging in the  
48 inshore juvenile habitat and I've always felt that this growth

1 curve was kind of heavily weighted by those small lobsters that  
2 grew faster than the older ones.

3  
4 The maximum size that I got, 150 millimeters, out of this was  
5 forty-millimeters less than the largest lobster that I had and  
6 so it underestimates the maximum size and I think that it  
7 accelerates the growth, but these are St. Thomas/St. John growth  
8 statistics. I have been fortunate to get a source for some of  
9 the work that was done in Florida and I'll compare that later.

10  
11 We hope that one of the outputs of this project is going to be  
12 to redraw the growth curve and the things that I'm going to talk  
13 about today will change if we get changes in the growth curve,  
14 because particularly the K value is used repeatedly from here on  
15 out.

16  
17 This is the TIP sampling in St. Thomas. We have this holiday  
18 from 1993 to 2003, where very little port sampling was done.  
19 This is the average size lobster in my 1971 study and this is  
20 the current study.

21  
22 The average size, although it's not significant, has been  
23 increasing in St. Thomas. In St. Croix, they didn't have this  
24 holiday and the average size has been decreasing. Again, those  
25 are not significant correlations.

26  
27 Now, if you take the growth curve that I showed earlier and  
28 solve it for T, you can get the age of each one of those size  
29 classes and with the age, you can see the numbers at full  
30 recruitment and the numbers at -- You can't go beyond the L  
31 infinity, the maximum size, but the change in numbers between  
32 full recruitment and L infinity, and you know the difference in  
33 time, you get the total mortality rate, which in St. Thomas was  
34 0.316.

35  
36 In St. Croix, you're looking at a very different size structure.  
37 You get a lot of small lobsters and then there's a big drop-off.  
38 The full recruitment and we did not even have, in the complete  
39 series, we did not even have 150-millimeter lobsters. The  
40 biggest one we had was 140 and so we're going from 112 to 140 in  
41 2.4 years and you get a total mortality estimate nearly three  
42 times what it is in St. Thomas.

43  
44 **GRACIELA GARCIA-MOLINER:** The St. Croix fishery is a diver-based  
45 fishery and so they are depth restricted as compared to the St.  
46 Thomas fishery, which is a trap fishery, right?

47  
48 **DAVID OLSEN:** These are both trap and dive lobsters.

1  
2 **GRACIELA GARCIA-MOLINER:** But it was 90 percent of the St. Croix  
3 fishery that was caught by diving.  
4  
5 **DAVID OLSEN:** But the lobsters in this analysis are heavily  
6 weighted by Gerson and Tom's lobsters. It's at least 50/50 and  
7 there was not a difference in size. There was not a statistical  
8 difference in size between the dive-caught lobsters and the  
9 trap-caught lobsters.  
10  
11 **GRACIELA GARCIA-MOLINER:** What's the total number of lobsters  
12 that went into the --  
13  
14 **DAVID OLSEN:** I think that's 378.  
15  
16 **GRACIELA GARCIA-MOLINER:** That's kind of a big difference.  
17  
18 **DAVID OLSEN:** But that's how many lobsters we got on the  
19 observer trips. I can't create lobsters out of nothing and 378,  
20 if you compare it to the TIP sampling, is similar to what  
21 they've been sampling.  
22  
23 You take the total mortality and in St. Thomas, it fluctuates  
24 and it's been relatively constant. It's been in this range of  
25 around 0.5. In St. Croix, the total mortality rate jumped about  
26 1997 and that roughly corresponds to the time when the diving  
27 fishery started.  
28  
29 This blue line is the percent of the total landings that were  
30 caught by diving. There was a big shift after Hugo. It was a  
31 big shift and an introduction of a lot of diving. These are,  
32 again, the two mortality estimates from the current study.  
33  
34 Now, if you want to estimate the population, we know how many  
35 lobsters were landed and that's fishing mortality and so you can  
36 solve the problem and find out the number landed is equal to the  
37 difference between -- It's basically the difference divided by  
38 the fishing mortality.  
39  
40 We get population estimates that are fairly -- The Science  
41 Center sent me the data from 2006 to 2012 on Tuesday and I  
42 thought it had it included, but I don't. You get population  
43 estimates in this range for St. Croix of here we're probably  
44 around 70,000.  
45  
46 In the initial tag recapture, the crude tag recapture estimates  
47 are shown at the right. This is a pretty small number of  
48 recaptures and everything and it's just an initial estimate, but

1 we're in the same range, basically.  
2  
3 In St. Thomas, the population estimates are basically between  
4 100,000 and 150,000. This year here was a very unusual year.  
5 There was really high landings, and yet the calculated mortality  
6 was not very high, but it gives you a really high estimate of  
7 the population.  
8  
9 You can look at the total biomass for the two islands and the  
10 percent of the biomass that's harvested. You're seeing, again,  
11 St. Croix's peak at 60 percent of the biomass, but in the range  
12 above 50. St. Thomas seems to be below 40.  
13  
14 I got a spreadsheet from Rich Appeldoorn and calculated yield  
15 per recruit and you see that St. Thomas and St. Croix have  
16 similar yield per recruits. If you compare that to Florida, and  
17 I had some data from Florida, it's a pretty inefficient fishery  
18 in Florida to harvest these small lobsters at these really high  
19 fishing rates.  
20  
21 Now, the next phase, I am going to have to plead some ignorance.  
22 Down at the Gulf and Caribbean, I ran into Josh Nowlis, who was  
23 the -- When I first went to a SEDAR over in St. Croix, Josh was  
24 part of the Southeast Science Center's assessment team and was  
25 running assessments on lobster and yellowtail, which is a pretty  
26 good fit for the two projects that I'm struggling with right  
27 now.  
28  
29 Since that time, he has gone to Stanford and got an MA in  
30 Economics. He knows the Virgin Islands. He lived here in St.  
31 Thomas and was a research professor at UVI. He was on the FAC.  
32 I don't consider this next one a good recommendation, but he was  
33 the lead fishery scientist for the Ocean Conservancy and then he  
34 worked in Roy's shop and he worked in the Science Center and so  
35 he is a pretty credible stock assessment guy.  
36  
37 He ran another version of the Beverton-Holt selectivity thing  
38 and came up, again, with similar results. St. Thomas and St.  
39 Croix are pretty good and Florida is much less efficient in  
40 terms of yield per recruit.  
41  
42 Then he ran a model that he had published in the *Bulletin of*  
43 *Marine Science*, an assessment model, and he modeled St. Thomas  
44 and St. Croix separately, estimating the initial population,  
45 annual recruitment, and annual fishing mortalities.  
46  
47 He looked at the age and size distributions and he used catch  
48 data. This only includes up to 2006, because the data I got

1 from the Science Center, there's something funny in the query,  
2 because the number of traps hauled kind of dropped by 50 percent  
3 when you compared it to the earlier set and so I talked to  
4 Bonnie about this and I'm going to see if I can't get a complete  
5 run of the landings and effort data, so that we're not dealing  
6 with two pieces of the database.

7  
8 He does this index stuff, which I don't get, and these results  
9 are really preliminary, but they give you an idea of what's  
10 possible and when we get the regular data, we will rerun the  
11 models and do it for -- We're also going to do it for  
12 yellowtail.

13  
14 This is model detail and I put it in red when there's a  
15 difference between St. Thomas and St. Croix. He did something  
16 different than I did. I used, for natural mortality -- A long  
17 time ago, Eric Urson observed that natural mortality was  
18 frequently the negative one-third power of weight and then I  
19 looked in NOAA's 2009 working group to estimate natural  
20 mortality for stock assessment and Lorenzen had a model that he  
21 said more or less generated the same thing and so I looked at a  
22 variety of natural mortality estimators and a number of them  
23 generated natural mortality estimates that were above the total  
24 mortality estimate and so we'll work on that some more.

25  
26 The results are that we need to reconcile the inconsistencies in  
27 the two datasets. I had the CCR data up to 2006 and the stuff  
28 that I got from Josh Bennett in the Science Center has this  
29 different effort relationship.

30  
31 His estimate of the lobster population is 100,000 and you  
32 remember that my calculation was about half again as much as  
33 that and he came up with very similar mortality values to what I  
34 had calculated, lower 0.2 to 0.3.

35  
36 Interestingly, he used my 1971 total mortality figure as the  
37 natural mortality figure and an interesting thing about lobster  
38 in the Virgin Islands is people didn't used to eat them. They  
39 used to break them up and leave them in the traps as bait and  
40 the rise of the tourist industry, and I've got a little bit of  
41 data and I'm trying to get more, showing air arrivals versus  
42 lobster landings, there's a significant relationship. I don't  
43 have enough that I wanted to prepare a slide about it, but even  
44 that was significant.

45  
46 If you go around on a Saturday, the only times you ever seen  
47 many lobsters on the street is September and October, kind of  
48 the end of the tourist season and before the next one starts.



1  
2 I have heard people say the lobsters are totally overfished and  
3 they don't see them anymore, but they're all going directly --  
4 You can talk to Winston, who is pushing there as fast as he can,  
5 into hotels and restaurants and things and they're really  
6 servicing the tourist industry more than the local community.

7  
8 You can see he's got pretty good agreement between his model and  
9 the landings up until this time. His trap index is fitting  
10 fairly well and the diver landings -- Divers are, not just in  
11 St. Thomas, but in St. Croix, are a messy form of effort.

12  
13 We're using basically days fished in this case, but in St.  
14 Thomas, the diver landings are pretty low. The diver landings  
15 in St. Thomas are about 5,000 to 10,000 pounds, at the most.

16  
17 St. Croix, the same problem. The estimate of the population, it  
18 turns out, is almost exactly what I calculated and the Z that he  
19 got, again, was very high, up around one. Again, he's got a  
20 pretty good fit for most of it. He's got this anomalous year  
21 around 2000 and the trap index, again, there's just not enough  
22 trap fishing in St. Croix.

23  
24 The diver landings, he is not doing too badly fitting to the  
25 diver landings until this period here, which is really that  
26 period when the diving fishery took off and the diver index  
27 isn't doing a very good job.

28  
29 He has done stock recruitment for a variety of models and so he  
30 is of the opinion that we can come up with catch limits from  
31 these data if we sort it all out and spend a little bit more  
32 time. This was really two days of sorting out data and him  
33 doing analysis, plus a little bit more when he got back to  
34 Washington.

35  
36 I don't have any question that we can resolve the data  
37 differences and that there's something in the query. I suspect  
38 that the query is only trips where lobster were landed, because  
39 it's roughly half of the total number of trap things that I was  
40 seeing before. There's the reference if you're interested and  
41 there's what we're trying to accomplish, is full barrels of  
42 lobster and happy people in the hotels.

43  
44 **GRACIELA GARCIA-MOLINER:** How did the lobster that got to  
45 Columbia get there?

46  
47 **DAVID OLSEN:** I got a phone call in Columbia from someone in St.  
48 Croix that caught a lobster. That's why I said his phone bill

1 was high.

2  
3 **GRACIELA GARCIA-MOLINER:** When you do the tagging work, the  
4 place where the lobsters are being collected are the normal  
5 sites where fishermen fish and then they are dropped at the  
6 normal areas? You're not searching any other areas and it's  
7 where they're normally fishing?

8  
9 **DAVID OLSEN:** Basically, every study that we do has that  
10 potential criticism, is that it's fishermen-based and so we're  
11 not doing kind of a random sampling approach.

12  
13 **GRACIELA GARCIA-MOLINER:** Let me tell you why I asked that. On  
14 the contrary, I think the people who have been on the water for  
15 thirty years know exactly where the lobsters are and so why  
16 waste their time looking for lobsters where they are not?  
17 That's the only reason why I'm asking, just to make sure that  
18 it's based on the fishery.

19  
20 **DAVID OLSEN:** There is no random sampling element to this. It's  
21 all pure fishermen fishing where they can catch lobsters.

22  
23 **MIGUEL ROLON:** That's the only rationale they used for this, to  
24 make it clear for the record. If you do a statistical analysis  
25 and do all that and then you have to do the sample, but from the  
26 get-go, David explained to us that they were going to do it and  
27 so just to make sure that, for the record, that's what we're  
28 doing.

29  
30 **GRACIELA GARCIA-MOLINER:** I agree 100 percent. One of the  
31 things that I was going to say is just to ask the people who  
32 were cooperating with the program how long they've been fishing,  
33 just to have an idea of how long they've been --

34  
35 **DAVID OLSEN:** You know Tom Daley and he's probably the oldest  
36 one. Joelle is probably the youngest one and how long has he  
37 been fishing? A couple of years? He's from a fishing family  
38 and he's probably been -- In St. Thomas, we're dealing with kind  
39 of generational fishermen. Every single one of them is part of  
40 the generations of French fishermen.

41  
42 **ROY PEMBERTON:** I've got a question. You say you haven't gotten  
43 to the point of looking at the recaptures in terms of distance  
44 traveled and do you have any estimate of some of the distance  
45 traveled?

46  
47 **DAVID OLSEN:** I've done measuring point to point and one of the  
48 divers, the skin divers, that caught a lobster -- I measured his

1 and it moved 1.4 miles and I don't remember how much time it  
2 was, but looking at -- If you look at the points, there's a few  
3 of them that have moved a lot, but just a few of them. Most of  
4 them -- Again, part of that is because our recapture time --  
5 Most of the recaptures are still pretty short. I actually ought  
6 to find that one that was seventy-eight days and see how far it  
7 moved. I am trying to get a GIS file that will just do that  
8 calculation for me.

9  
10 **CARLOS FARCHETTE:** Any other questions for Dr. Olsen? Hearing  
11 none, it's time for lunch and we will be back at 1:30.

12  
13 (Whereupon, the meeting recessed for lunch on December 20,  
14 2012.)

15  
16 - - -

17  
18 December 20, 2012

19  
20 THURSDAY AFTERNOON SESSION

21  
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23  
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25 The Caribbean Fishery Management Council reconvened at the  
26 Marriott Frenchman's Reef, St. Thomas, USVI, Thursday afternoon,  
27 December 20, 2012, and was called to order at 1:40 o'clock p.m.  
28 by Chairman Carlos Farchette.

29  
30 **CARLOS FARCHETTE:** Welcome back from lunch. It's 1:40 on  
31 December 20 and we're here at Frenchmen's Reef, St. Thomas, for  
32 the 144<sup>th</sup> Caribbean Council meeting. We will continue on with  
33 the agenda and we're going to go Enforcement Reports. We will  
34 start with Puerto Rico DNER. That report will be given by Aida  
35 Rosario.

36  
37 **ENFORCEMENT REPORTS**

38 **PUERTO RICO DNER**

39  
40 **AIDA ROSARIO:** We will be presenting here the report that we  
41 received from the Rangers for the last meeting in August and we  
42 prepared this very small presentation. They were intervening  
43 with several fishers and mainly that the information that we  
44 received is pertaining to the aquatic part of interior waters  
45 and so we deleted that part and all we are presenting here is  
46 for the marine part of the fisheries.

47  
48 Most of the interventions were with fishers using trammel nets

1 in areas that are not allowed to be used, mainly close to the  
2 rivers and within the rivers. The other major interventions  
3 were with fishers that did not have licenses when doing their  
4 activity.

5  
6 Although it is not included here, in the last closed season for  
7 the conch, there were many interventions with fishers that were  
8 landing conch and many of those interventions were done on the  
9 west coast of Puerto Rico by the Ranger Corps. In one of those  
10 interventions, they got a fisher with over 400 pounds of conch  
11 that was caught during the closed season.

12  
13 The area where there interventions were made are distributed all  
14 around the island, with the most interventions on the east  
15 coast, in the town of Humacao, followed by the Barceloneta area.  
16 Those are coastal towns and meanwhile, Utaudo is a town in the  
17 mountains and so most of the interventions there are pertaining  
18 to aquatic resources. For now, that's the information that we  
19 had for you and if you have any questions that I can answer, I  
20 am more than glad to answer them.

21  
22 **MIGUEL ROLON:** Aida, what happened to the guy with the 400  
23 pounds of queen conch?

24  
25 **AIDA ROSARIO:** I have no idea. I really don't know. We know  
26 about this because those conch were taken to the lab for the  
27 biologists there to make the certification that they were in  
28 violation and I really don't know if that case has been  
29 submitted to the legal division at this time.

30  
31 **EUGENIO PIÑEIRO:** Aida, I heard from a Ranger on the west coast  
32 that the task force and the Coast Guard had intervened with a  
33 recreational fisherman and they had more than the five and  
34 fifteen quota and were those cases brought into the state  
35 jurisdiction or it was federal?

36  
37 **AIDA ROSARIO:** I really don't have any idea about those cases.  
38 The only case that I heard that was done with the Coast Guard  
39 and the Rangers was something with groupers and that was passed  
40 to the state jurisdiction, but pertaining to conch, I've got no  
41 idea. I really don't know.

42  
43 **EUGENIO PIÑEIRO:** There was an intervention in Tourmaline Bank  
44 and do you have any idea what happened there?

45  
46 **AIDA ROSARIO:** No, we haven't received any information from the  
47 Rangers Corps about that.

48

1 **EUGENIO PIÑEIRO:** We read in the paper, in *la Regata*, of some  
2 interventions and one of the AP members mentioned to me that  
3 queen conch in the southwest coast, they even have some  
4 impounded vessels who was caught for the second time in a row in  
5 the same week and they even followed them to a restaurant and  
6 they even caught the truck loaded.

7  
8 **AIDA ROSARIO:** Yes, that was a very special case. I haven't  
9 seen any written report, but I was told, by people from the lab,  
10 that this guy was intervened on one day and the following day he  
11 was also caught when he was driving into this restaurant to sell  
12 the conch and so they impounded everything, car, boat,  
13 everything, just everything.

14  
15 **EUGENIO PIÑEIRO:** That's interesting and perhaps for the next  
16 meeting -- You're not going to be here, but a report as to what  
17 happened and what was the end of that story. Thank you, Aida.

18  
19 **CARLOS FARCHETTE:** Any other questions for Puerto Rico? I did  
20 have some concerns about trammel net use for harvesting lobster,  
21 but maybe I need to talk about that offline with Puerto Rico.  
22 Next online is the U.S. Virgin Islands.

23  
24 **U.S. VIRGIN ISLANDS - DPNR**

25  
26 **ROBERTO TAPIA:** Good afternoon. My name is Roberto Tapia and  
27 I'm the Director of DPNR Enforcement for the U.S. Virgin  
28 Islands, District of St. Thomas, St. John, and St. Croix.

29  
30 Just for the record, I want to make one thing very clear. The  
31 Virgin Islands does not export any fish, any catch. Everything  
32 is consumed here in the Virgin Islands. It stays here and  
33 whatever goes out may go out as I'm taking a piece of fish for a  
34 friend. We don't export anything.

35  
36 Saying that, the department has six officers in St. Croix and  
37 three officers in St. Thomas. We have started with the Director  
38 of Fish and Wildlife to implement this trap reduction that we  
39 have put in place prior to all of this that is going to come  
40 down in the very near future.

41  
42 The reason why one of the fishermen waited three weeks to get  
43 his traps inspected or even a month is that that particular  
44 fisherman could not show me that he had these traps prior to we  
45 starting this trap reduction and what we're doing to make sure  
46 that you keep the amount of traps that you say you have and not  
47 add anymore and to say now I have 700 traps and I only really  
48 had thirty.

1  
2 He could not show me any documentation that he did have forty  
3 traps. That's just a number I'm picking out of my head and  
4 because he couldn't show me his documentation, I would not  
5 inspect his traps because it's by attrition. You bring a trap  
6 and you can put a new trap in and so there's no new traps going  
7 in unless an old trap comes out.

8  
9 That is why that one fisher was waiting three or four weeks,  
10 because he had to get with the Director of Fish and Wildlife and  
11 go through the catch reports, where they can tell you how many  
12 traps you are fishing with, and then he will send me a note  
13 saying yes, this fisherman had eight traps and when he does the  
14 paperwork, that's when he will get his traps inspected.

15  
16 We are working very well with the U.S. Coast Guard, especially  
17 on our JEA grant. The officers in St. Croix, which is our  
18 biggest federal waters that we protect, and we spent three or  
19 four days on the Reef Shark, which is a Coast Guard cutter that  
20 comes out of San Juan.

21  
22 The officers go and they spend three nights or sometimes four on  
23 the Reef Shark and that has happened this year and I'm pretty  
24 sure it will continue next year. That information that we get  
25 with the Coast Guard while we are out there in the EEZ zone is  
26 very informative for the Coast Guard and for us, for filling our  
27 JEA grant hours.

28  
29 We have a good relationship working with our federal  
30 counterparts, especially the Coast Guard. The only problem I  
31 see is that the Coast Guard rotates their officers every two to  
32 three years or for whatever length of time they are stationed  
33 here in St. Thomas or in San Juan, Puerto Rico.

34  
35 Just when you are getting accustomed to this one officer, he's  
36 booked up and he's gone and now we're at the task of getting --  
37 Let's see if one of these officers will come down and will be  
38 interested in fisheries and then we can contact him and he will  
39 be the next person in line. All in all, the Coast Guard has  
40 been very cooperative and we have been with them and they have  
41 been outstanding working with them.

42  
43 Getting back to this local information that I would like to give  
44 you, it's that these ACLs and the EEZ zones, these are things  
45 that you all -- I enforce them and so I can't comment on certain  
46 things, but I would like to make this very present to you guys,  
47 is that the biggest injustice was done to the Native American,  
48 to the point here where we were stopping them from catching the

1 whales and now they can't catch the whales. The whales are an  
2 endangered species, but because that's what they did and that  
3 was their culture and this is what has happened, courts decide  
4 that we can't stop these Native Americans from their old  
5 traditions and this is what I'm trying to tell you what happens  
6 with the Virgin Islands and the fishermen, the traps and what  
7 they've done.

8  
9 This is a local thing and this is a tradition that has gone back  
10 for generations that I can't even remember. As a little boy, I  
11 do remember going with my father when they were stringing up and  
12 coconut leaves and so bearing that in mind, I just want you all  
13 to know that we can't push our ACLs and push these fishermen as  
14 much as we are and don't expect something to happen. In saying  
15 that, is there any questions?

16  
17 **MIGUEL ROLON:** The only thing that we need from your  
18 intervention is the report on how many enforcement activities  
19 have happened.

20  
21 **ROBERTO TAPIA:** I did that, sir, and I just made a comment and  
22 if there's any other questions, that is my report.

23  
24 **CARLOS FARCHETTE:** I know that the St. Croix has had some  
25 various citations issued and do you have that listing of the  
26 violations and the species?

27  
28 **ROBERTO TAPIA:** I do not have that. I do have that report, but  
29 as a fact of a fact, and I'll be honest with you, I was not  
30 prepared to come to this meeting, because I'm preparing for a  
31 VIP visit that is coming to St. Croix. I will get that to you  
32 before the day is out. I do have it in the office, but to be  
33 honest with you, I was geared to do something else and I just  
34 came here on a whim. I missed my flight and I said, let me come  
35 out here real quick.

36  
37 **CARLOS FARCHETTE:** Thanks. Now we're going to move to  
38 NOAA/NMFS.

39  
40 **NOAA/NMFS**  
41  
42 **OTHA EASLEY:** Thank you, Mr. Chair. I have a few activities to  
43 share with you. First off, as you know, we have one enforcement  
44 agent for the Caribbean and we are hoping to get some more.  
45 It's in the plan to get some help down here for him.

46  
47 With one agent here for OLE, we are having to work smarter and  
48 also our JEA and Coast Guard partners, those relationships are

1 even more important than before.  
2  
3 Many of the topics that I've heard today and yesterday,  
4 enforcement has been brought up as an issue or as a concern, at  
5 least, and that's not necessarily a bad thing, in my  
6 perspective. It gives me the idea that this council and the  
7 industry are wanting enforcement and their minds are in the  
8 right mind frame, as opposed to some other history where other  
9 industries outside of the Caribbean have been saying there's too  
10 much enforcement or that's their perception of it.  
11  
12 That's definitely not the case here and we're working on the  
13 budget and getting our FTEs situated so that we can get some  
14 additional enforcement here and hopefully the right amount.  
15  
16 Now back to some recent activities, with us having to work  
17 smarter, we are depending on the eyes and ears of the industry  
18 itself and complaints to come in from whatever source possible  
19 and so following up on one of those complaints, we received a  
20 complaint that there were illegal fish traps used in a couple of  
21 the closed areas off of Puerto Rico.  
22  
23 In response to that, we and our JEA partner there in Puerto Rico  
24 conducted patrols over there and found the illegal fish traps as  
25 complained and also identified the owner and have opened up a  
26 case on that and that case -- We seized some of the fish traps  
27 also and so that case is being handled by the attorneys of DNER  
28 and moving forward there. That case has not been adjudicated  
29 and it's still open.  
30  
31 In the last few weeks, we have, working with Puerto Rico DNER,  
32 conducted a concentrated enforcement effort on the western side  
33 of Puerto Rico for the purpose of patrolling the three closed  
34 areas over there in particular for red hind grouper.  
35  
36 In doing so, we pulled a lot of Rangers, vigilantes, to assist  
37 and we had shifts from five in the morning until nine in the  
38 evening constantly for at least two weeks and in doing that, we  
39 found -- We have opened five cases in that two-week period, one  
40 for undersized spiny lobster and four for out-of-the-shell queen  
41 conch, those types of violations, but as well as seventy  
42 citations that deal with vessel safety. Those are non-fisheries  
43 issues, but nonetheless, that was something that they also  
44 covered.  
45  
46 We are continuing -- We are going to continue to increase our  
47 effort there, at least through the end of February, and I'm sure  
48 not at the same level, around the clock, just about, but we're



1 still continuing an emphasis there.

2  
3 For additional enforcement activity by OLE, we have a quarterly  
4 report that I'm not certain -- I will make sure that the council  
5 staff have that report so that that can be posted or distributed  
6 to the council members as you deem appropriate. Mr. Chair, that  
7 concludes my report, unless you have any questions.

8  
9 **CARLOS FARCHETTE:** Any questions for the federal side of  
10 fisheries enforcement? No? Thanks a lot. We have the U.S.  
11 Coast Guard.

12  
13 **U.S. COAST GUARD**

14  
15 **SEAN CASHELL:** Thank you. I just have a couple of things that I  
16 would like to bring up here as we go through. Over the past  
17 three months, we have done over a hundred boardings. This is  
18 indicative of some of the additional capabilities we've been  
19 able to get back down here in Puerto Rico.

20  
21 Over the past couple of years, we've had a bunch of our cutters  
22 going through rehabilitation and such and they've been out for a  
23 year or more at a time and so we're finally back up to full  
24 strength and you'll see us out.

25  
26 I don't know if many of you have noticed over here in the Virgin  
27 Islands, but we've been coming this way a lot more lately and  
28 enforcing all of our statutory missions.

29  
30 On 21 September, Key Largo, we interdicted a Venezuelan fishing  
31 vessel inside our EEZ, about eighty miles south of St. Croix.  
32 They conducted a boarding on the vessel and we contacted NOAA  
33 and decided to take no enforcement action, because we could find  
34 no visible indication that they were fishing, although they  
35 claimed to be, and so we instructed them to depart the EEZ and  
36 it is something that we've seen a couple of them in the area.  
37 This was the only one we've seen so far that claimed to be  
38 fishing.

39  
40 Also, you can see the picture down there in the lower right-hand  
41 corner. We did find a fish aggregation device off of St. Croix  
42 and we removed that from the water and turned it over.

43  
44 On 5 October, talking about the western side, off of Cabo Rojo,  
45 Puerto Rico, we came across a vessel that had a bunch of  
46 undersized and berried lobster. We got a hold of Puerto Rico  
47 Fish and Wildlife and they took the case.

48

1 **CARLOS FARCHETTE:** On that FAD, was it reported to Fish and  
2 Wildlife that you found this FAD there or it was just removed  
3 and no notification?  
4

5 **SEAN CASHELL:** I believe we reported it to Fish and Wildlife as  
6 well.  
7

8 **DAVID OLSEN:** Tyler Smith at UVI reported an illegal FAD in the  
9 St. Thomas hind bank. You haven't gotten that report?  
10

11 **SEAN CASHELL:** No.  
12

13 **DAVID OLSEN:** I will try and get him to send you an email.  
14

15 **SEAN CASHELL:** Okay. Another case on 22 October with the  
16 lobster and then the 18 November was another of the de-shelled  
17 conch cases on the east coast of Puerto Rico, off of Saba.  
18 Here's a good news story. The Coast Guard Cutter Legare,  
19 shortly before pulling into Charlotte Amalie here, found a  
20 turtle entrapped in a net.  
21

22 They launched their small boat and were able to free the turtle.  
23 It was originally reported as a loggerhead turtle, but after  
24 forwarding the pictures to NOAA and them looking at it a little  
25 bit more, it's believe that it may be an olive ridley turtle,  
26 which I believe is on the endangered species list.  
27

28 **ROY CRABTREE:** What were they targeting with the net? Do you  
29 know what fishery they were --  
30

31 **SEAN CASHELL:** I'm not sure.  
32

33 **GRACIELA GARCIA-MOLINER:** If I may, that's a cargo net.  
34

35 **SEAN CASHELL:** One thing that implemented October 16 was the  
36 mandatory commercial fishing vessel safety exam program for all  
37 commercial fishing vessels. The exams are free and you can call  
38 and schedule one and we'll schedule to arrive there.  
39

40 Right now, it's a decal program that you get a little decal once  
41 you've passed the exam and you stick that on there and it will  
42 expedite the boardings. We'll still do some checks of all of  
43 your safety gear, but it will be more of along the lines of a  
44 spot check and then if there's something found, then we'll  
45 continue on with more. It allows us to get right into the  
46 fisheries and the catch evaluation. Right now, we're issuing  
47 warnings for anybody that we find at sea in violation of the  
48 program.

1  
2 **MIGUEL ROLON:** Is that for all vessels, including the small  
3 vessels the fishermen use here? It's all vessels, period?  
4  
5 **SEAN CASHELL:** This is all commercial fishing vessels. If  
6 you're a registered commercial fishing vessel, you need to have  
7 this exam.  
8  
9 **ROY PEMBERTON:** Is there a new mandatory life jacket safety  
10 implementation going on right now? We've been hearing that  
11 there's a new requirement for all commercial fishermen here,  
12 particularly in the Virgin Islands, to have a life vest on at  
13 all times while they're in operation of the vessel or working.  
14 Can you give some clarification on that?  
15  
16 **SEAN CASHELL:** I have not heard of that. What I do want to get  
17 to here in a second is a little bit of education on the  
18 commercial fishing vessel, if you don't mind, Mr. Chairman, and  
19 go through some of that.  
20  
21 One of the things that I was going to talk about that you might  
22 be referring to is there is a waiver issued by Coast Guard  
23 District 7 for the mandatory use of the EPIRB. If you don't  
24 have an EPIRB on your vessel, then yes, you are required to be  
25 wearing your life jacket at all times inside of twenty.  
26  
27 These are your points of contact for the safety exam in all the  
28 different islands and if you go to the website at the bottom,  
29 one of these neat tools I found yesterday, as I was searching  
30 some of this stuff, doing some research, is the website. If you  
31 go down on this website, it's got, right there, the launch  
32 checklist generator.  
33  
34 What this does is it pulls up a generator, where you put all the  
35 specifics on your boat and where you're going to be operating  
36 and how many people are going to be onboard the boat and once  
37 you input all of that data into there, it will produce a custom  
38 checklist for you, telling you how many flares, how many life  
39 jackets, how many fire extinguishers, everything that we're  
40 going to check during the commercial fishing vessel safety exam.  
41 It will produce a checklist so that you can ensure that you're  
42 ready to go prior to the exam.  
43  
44 **MIGUEL ROLON:** Have you had a good response from the fishermen?  
45  
46 **SEAN CASHELL:** I would have to defer. I brought my expert.  
47 Petty Officer Rivera is the point of contact, along with Alfredo  
48 Rodriguez in Puerto Rico. The question was have we had a good

1 response?

2  
3 **PETTY OFFICER RIVERA:** I actually had a PowerPoint for today,  
4 but in San Juan AOR, in Puerto Rico and all, we had a good  
5 turnaround, but it's from doing a lot of outreach throughout the  
6 whole island.

7  
8 We have people in Ponce, our auxiliary, and Rincon and Fajardo  
9 and we've been getting out and that's why we got a good response  
10 and so I believe as of October 16 that we've got seventy-six out  
11 of eighty-five boardings done that were positive and in St.  
12 Thomas, it's twenty-eight to eight and in St. Croix, it's zero  
13 for zero and so there's no outreach being done in St. Croix and  
14 that's something that needs to be addressed.

15  
16 **CARLOS FARCHETTE:** I know that the Delegate to Congress, Donna  
17 Christenson's Office, was supposed to coordinate a public  
18 meeting for the boaters and I don't know if that ever took  
19 place. I don't think it has. I haven't seen it published and  
20 so maybe we'll talk to her office and see if they can get that  
21 outreach out and start getting some numbers, but Schuster had a  
22 comment.

23  
24 **EDWARD SCHUSTER:** Basically, it was the same thing and I may  
25 have spoken to somebody, and I don't have his name written down  
26 here, but he was supposed to get the names from Fish and  
27 Wildlife and do an outreach and education to the fishers,  
28 commercial fishers, and have a town meeting.

29  
30 I gave them some suggestions and whether it be to the public  
31 library or to the curriculum center and then you can inform the  
32 fishers about the new regulations that have come about.

33  
34 There was another question and there is some of our fishers that  
35 go after pelagics and they go pretty far south and southwest off  
36 of St. Croix and they run external tanks on their boats, fifty-  
37 gallon tanks. Sometimes they're carrying as much as two fifty-  
38 gallon tanks aboard because of the distance. They go for  
39 pelagics and also, they travel to Gibb's Bank, which is ninety  
40 miles.

41  
42 There have been some flyovers and then they have been boarded by  
43 the Coast Guard. Is this or is there any procedures that these  
44 fishers have to go through to see if they are in compliance and  
45 avoid these boardings? I don't know if the decal would serve  
46 the purpose, but sometimes they're delayed for hours, just  
47 because of your procedures that take place.

48

1 **PETTY OFFICER RIVERA:** This is what I tell everybody when we do  
2 the boardings all over. Our AOR is very unique and we've got a  
3 lot of stuff and not only fisheries, but we've got a lot of  
4 drugs, drug interactions, and so we try to let them go as soon  
5 as we can. We don't want to hold anybody up, but just the  
6 nature of the Caribbean and all the stuff going on, the decal is  
7 -- We said that getting the decal will help them out and save  
8 them time and it does, but it's just the nature of the AOR that  
9 we have.

10  
11 It's unfortunate, but we do our job doing safety boardings and  
12 then we've got the other guys doing LE boardings and it's  
13 different. It's the same head, but different actions going on,  
14 but we do talk to them and let them know what's going on, but  
15 they also have to do their job.

16  
17 **CARLOS FARCHETTE:** I think that the enforcement office on both  
18 districts for DPNR has a list of the requirements, I believe  
19 already, the new requirements for the commercial fishermen.  
20 Maybe to help out with outreach and education, I can task those  
21 guys to start doing outreach with the fishermen, because they  
22 interact with them all the time. Tapia isn't here and so I will  
23 task the guys. I don't work there anymore, but I've still got  
24 that power.

25  
26 **SEAN CASHELL:** Are there any other questions for the Coast  
27 Guard?

28  
29 **MIGUEL ROLON:** We will embark on a series of workshops and  
30 meetings and so I was talking to Helena Antoun in the back and  
31 we probably will be talking to you at some time and see if we  
32 can cooperate.

33  
34 What we are going to do is similar to an exercise that we did  
35 some -- Actually, it was last year or the year before, where the  
36 Coast Guard, Sea Grant, National Marine Fisheries Service, the  
37 local government of Puerto Rico, and us, we worked together and  
38 we had a great success story with that workshop.

39  
40 Actually, officially, I want to thank you there, because your  
41 projector saved the day, which people forgot about the  
42 projector, but not only that, we were able to convey the right  
43 message, from the Coast Guard point of view, as to what is  
44 needed for the fishermen to comply with the law and how the  
45 interventions are made.

46  
47 U.S. Customs was there and they did the same thing and along  
48 with the others and it was interesting, because the fishermen

1 participated and the fishermen requested such an intervention  
2 because of what's happening outside, where they are being  
3 intervened by U.S. Customs and sometimes we've got too many  
4 agencies and they do not coordinate with the Coast Guard.

5  
6 It was something that we want to repeat sometime in 2013 and in  
7 addition, we will continue sending Graciela and Marcos to your  
8 yearly workshop, where you have -- That has been good and well  
9 received and so we'll continue working with you and we'll thank  
10 you for all your work out there.

11  
12 **ROY PEMBERTON:** I will second that from Miguel and also, we have  
13 a fisheries registration period that comes up in both our  
14 districts, usually around June or July. We try to do any type  
15 of training or any introduction of any new regulations or issues  
16 of concern.

17  
18 We would like to have at least a Coast Guard representative  
19 there, so you guys can then have a one-on-one with the fishers.  
20 They can talk to you directly about situations that they're  
21 dealing with out there on a regular basis, particularly in the  
22 EEZ, situations like what Mr. Schuster brought up just a few  
23 minutes ago, and also just for them to get some type of face  
24 time with you guys in terms of figuring out what kind of  
25 regulations or regulatory issues they would have for safety  
26 concerns on their vessels.

27  
28 Most of the guys, for the most part, try to take that into full  
29 consideration, because they don't want to be held up. You're  
30 always going to have a few knuckleheads out there and that's  
31 always the nature of our business, but, for the most part,  
32 they're going to try their best to keep in line with the law,  
33 but I would like to extend that invitation, because, for us,  
34 that's added to our outreach and education and they get to hear  
35 the words straight from you guys as to what's what.

36  
37 **SEAN CASHELL:** We would more than happy to participate in that.  
38 We're always willing to educate people on how the Coast Guard  
39 works and what we're looking for and we want to hear concerns  
40 from everybody else.

41  
42 **EDWARD SCHUSTER:** One question that I was asked by my fellow  
43 fishermen to ask the Coast Guard or enforcement is there's been  
44 several sightings of foreign longline vessels fishing forty  
45 miles off of St. Croix and can you inform me or educate me of  
46 what is the process to actually catch these guys?

47  
48 Because when these guys go chasing after them, they've got more

1 power and they're faster and they can see them at a farther  
2 distance and they can't get any vessel names or numbers off of  
3 the vessels. They can give them an estimated GPS and a  
4 direction that they're going, a coordinate, but they claim they  
5 never see the cutter or the chopper even come in the area and  
6 these vessels are like anywhere between forty miles off of St.  
7 Croix to even thirty miles off.

8  
9 **SEAN CASHELL:** Okay. What I would suggest is that you give our  
10 command center a call as soon as you guys see that. The command  
11 center number is 787-729-2041 and as soon as you give us that  
12 and you believe that's there, we may, depending on resources and  
13 other cases, obviously, that we've got going on, we would be  
14 able to look to support and see if we can figure out who it is  
15 and what's going on.

16  
17 **EDWARD SCHUSTER:** At that distance, they don't have any cell  
18 service and can they contact you via VHF radio?

19  
20 **SEAN CASHELL:** With the new Rescue 21 System that we just  
21 implemented, we are receiving radio calls on VHF out to forty or  
22 fifty miles and so you could always give us a try and try and  
23 hail us on VHF.

24  
25 **MIGUEL ROLON:** Ed, are they sure those are foreign-flagged  
26 vessels?

27  
28 **EDWARD SCHUSTER:** Yes, they are foreign vessels. As a matter of  
29 a fact, I just thought about something, because with our lobster  
30 recapture program, I was talking to one of the fishers on  
31 Saturday and he picked up some of their gear that might have an  
32 ID on it and so I just thought about that, because he said he  
33 just cut their fish and picked up all their gear, as much as his  
34 vessel could hold. He said he got mahi and he got wahoo on it  
35 and I'm not sure if he got any tuna, but that's what he got off  
36 of it.

37  
38 **SEAN CASHELL:** I'm sorry, sir, but what kind of gear did they  
39 pick up?

40  
41 **EDWARD SCHUSTER:** It was some sort of a beacon, I assume, from  
42 what he described it, a longline.

43  
44 **ROY PEMBERTON:** So, Ed, he has the beacon?

45  
46 **EDWARD SCHUSTER:** Yes.

47  
48 **ROY PEMBERTON:** He needs to bring that forward.

1  
2 **CARLOS FARCHETTE:** Any more questions for the Coast Guard?  
3 Hearing none, I want to thank you very much and I've got to say  
4 that enforcement for the USVI and Coast Guard, an excellent  
5 working relationship with you guys and I want to thank you for  
6 coming by every once in a while and picking up our guys and  
7 taking them out in the cutter with you to do closed area  
8 patrols. It's real good and thanks. Now we have the  
9 Administrative Committee Recommendations.

10  
11 **ADMINISTRATIVE COMMITTEE RECOMMENDATIONS**

12  
13 **MIGUEL ROLON:** We only have one motion and it's to reappoint to  
14 the SSC Dr. Todd Gedamke and to reappoint to the Advisory Panel  
15 Mr. Viridin Brown.

16  
17 **EUGENIO PIÑEIRO:** So moved.

18  
19 **ROY CRABTREE:** Second.

20  
21 **CARLOS FARCHETTE:** That's moved by Genio Piñeiro and seconded by  
22 Roy Crabtree. **All those in favor say aye; any opposition. It's**  
23 **a unanimous vote and the motion carries.**

24  
25 **MIGUEL ROLON:** The other issue that was discussed in the  
26 Administrative Committee meeting is the Chair was given the  
27 instruction to pursue this and one is to make sure that the  
28 proposal by Tony Iarocci et al. follows the procedure and we are  
29 going to send it to the Southeast Fisheries Science Center for  
30 review.

31  
32 We are going to consult with Jeff Brown, the grant officer at  
33 the SERO officer, to make sure we do the right thing the best  
34 way possible. This, again, is a sole source type of proposal,  
35 similar to the other ones that the Fishermen's Association of  
36 St. Thomas had last year and this year.

37  
38 The other issue was we decided not to fund for one proposal by  
39 Dr. Nowlis and we will use that funding to help Puerto Rico and  
40 the U.S. Virgin Islands with the data collection program they  
41 have. Mr. Pemberton and Dr. Miguel Garcia will be -- We will be  
42 talking to them and see the best way possible that we can assist  
43 both local governments in the data collection.

44  
45 We were mentioning the possibility of a one-year allocation of  
46 funds for a port agent and assist a little bit further with the  
47 data entry. Puerto Rico already has a purchase order for a  
48 person to do the data entry at the laboratory and we will then



1 consult with Mr. Pemberton and Dr. Garcia to pursue this and  
2 that's about it.

3  
4 **CARLOS FARCHETTE:** Thank you, Miguel. I want to say good  
5 afternoon to Harry Clinton, the Chairman of the St. Thomas  
6 Fisheries Advisory Committee. I need to see you offline during  
7 the break, so we can discuss something. Now we go to Meetings  
8 Attended by Council Members and Staff.

9

10 **MEETINGS ATTENDED BY COUNCIL MEMBERS AND STAFF**

11

12 **MIGUEL ROLON:** I believe, Mr. Chairman, that already Alida and  
13 Diana addressed their meeting and we also went to the WCAFC  
14 working group, attended by Diana, Angie, yourself, and me. As I  
15 said, that was a success story and the follow-up to that meeting  
16 will be the next year we will do what we said before and we will  
17 inform the council at the March meeting about the planning for  
18 the next fiscal year.

19

20 In addition, we discussed, at the WCAFC meeting, the possibility  
21 of having the second workshop of the queen conch and working  
22 with Columbia and other countries in developing the management  
23 plan for the entire region for queen conch. I believe that you  
24 went to the CRFM meeting in Jamaica.

25

26 **CARLOS FARCHETTE:** On the meeting in Panama, I also want to  
27 reiterate the great job that Diana Martino and Angie Irizarry  
28 did. It was a monumental task, especially with all the  
29 logistical issues we had with some printers for the hotel were  
30 not working and they had to find another venue to get these  
31 things done. For the amount of people that we had to get things  
32 to, they did an excellent job. In Jamaica, I attended a meeting  
33 for small-scale fisheries and what we --

34

35 **MIGUEL ROLON:** While you are finding your paper, this invitation  
36 by the CRFM follows what the council has been doing with the  
37 WCAFC. The Caribbean Regional Fisheries Mechanism has been  
38 working very fast in implementing some of the decisions made in  
39 the last five years to manage the fisheries.

40

41 In the case of the December meeting, they have two parts and one  
42 is the issue of the environment and global warming and climate  
43 changes and the other one was related to the fisheries of the  
44 Caribbean.

45

46 One issue they have, and they bring this up over and over again,  
47 is that they already have the scientists in agreement of what is  
48 needed to be done. They have the lower officials already in

1 agreement. However, the ministers and the decision makers on a  
2 high level still are unconvinced or did not get the right  
3 information.

4

5 At this time, what they have done in the previous two years, is  
6 to get the Conference of the Ministers, they call it. At the  
7 Conference of the Ministers, what they have is kind of a giant  
8 council. There, they discuss the recommendations from their  
9 scientists and the scientists come from outside the Caribbean  
10 and from within the countries that belong to the CRFM.

11

12 They are hopeful that during 2013 and 2014 that most of the  
13 regulations being proposed will be adopted by the countries.  
14 They, however, have indicated there is a big gap between island  
15 countries in the Lesser Antilles and others and the countries  
16 that belong to Central America. Of course, if you compare that  
17 to the U.S. or the north, with the European community helping,  
18 the gap is still wider.

19

20 If you go to the south, and the Caribbean, remember, goes from  
21 Brazil to Bermuda and that's what they call the greater  
22 Caribbean. With that in mind, this meeting is the last one of  
23 2012, but it will be a -- There will be two more meetings, I  
24 believe, next year and in 2014 to finish the strategy that  
25 started several years ago.

26

27 I received an email from Susan Renton and she is the chief  
28 scientist of the CARICOM, and she asked me, in Panama, whether  
29 we'll be interested in pursuing this. Nancy Daves was there and  
30 the Office of International Fisheries Affairs of NMFS and she  
31 has indicated that they will support, as much as possible, the  
32 CRFM and the --.

33

34 That means that the U.S. is involved actively in this and they  
35 have enforcement, education, science, and capacity building.  
36 Actually, Nancy Daves is now in charge of capacity building and  
37 by capacity building, it means that we help them with workshops  
38 and computers and special training for their personnel and so  
39 forth.

40

41 In the case of enforcement, they have a Memorandum of Agreement  
42 with several countries that have been working on VMS and joint  
43 efforts for enforcement and so forth and that's it.

44

45 **CARLOS FARCHETTE:** You gave most of my report, but some of the  
46 things that were discussed at the Jamaica meeting were -- It was  
47 a good intervention that I had with those people, because we  
48 just basically speak the same language and we have the same

1 issues and the same concerns and just like the WCAFC group, we  
2 all live in this basin here and we've got to work together to  
3 manage all the species that we're all concerned about.

4  
5 Some of the things were the governance of rights, resource  
6 management and stewardship, post-harvest and value change,  
7 decent work and social development, including gender issues,  
8 which in a lot of these Caribbean islands the women have a big  
9 role that they play in the fisheries.

10  
11 Policy coherence and institutional coordination and  
12 collaboration arrangements, research, information on capacity  
13 development, and implementation, support, and monitoring. We're  
14 going to be developing this Securing Sustainable Small-Scale  
15 Fisheries Guidelines that everybody is supposed to follow. I  
16 think that's really what I have. Okay, Diana.

17  
18 **DIANA MARTINO:** I just wanted to mention that regarding the  
19 IPMEN meeting that Alida and I participated at, we've been  
20 talking to Sylvia from the Western Pacific Council and we will  
21 be trying to establish some type of network for the Caribbean  
22 and Atlantic Ocean, just like the one they have with the  
23 Pacific. That will be like what we have brought from that  
24 meeting, which I believe is of importance. Thank you.

25  
26 **CARLOS FARCHETTE:** I would be remiss not to mention the WCAFC  
27 meeting in Panama, where Miguel had to leave, but I appreciate  
28 Miguel calling us and keeping in touch with us from even dealing  
29 with the loss that he had in his family. I appreciate him  
30 keeping in contact with us and, like I said before, the amount  
31 of work that Diana had was unbelievable.

32  
33 We were up until midnight with Miguel on the phone getting  
34 things done for the next day and I know my cellular phone bill  
35 for that week was \$400 and so I can imagine what Diana's cell  
36 phone and Miguel's cell phone bill was.

37  
38 **MIGUEL ROLON:** I forgot to mention also that the council is  
39 working, as we speak, with the Secretary of WCAFC. One thing  
40 that we were able to provide that in other instances we were not  
41 was the translation of documents into Spanish, English, and  
42 French.

43  
44 After the French kicked and screamed about having this, they  
45 didn't show up at the meeting, but we were able to secure those  
46 translations and it's important because in the Caribbean, those  
47 are the three languages. In the rest of the world, FAOU is five  
48 languages and Chinese and Arabic is also included.

1  
2 In the next few months, the Secretary is going to include a  
3 resolution, but they also are going to include what came out of  
4 Panama and several international meetings and we are now in  
5 negotiations of how we are going to do that and who is going to  
6 do it and it is important, because it's the first time that we  
7 have the meeting of experts, the report that we have being used  
8 by other nations in the Caribbean.

9  
10 We expect that in 2013 and 2014, after we get the second  
11 meeting, that a plan will be adopted by all the countries  
12 involved and that includes the European community and the U.S.  
13 and other buyers.

14  
15 We will -- Actually, I already sent some, but I will send you  
16 all the documents that we get from that meeting, so you will  
17 have all the information that will be available from the  
18 meeting.

19  
20 I forgot to mention that we reactivated, and it wasn't dead, but  
21 it was kind of sick, the web page that we call strombusgigas.com  
22 and what we have done is anybody who has information will send  
23 it to us and we will load it up in that workshop and there, you  
24 can find all the information that the countries presented, which  
25 is quite a lot, all the information from the WCAFC Secretary,  
26 and the results and report from the workshop and the workgroup  
27 meeting.

28  
29 **CARLOS FARCHETTE:** Thank you, Miguel. Now we have the Public  
30 Comment Period, five-minute presentations from anyone in the  
31 public that would like to make some kind of presentation, if you  
32 have any.

33  
34 **PUBLIC COMMENT PERIOD**

35  
36 **RAY CAMPBELL:** Good afternoon, folks. My name is Ray Campbell  
37 and I stated my credentials yesterday during the public comment  
38 period and I would like to address the pot reduction program and  
39 the pot reduction committee and the plan that they've come up  
40 with.

41  
42 Earlier today, during the representation, it was kind of  
43 insinuated that the St. Thomas FAC was kind of slow on the draw  
44 on this and for the record, I would like to say that we've been  
45 trying to get work product from the pot reduction committee  
46 since May and we finally got copies of the plan two meetings ago  
47 and so the insinuation that we are slow on the draw in  
48 addressing some of the issues that the committee has come up

1 with is kind of interesting.

2  
3 This committee is -- You know it's a typical example of asking  
4 ten fishermen to come up with a fisheries management program and  
5 they come up with a program that eliminates their competition  
6 and makes their permits more valuable than everybody else's.

7  
8 There's a lot of problems with the plan and I'm getting a lot of  
9 feedback, a lot of negative feedback, from fishermen who feel  
10 like they're being shortchanged, because in the plan that's been  
11 represented to us, the current pot fishermen are going to be an  
12 elite group and they're going to be able to compete with the  
13 non-pot fishermen and the non-pot fishermen are not going to be  
14 able to enter the pot fishery. That's one of the problems and  
15 there's some other problems there, too. I think we're going to  
16 address them in the FAC and I'm looking forward to that.

17  
18 Now, on the committee or the committee for the fish trap  
19 reduction committee, when that was formed, I was at the meetings  
20 when they were getting membership and we were under the  
21 impression or I was under the impression that this committee was  
22 for pot fishing reduction.

23  
24 Somewhere along the road, it kind of got divided into fish pots  
25 and lobster and it became a fish pot reduction committee, which  
26 was fine. They decided not to address the lobster issue and  
27 divide them into two different management forms.

28  
29 It seems like near the end, when they had a plan for the fish  
30 pot reduction, they decided that a committee needed to be formed  
31 for lobster management and I happened to be at that meeting and  
32 basically, what happened was the members of that committee  
33 decided that we didn't need to invite anybody else along and  
34 let's just us be the lobster management committee.

35  
36 I think that was inappropriate. I think that was inappropriate  
37 and I think there should have been an invitation to the public,  
38 because there's more to lobster fishing than just pot fishing.  
39 There's divers and there's not a lot of divers in St. Thomas,  
40 but I think there should have been an invitation to them.

41  
42 There is other pot fishermen that weren't on the committee and,  
43 after seeing the plan, would like to be and would regret that  
44 they weren't on the committee. I had the opportunity originally  
45 to be on the pot fishing reduction committee and I declined  
46 because of my membership on the FAC.

47  
48 I thought I would have my influence and we should let other

1 people have their influence and so I declined. Being a member  
2 of the FAC, I still feel that way. Let some other people come  
3 in here and have some say of how to manage these fisheries. I  
4 have got my spot on the FAC.

5  
6 I think if we're going to have a committee for lobster  
7 management that we need to open it up for the public, to see if  
8 anybody else wants to come on, because there's no divers on it  
9 and it should have been opened up.

10  
11 The other issue is I have always been welcome at the committee  
12 meetings for the pot reduction program, but a lot of these  
13 committees, it was well informed that these aren't open to the  
14 public and one of the other FAC members was ejected from one of  
15 the meetings and now we're being told that the FAC is not -- Is  
16 dragging their feet, when I've tried to attend these so I know  
17 where they're coming from, but I think it was very inappropriate  
18 for them to eject a member of the St. Thomas FAC from this pot  
19 reduction committee and that's about all I've got to say. Are  
20 there any questions?

21  
22 **MIGUEL ROLON:** No, not questions, but some clarification,  
23 because council money is involved, through the Division. First,  
24 whenever you use one-dollar from the federal government in any  
25 meeting, it's open to the public and as far as I know, we never  
26 have given authority to any of those two groups to have closed  
27 meetings. Those meetings are open to any fisherman who has pots  
28 that has something to say.

29  
30 The issue with the divers is something else, because the  
31 original idea behind this effort was requested by the two island  
32 areas fishers. The fishers of St. Thomas/St. John and the  
33 fishers of St. Croix requested assistance to have a trap  
34 reduction program developed by them in conjunction with the  
35 local government and that's what we have done.

36  
37 Why they divided the spiny lobster, it's up to them to do so and  
38 they were entitled to do it and they did. They finished, I  
39 believe, with the trap reduction program and you have the  
40 documents and you addressed that today.

41  
42 They are now working with the spiny lobster pots or traps,  
43 because in the case of the spiny lobster, a fish trap, modified  
44 at the funnel, can be used to catch a lobster. We also have  
45 plastic and wooden pots for spiny lobster and I believe that the  
46 fishers and the local governments are working together on this  
47 one, too.

48

1 We have the STFA and we have the Fishermen's Association on St.  
2 Croix involved and that's the extent of this from the council  
3 point of view.

4  
5 We are waiting, in due time, and when the local government  
6 finishes this activity with the local fishermen, you will bring  
7 to the attention of the council your requests as a government of  
8 the U.S. Virgin Islands, your requests as to what will be the  
9 next step if we need to do something in the EEZ, because maybe  
10 in some areas the traps are all confined, like in the case of  
11 Puerto Rico, to non-EEZ areas. In the case of St. Croix, it's  
12 mostly in the east end and in the case of St. Thomas/St. John,  
13 you have all the northern part and some other parts, because you  
14 have three miles.

15  
16 That's the status, just for clarification, of what they have  
17 done and that's the council's involvement on this one and I hear  
18 what you are saying, but I believe that that's something you  
19 have to work out there.

20  
21 **CARLOS FARCHETTE:** I would also like to say that for the St.  
22 Croix Spiny Lobster Management Committee, we do have -- I  
23 believe it's three divers and four trap guys involved in that  
24 committee and so it's well spread out.

25  
26 **ROY PEMBERTON:** I just wanted to make some clarifications. I  
27 know it's perceived from the different vantage points as to how  
28 things went, this trap reduction, but with regards to the  
29 lobster management, that was an open meeting. It's not lobster  
30 management for trap reduction or anything, but it's just lobster  
31 management.

32  
33 Traps were not really discussed as a reduction for the  
34 management, but just to get them together to figure out and try  
35 to come up with some solutions, possible management measures, to  
36 keep the fishery in check.

37  
38 That was open to everyone. We sent letters out to every  
39 fisherman and fishermen we didn't get the letters out to, we  
40 talked to them on the phone or we saw them dockside and it was  
41 sent out to all fishers involved to get involved in that  
42 program.

43  
44 It wasn't just trap fishermen. We had line fishermen and we had  
45 net fishermen that we asked to come to the meeting and we opened  
46 it up to everyone.

47  
48 When they showed up and they went around the room, Tony Iarocci

1 was there and Bill Arnold was there and the folks that wanted to  
2 get involved decided to get involved at that point. Iarocci, on  
3 several different occasions, was adamant about getting different  
4 people on the committees.

5  
6 However, you can't force somebody to do something they don't  
7 want to do or feel comfortable with and so folks that wanted to  
8 stay involved in the process stayed involved and folks that were  
9 involved beforehand that were reluctant, because they felt,  
10 again, that something like this would come, decided to, well,  
11 better to be involved than not be involved and not have a  
12 program and so they decided to stay involved in the process, but  
13 at no point was it closed and still those meetings are not  
14 closed.

15  
16 Any meeting that I attend, like Miguel said, dealing with any  
17 funds coming from the CFMC, is an open meeting and I pushed that  
18 from the first day I got here. I wanted to make sure there was  
19 transparency. I didn't want the perceived notion of folks being  
20 selected against or being held out for whatever reason and I  
21 stated that to members of the STFA. They can tell you I stated  
22 that at several occasions at the FAC meeting and also at their  
23 meetings.

24  
25 We're not trying to shut anybody out or shut any opinions down  
26 and if there's any perceived notion or anybody feels like  
27 they've been selected against, please come and see me in my  
28 office. I have an open-door policy or call me on the phone if  
29 you don't feel comfortable, but that's not what we're about in  
30 this program. We're trying to make sure it's accessible to  
31 everyone.

32  
33 The actual documentation for the trap reduction actually got to  
34 them three months ago and they've been working on it diligently  
35 since and I don't want them to feel, FAC members, that they're  
36 being pushed or rushed to come up with a decision.

37  
38 I told them to take their time and to go through the document,  
39 page-by-page if necessary, and whatever issues they have, bring  
40 them to the forefront in one concise statement or statements and  
41 we'll address them. Thank you.

42  
43 **TONY IAROCCI:** Thank you, Director Pemberton, for those  
44 comments. A lot of this stuff -- I'm not going to be  
45 repetitious for that, but transparency was one of the things  
46 that you said since the beginning at these meetings and it's  
47 always been.

48



1 At the beginning when this was established, not only the group,  
2 but everybody, from the Director and the fishermen and  
3 especially the St. Thomas Fishermen's Association, did a lot of  
4 outreach.

5  
6 We had stuff in the papers asking for participation from the  
7 full-time fishermen. A lot of the people did come at the  
8 beginning and backed out and I'm glad, Ray, that you did make  
9 comments, because I looked at you when I made my presentation  
10 for the FAC and I've asked, at the last two previous meetings,  
11 if there's questions or any problems with this with the FAC,  
12 please bring it to the Steering Committee so we can address  
13 them.

14  
15 I wish you could open more communication with the FAC for us so  
16 we can move this thing along if there's questions or changes or  
17 problems with this, but always feel -- You can always call me or  
18 call any of the members here. There has never been a closed-  
19 door policy on this.

20  
21 I know there's been a couple of times -- The Chairman does have  
22 the prerogative and you do know that these meetings get heated  
23 at times, some of the topics, and I think Bryson at one time got  
24 a little bit -- He started talking out of turn and stuff like  
25 that and things were addressed at him.

26  
27 One other time, a certain Berry did get out of hand. These  
28 meetings, like I said, do get heated, but we've got a well-  
29 rounded committee. I do feel, with the lobster, when we've  
30 talked about this, to bring in the divers.

31  
32 On St. Croix, I think we've got a great, great committee made up  
33 of a diversified group of fishermen that are willing to work  
34 through this process.

35  
36 I do feel still, on St. Thomas, but we've gone through this  
37 whole thing with the fish trap thing, but I do believe we do  
38 need -- I agree with you that you do need divers. You have got  
39 to make sure that every user group is represented before you do  
40 anything like this.

41  
42 That's the way this process works and that's the only way it's  
43 going to work and it's late in the day, but I will talk to you  
44 off the record on some of this stuff and I just want to make  
45 sure that the FAC is clear and if we do need to have somebody at  
46 the FAC meeting to go through this committee report or this  
47 proposal, I feel if that needs to be done that we can have  
48 somebody at the FAC meeting to go through it and answer

1 questions. Thank you.

2

3 **CARLOS FARCHETTE:** Thank you, Tony. Is there anybody else for  
4 the comment period?

5

6 **DAVID OLSEN:** St. Thomas only lands 2 percent of the lobster.  
7 If you want to manage the fishery, you manage the fishery. The  
8 trap fishermen in that committee dominated the fishery and they  
9 were dominant before and they're not going to be less dominant  
10 afterwards or more dominant.

11

12 I'm going to get off that topic, because I'm -- I won't use  
13 those words, but I would like to congratulate you all for  
14 looking for alternatives to this structured way that you've been  
15 trying to get catch limits.

16

17 I have been convinced all along that you can look at the  
18 existing data and develop catch limits from it and I think that  
19 we're going to be able to do that for the two species that we're  
20 working on right now, but I think that -- I said yesterday that  
21 insanity is doing the same thing over and over again and  
22 expecting a different result.

23

24 Really, with the exception of the queen snapper thing in Puerto  
25 Rico -- Roy said yesterday there had been seven SEDARs and there  
26 had been seven failed SEDARs and there may have been even the  
27 red snapper one. You don't know and you haven't got a catch  
28 limit out of it yet.

29

30 It seems like you're making a good decision by just exploring  
31 alternatives to that. There are other approaches out there, I'm  
32 sure. The data are not going to change. We will discover some  
33 other data which have not been used, but those data were always  
34 there.

35

36 If they weren't being used, it was because of failure, again, of  
37 the system that was being used to come up with the catch limits.  
38 There is things like Rick Nemeth's studies, which I thing was  
39 misrepresented. When you look at from 2000 on instead of 1996  
40 on, you look at a different segment of the results. I really am  
41 hopeful that you'll be able to move in that direction.

42

43 On the issue of the individual island plans, we stand ready, as  
44 soon as it's feasible for NMFS and the council to do so, to  
45 organize to help to move that process forward. We believe that  
46 that is the best solution for St. Thomas fisheries, is to have a  
47 totally focused fishery management thing and to deal with some  
48 of the species that were mentioned, wahoo, dolphin and other

1 things like that, are not even currently managed and possibly  
2 deal with these small represented things which came up for  
3 possible accountability measures that are never going to be a  
4 part of the catch and calculating accountability measures is  
5 going to continue to be a problem.

6  
7 At the point when it's feasible, we would be more than happy --  
8 We will be enthusiastic about helping to put together a group to  
9 start to move in that direction and I really think St. Thomas is  
10 a good starting point for that, because, A, we're very small  
11 and, B, we have now, for almost eight years, we've been involved  
12 in collecting data ourselves and analyzing results and trying to  
13 involve our members and the people in our community in fishery  
14 management and I think that we can make a really positive  
15 contribution to that.

16  
17 It may be a good approach to start with the simplest of the  
18 problems and move forward with that and see if methods can't be  
19 developed which will find application out in the larger problems  
20 of St. Croix and Puerto Rico. Thank you.

21  
22 **CARLOS FARCHETTE:** Thank you, David. Other Business.

23  
24 **OTHER BUSINESS**

25  
26 **MIGUEL ROLON:** Mr. Chairman, we have two issues under Other  
27 Business and already we have discussed Tony's proposal and the  
28 last one was something suggested by Genio and it's related to  
29 Bajo de Sico.

30  
31 **EUGENIO PIÑEIRO:** It's not in my hands. I think it's in Bill's  
32 hands and I really would like to know, with all these pending  
33 issues that we have, if it's going to be real and if it's going  
34 to be able to -- If he and Brittany are going to be able to move  
35 forward with the compatibility issues by the next meeting.

36  
37 I know we have a very full agenda and they had a big load of  
38 work and so I would leave it up to Bill and whatever they want  
39 to move in that direction at this time.

40  
41 **MIGUEL ROLON:** Genio, are you referring to the compatibility  
42 between Puerto Rico and the EEZ or what?

43  
44 **EUGENIO PIÑEIRO:** A couple of years ago, Brittany and Bill began  
45 to work on a compatibility issue between Tourmaline Bank, Abril  
46 la Sierra, and Bajo de Sico and we left that one on the back  
47 burner, but I think at this point you've got to be reasonable.

1 I think they are up to their noses in workload and so perhaps it  
2 might be a good idea to leave it on the back burner until the  
3 next time.

4  
5 **MIGUEL ROLON:** All that will be taken into consideration when we  
6 get into this island FMP thing and they can make a note and I'm  
7 sure that that will be included in that discussion.

8  
9 **EUGENIO PIÑEIRO:** In that case, it's academic.

10  
11 **MIGUEL ROLON:** I was referring to the other one because Puerto  
12 Rico -- Actually, Bill and Miguel, they met some time ago and  
13 they went over the issue of Bajo de Sico compatibility, because  
14 in one-half of the Bajo de Sico, you have the jurisdiction of  
15 Puerto Rico.

16  
17 One thing that I want to, just for the record, tell Miguel here  
18 is the Animal Planet people came to Puerto Rico and Diana's  
19 husband is the location manager for those people and Roberto  
20 Reyes was the star of the show. The group that fish with spear  
21 guns and skin diving and high seas and the middle of the water  
22 column were intervened by the Rangers.

23  
24 Number one, they were outside of Bajo de Sico and number two,  
25 they were enforcing laws that do not exist on the books  
26 whatsoever and so I had to get this off of my chest. You need  
27 to tell these Rangers to learn the book or read it or something,  
28 but bothering people outside of what they are supposed to do.

29  
30 Animal Planet doesn't come here every year. It's a great  
31 exposition to Puerto Rico and the U.S. Caribbean and the Apnea  
32 group is a world-respected group around the world and actually,  
33 Roberto Reyes is one of the top international apnea fishers and  
34 a former member of the advisory panel and all that.

35  
36 That's something that we are going to address, and Miguel and I  
37 discussed it before, with the outreach and education program and  
38 that will be probably one of the first tasks that Helena Antoun  
39 will be carrying out in the first quarter of 2013, but I know  
40 that the new governor will solve all these problems, but it's  
41 the new secretary --

42  
43 Outside at lunchtime, seriously, Miguel, Alida and Diana and I  
44 were talking and we will go back to the protocol meetings that  
45 we have with every new secretary and at that meeting, we will  
46 expand a little bit and we want to include issues related not  
47 only to FMPs, but the outreach and education and also we usually  
48 bring to the new secretary a set of our FMPs and things like

1 that and we will be looking forward to that meeting.

2  
3 **MIGUEL GARCIA:** Thanks, Miguel. We do appreciate the offering  
4 and it was more than welcome. As soon as we know who is the new  
5 secretary, we will make a specific arrangement to meet with him  
6 or her and I am very optimistic that it's going to be different  
7 this time.

8  
9 **CARLOS FARCHETTE:** I have a couple of things. I remember in the  
10 last meeting we were discussing about the number of fishermen  
11 that may be fishing traps in the EEZ when we were discussing all  
12 these FMP separations and so I did a little homework and I  
13 contacted Flavia and Juan Agar and so far, what they have given  
14 me is a rough estimate and they believe that might be pretty  
15 well around that area and maybe Miguel Garcia can verify.

16  
17 I got permission from Daniel Matos to get this ball rolling and  
18 so I didn't just take it upon myself. Eleven fishers is the  
19 number so far that may be using traps in the EEZ in Puerto Rico,  
20 but I was supposed to call Nancie Cummings, who may have a  
21 better picture of that and data, but that's pending so far.

22  
23 Also, I have been harassing Director Pemberton and I think every  
24 time he sees my number come up on his cell phone that he hits  
25 ignore now and so I have to catch him in the FAC, but we  
26 discussed the calendar year issue and I think that we agreed  
27 that we will move towards calendar year reporting instead of  
28 fishing year reporting and so I think that's kind of good news  
29 and everybody will be, hopefully, in line for late or early in-  
30 season reporting or however it works out. Instead of our  
31 fishing year of July to June, it will be January to January.

32  
33 **MARA LEVY:** Just a quick question on the trap fishing in the  
34 EEZ. Are you talking about fishers from Puerto Rico that might  
35 be in what we've designated the St. Thomas EEZ section trap  
36 fishing or are you just talking in general?

37  
38 **CARLOS FARCHETTE:** That would be in general, but this thing  
39 about the St. Thomas -- When it comes to -- I want to clarify  
40 that this line of demarcation that's between St. Thomas and  
41 Vieques and Culebra, that's not an EEZ issue, that's a  
42 territorial and Puerto Rico issue, state governments, but the  
43 outside of that EEZ area, I think it's in general.

44  
45 I think I did have a breakdown when it comes to east coast, west  
46 coast, south coast. I did have that number and I've got to look  
47 back at my notes that I got from Flavia and them and so I might  
48 have some numbers on there, but, generally speaking, Daniel

1 Matos said it was twelve and Flavia and them are saying it's  
2 eleven, but Nancie Cummings will have a better number of those  
3 fishers that are outside the nine miles.

4  
5 **MIGUEL ROLON:** Those are, Mara, mostly on the west coast of  
6 Puerto Rico. They have a larger shelf, between Mona Island and  
7 Mayaguez.

8  
9 **GRACIELA GARCIA-MOLINER:** That would be information coming in  
10 from the commercial fishers census rather than from the landings  
11 data, right? Okay.

12  
13 **MIGUEL ROLON:** The other is coming from the survey that Flavia  
14 did.

15  
16 **MIGUEL GARCIA:** From Puerto Rico, I want to communicate to our  
17 partners from NMFS that we are already starting working on a  
18 letter, an official letter, from our secretary to NMFS dealing  
19 with the ACLs in the Snapper Unit 2. I need to get more  
20 information from the fishermen and other interested partners on  
21 here, but as early in January, maybe the second week in January,  
22 you might be receiving some formal letters from our side and we  
23 can discuss that more informally later, maybe later today, but  
24 you will be receiving an official letter soon from our secretary  
25 about the Snapper Unit 2 and the ACLs on the Snapper Unit 2.

26  
27 **MIGUEL ROLON:** In terms of data collection or --

28  
29 **MIGUEL GARCIA:** The issue and the potential way of dealing with  
30 it or to tackle the situation.

31  
32 **ROY CRABTREE:** Just a couple of things. One of the results of  
33 the budget issues that are going on now is that we have pretty  
34 much had a hiring freeze and we have had a couple of economists  
35 retire or leave and so our capacity to do economic analysis is  
36 going down at the Regional Office.

37  
38 Something that I think the council ought to think about, and  
39 depending on the budget situation, is whether it would be  
40 possible to look at adding an economist to the council staff who  
41 could take over doing some of the economic analysis for our  
42 documents and things. That's one issue.

43  
44 Then the other -- Both the Gulf and the South Atlantic Council  
45 have it set up where you can go on their website during a  
46 council meeting and there's a button to watch council TV and you  
47 can click on their website and you can listen to the council  
48 meetings.

1  
2 Whatever is on the screen in presentations will be on your  
3 computer screen and you can listen to it and I think a lot of  
4 the councils are going with it. I haven't really checked into  
5 it, but my understanding is it's not that much of an investment,  
6 a few thousand dollars, and the equipment that you need to do  
7 something like that.

8  
9 I know you were talking about revamping your website and so I  
10 think that's another thing that might be worth looking into. I  
11 know it's difficult for the fishermen to travel back and forth  
12 to council meetings, especially here, because you can't drive  
13 and you pretty much have to fly and there's costs with that and  
14 so there may be members of the public who would like to be able  
15 to tune and listen to parts of these meetings without having to  
16 travel to them. That's just two things to give some thought to.

17  
18 **MIGUEL ROLON:** That's funny that you mention that, because I  
19 proposed that about five years ago and this council made a  
20 motion not to do it.

21  
22 **ROY CRABTREE:** You were ahead of your time, Miguel, but we're  
23 catching up with you now.

24  
25 **MIGUEL ROLON:** I remember the owner of the motion and he looked  
26 very similar to you, but really, this is something that I wanted  
27 to bring to your attention. I made a note here of now at the  
28 office we are buying two new gizmos, digital gizmos, for  
29 conferencing and what we intend to do is that we will have that  
30 for the meetings, rather than getting it from the hotel. You  
31 won't believe how much they charge for just renting that little  
32 thing. It's about a thousand-something and so we can buy it.

33  
34 Regarding the webinar, if you all agree with that, I consulted  
35 with Bob Mahood a long time ago and it's really cheap. It's  
36 only one technical guy who will have the camera and we will do  
37 the recording and as we speak -- It's fairly cheap and you will  
38 send this and upload it and anybody from anywhere can hear what  
39 you say and will see even the discussion.

40  
41 That's the way the South Atlantic does it and other councils and  
42 other institutions do it. Is that something that you agree  
43 with? Maybe you don't need a motion, but go ahead and do it and  
44 we will try to implement that for the March meeting.

45  
46 **ROY CRABTREE:** I think it would be a good thing. We want to see  
47 fishermen involved and this would make it easier for them to  
48 follow what's going on and so I think it would be a good thing.

1  
2 **MIGUEL ROLON:** Regarding the economist, I tried to entice an  
3 economist to work here, but what we have done is we have an  
4 economist and Dr. Walter Keithly agreed to do that on a contract  
5 basis with us and he will do the review or whatever is necessary  
6 for all the analysis from now on on our management plans and  
7 that includes writing up the sections and providing the  
8 information that we need and so we will ease off the workload  
9 for the Regional Office for the economic analysis for this area.  
10 That will be implemented in 2013 and 2014.

11  
12 **EUGENIO PIÑEIRO:** I have two questions. On the first one, you  
13 wouldn't need a motion? You don't think we need a motion?

14  
15 **MIGUEL ROLON:** I believe that if you all trust the Chair and  
16 give me -- That motion died a long time ago and it's in the  
17 books and, Mara, do we need to have a motion for that or not?  
18 From her reaction, she didn't jump at me and I don't think that  
19 we need a motion and we can just go ahead and do it.

20  
21 The technology, as you all know, has changed so much that it has  
22 tumbled down governments and it has moved in ways that was not  
23 expected and this issue of our council meetings being broadcast  
24 on the web has been discussed before and the lawyers, at the  
25 beginning, were a little bit worried about it.

26  
27 Some of the SSC members on other councils quit because they  
28 didn't want to be quoted when they were talking. Scientists  
29 always like to have a back door so they can escape whenever they  
30 goof up, but that's a non-issue, I personally believe, in  
31 updating the technology as much as possible.

32  
33 **EUGENIO PIÑEIRO:** A follow-up on the other issue about the  
34 economist and so it would be cheaper to do a contract than to  
35 hire an economist?

36  
37 **MIGUEL ROLON:** Yes, but listen, guys, if I hire an economist and  
38 he does one thing for us, the rest of the time he is looking at  
39 the ceiling. I have been talking to some economists and they  
40 told me they're not going to kill their career by going there  
41 and I can work with you on a part-time basis, but not full-time.  
42 It all depends on how you do it.

43  
44 I talked to Walter Keithly and he said, yes, I can do it and I  
45 have another economist and he is about to finish his PhD and he  
46 said that he might work with us, but I believe that he's going  
47 to stay in the states, because the last time, a professor told  
48 me it's better to work in the states than come down here and so



1 that's what we have and it's up to you.  
2  
3 **ROY CRABTREE:** With all due respect to Walter, I don't think  
4 that's going to get us -- That we're going to get anything out  
5 of that and what I was looking at was adding a full-time staff  
6 member on the council staff to work on these things.  
7  
8 The workload is going to get bigger and not smaller and I still  
9 think that's what we need to do. I think there's a whole lot of  
10 work and economic work that could be done down here looking at  
11 the fishermen and collecting more economic data and a lot of  
12 those kinds of things.  
13  
14 I know money is tight, but it's just something to think about,  
15 but I don't think contracting it out is going to -- We've tried  
16 that in the past and it hasn't been very successful.  
17  
18 **MIGUEL ROLON:** We have never done that in the past. The only  
19 thing that we have done is to hire for a specific -- You guys?  
20 In our case, that's the way we have done it and it's up to you  
21 guys. I personally feel we try it with Walter Keithly and if it  
22 doesn't work and the workload is such that we need to hire a  
23 person that won't kill himself or herself working just for this  
24 little council, so be it and we will have one that will do it.  
25  
26 **CARLOS FARCHETTE:** Thank you. I like the idea of the webinar  
27 also, because some of our Fisheries Advisory Committee members  
28 on St. Croix have interest in listening in on the meetings, but  
29 they just can't pay their travel and their hotels, but then  
30 again, when we hold the meetings on St. Croix, they don't show  
31 up either, but at least they've got the opportunity. I guess if  
32 you don't need a motion, I can do like Julius Caesar and so let  
33 it be said, so let it be done, on the webinar part.  
34  
35 **DAVID OLSEN:** I have a question on the, quote, changing the  
36 date. Are you talking about changing the period when the boats  
37 are registered?  
38  
39 **CARLOS FARCHETTE:** No, that will not change.  
40  
41 **DAVID OLSEN:** You don't have to do anything. It's already in  
42 the database. You're submitting the catch reports by dates and  
43 one of the variables in the database is calendar year. You  
44 don't have to do anything.  
45  
46 **CARLOS FARCHETTE:** Right. We've got it. Next is Trap Vents.  
47  
48 **DAVID OLSEN:** At the last council meeting, there was some

1 discussion about the council providing funding to buy vents that  
2 we would just give to fishermen to put in the traps and \$10,000  
3 was mentioned, which I personally felt was going to be a little  
4 bit ambitious to try and do at one sitting.

5  
6 I was talking with Miguel briefly and he suggested that maybe we  
7 could do \$5,000, which I think I can get \$5,000 worth of vents  
8 into traps really quickly and if we're successful with that,  
9 then we could come back at the next council meeting and ask for  
10 more.

11  
12 **CARLOS FARCHETTE:** Thank you, David. The next council meeting  
13 will be on March 26 and 27 of 2013. It will be on St. Croix. I  
14 want to thank everyone. Any other business?

15  
16 **HARRY CLINTON:** The comments that have been made this afternoon  
17 while I've been in attendance have certainly, I think, been  
18 cogent, even though they kind of come from two different  
19 standpoints.

20  
21 I think that when we look at volunteer people who get no  
22 remuneration whatsoever from their attendance in these meetings  
23 and when they do that consistently, year after year after year,  
24 they deserve a certain amount of respect and that's on both  
25 sides of the coin.

26  
27 Ray Campbell has made some comments that, very frankly, are  
28 shared by many of the people on the St. Thomas FAC. The initial  
29 establishment of the trap fishermen's committee was done with  
30 the guidance of the FAC saying those are the people who really  
31 do that on a day-to-day basis and they would be best able to  
32 come up with some kind of program that would be good to work  
33 within the framework of some kinds of help in saving our  
34 fishery.

35  
36 Unfortunately, as things sometimes happen, that committee got a  
37 little bit involved with themselves and at certain points, no  
38 longer provided any of the work product to the FAC and that was  
39 over a period of a couple of years.

40  
41 After repeated requests at every FAC meeting to get that work  
42 product or at least where they were with it at that point in  
43 time, we just never got anything and then when we got something,  
44 two months ago, after those years of their working very hard at  
45 coming up with reasonable regulations, we were asked to very  
46 quickly respond to those things and get back.

47  
48 Well, we really didn't get it in writing until just this last

1 meeting, which was a couple of weeks ago. As Chairman of that  
2 committee, and I have been for some fifteen or sixteen years  
3 now, one of the things that I did was establish a timeframe of  
4 the next meeting, whereby we will try to analyze, digest, and  
5 come up with comments that are cogent in regard to working with  
6 that document as it's been presented to us.

7  
8 That's about as quick as we can hope to try to start a  
9 turnaround process with the document. One of the things though  
10 that is of a major concern is that you have, as a part of that  
11 document, a group who is making the regulations who now want to  
12 establish themselves as the policing organization for it and  
13 also as the judge and jury, because they want to be in charge of  
14 who can get a license and who cannot get a license and how that  
15 license will be transferred, et cetera, et cetera.

16  
17 I think we know, from legal things that we all face, that that's  
18 probably not the best way to try to set up a regulating force  
19 and so those will be some of the issues that will be addressed  
20 by the FAC in their very next meeting, which is coming up this  
21 next month.

22  
23 I want to thank all those people that participated in coming up  
24 with the document as it is now, because obviously they were  
25 doing so without any remuneration and probably, in some cases,  
26 without much credibility being attached to what they were doing.

27  
28 On the other side of that coin, I want to thank all the people  
29 from the FAC, both in St. Thomas and in St. Croix, who I think  
30 developed some very good programs in establishing individuality  
31 between the two, because the fisheries are very different and it  
32 becomes clearly responsible to try to establish a different set  
33 of regulations and rules and methods for the St. Croix people as  
34 opposed to the St. Thomas/St. John people.

35  
36 We were early in wanting to establish that difference, the St.  
37 Thomas FAC, and so in saying thank you to those people, it would  
38 be less than correct in not saying thank you to this Caribbean  
39 Fishery Management Council, because you people have put up with  
40 what has taken an awful long time to try to get to where we're  
41 at at this point in time.

42  
43 Hopefully now we have some documents that are starting to come  
44 together that we can try to get finalized and be able to present  
45 to the Caribbean Fishery Management Council, something that we  
46 can say here is something we can definitely approve.

47  
48 On the other side of that coin, we're starting to talk about

1 regulations for spiny lobster and the method with which that  
2 committee was put together may not be the best way to get a  
3 committee put together, which is, again, to put judge, jury, and  
4 policeman all as the guys who are making the laws.

5  
6 It's probably not the best thing and so we need to address that  
7 and we've got Roy Pemberton here who as Director will be able  
8 to, I think, assist in maybe looking at some rational way of  
9 trying to do that, but I do want to come back to saying thank  
10 you to those people who have worked so hard at this point in  
11 time, because it is often a thankless job.

12  
13 I want to thank each and every one of you, because you have  
14 certainly made a contribution to saving our fishery. Thank you  
15 for your time.

16  
17 **CARLOS FARCHETTE:** Before you leave, Harry, we have to put you  
18 in the hot seat.

19  
20 **MIGUEL ROLON:** It's always a pleasure seeing you, Harry, and we  
21 have worked together for a long time and it's always nice to see  
22 you and at this time, I have one question. Regarding the  
23 schedule of events that you just mentioned, next month, and that  
24 will be in January, you will be addressing this document and  
25 then when do you expect the document should be elevated to a  
26 council meeting?

27  
28 We have our next council meeting, as the Chairman announced,  
29 March 26 and 27 and should we expect something by that time or  
30 by the next meeting in August?

31  
32 **HARRY CLINTON:** No, I certainly think that we should have  
33 documents approved and ready by the February timeframe. That's  
34 our second meeting from now. Does that answer your question?

35  
36 **MIGUEL ROLON:** Yes and the reason I asked you the question is  
37 because Mr. Pemberton, as a council member, has to call us and  
38 put that in the agenda and the agenda is drafted twenty-two days  
39 before the meeting and so if by the end of February you have  
40 something concrete, please let me know so we can put it in the  
41 agenda for the council meeting.

42  
43 **EDWARD SCHUSTER:** Also, I'm the Chairman of the FAC St. Croix,  
44 Harry, I haven't caught up to you in quite some time and I know  
45 you had some issues. We have always had an excellent working  
46 relations, but there was quite some time, maybe a four or five-  
47 month period, that we were not receiving any minutes from your  
48 FAC, due to the fact that you didn't have a quorum.

1  
2 I know that you had some shakeups and members dropping off and  
3 not being reappointed and so forth and there was also an issue  
4 on there of not having representation from an association  
5 onboard and so has this issue been resolved in terms of us  
6 getting minutes from St. Croix, because we've had regular  
7 meetings and have been sending them over through Fish and  
8 Wildlife and we haven't gotten some minutes from you, as of our  
9 last FAC meeting in December. I would just like to know a  
10 heads-up on that.

11  
12 **HARRY CLINTON:** What specifically is your question?

13  
14 **EDWARD SCHUSTER:** Specifically, I know that you didn't receive  
15 any minutes and so were you guys have scheduled meetings? Did  
16 you have a quorum that we could have these minutes to know what  
17 was going on, because throughout that period of the trap  
18 reduction and stuff, we didn't get any minutes from your FAC.

19  
20 **HARRY CLINTON:** The FAC was not able to address many of the  
21 issues because of the fact that we were unable to have a quorum.  
22 We, very frankly, felt that one of the reasons we didn't have  
23 the quorum was because of the divisive efforts on behalf of the  
24 trap fishermen, but we continued to have meetings and it's just  
25 that we couldn't have a quorum.

26  
27 We now are working very hard to put that behind us. We've got  
28 Roy working to get us a new membership that will give us the  
29 necessary quorum so that we can have legal meetings, et cetera,  
30 and we hope very much to be able to provide you with the minutes  
31 that you're asking about.

32  
33 I would say to you that we haven't received any minutes from you  
34 folks either and so where your minutes are going, I have no way  
35 of knowing, but I do recognize that the communication back and  
36 forth is highly desirable and we would like to see that resume.

37  
38 **CARLOS FARCHETTE:** Thank you, Harry.

39  
40 **ROY PEMBERTON:** I just wanted to clarify a couple of things for  
41 the record. The quorum situation has been a problem on our end  
42 definitely and the FAC for St. Thomas. We could elucidate on  
43 several different reasons, but, again, it's a work in progress  
44 and I don't want it to be a situation where the FAC is now kind  
45 of strangled because certain folks or certain elements or  
46 certain situations are dictating how they operate.

47  
48 I want to address the other issue with regards to transparency.

1 Again, I wasn't here for the beginning of this, but I'm here for  
2 it now and the council that's going to be set up to look at the  
3 decision making process with the traps, that's going to be a  
4 membership of somebody from enforcement as well as somebody from  
5 the Division of Fish and Wildlife are going to be on that  
6 council.

7  
8 It's not going to be just the trap fishermen listening or  
9 deciding. It's going to be involvement with DPNR and so I  
10 wanted to make sure that was clear.

11  
12 The minutes have not been transferred back and forth  
13 particularly because of the quorum on this end of things. They  
14 have not established a quorum and oftentimes they did not have  
15 full meetings and so that will be rectified from here on out, to  
16 make sure that we do have a transparency back and forth between  
17 the two councils.

18  
19 The FAC over here has a diverse membership. We would like to  
20 get a membership from the St. Thomas Fishermen's Association on  
21 there. We would like for them to come back. Under the  
22 situation in which they left, it was a little bit tenuous, but  
23 we're willing to let bygones be bygones and let them come back  
24 on the board. It's not a problem, but, again, I can't force  
25 people to be involved. They have to want to participate and if  
26 they don't want to participate, we have to move forward with  
27 this process as best we can.

28  
29 **TONY IAROCCI:** Real quick, Harry, I appreciate your comments,  
30 especially coming from the Chairman of the FAC. I would like to  
31 openly invite the FAC to the next meeting, which will be  
32 published and I think DPNR will put a notice out, to be at the  
33 next trap reduction lobster management meeting to discuss some  
34 of these issues.

35  
36 Also, and we've put this out all the time and I know the  
37 fishermen have tried, but we've brought on two new members at  
38 the last meeting on St. Croix. Anybody that is involved -- I  
39 heard comments about the divers not being involved and there's  
40 only 2 percent caught, but if the divers are a part of this  
41 fishery and there's a diver that wants to be on this AP, the  
42 committee -- It can come up for discussion at this meeting.

43  
44 Everybody can come to this meeting and participate. The  
45 Chairman always acknowledges people at the meeting and like I  
46 said, in the past there has been people that have been loud and  
47 obnoxious and they've been put in their place, but everybody --  
48 I openly invite you and members of the FAC and like I said, I

1 will make sure notification is out and work closely with  
2 Director Pemberton to get this out and everybody, Merry  
3 Christmas.

4

5 **CARLOS FARCHETTE:** Thank you, Tony. Anything else? We have  
6 come to the end of the 144<sup>th</sup> Caribbean Fishery Management Council  
7 meeting and I hereby call this meeting adjourned. It is  
8 December 20, 2012 and it's 3:32 p.m.

9

10 (Whereupon, the meeting adjourned on December 20, 2012.)

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