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2 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**
3 **145TH REGULAR COUNCIL MEETING**
4 **The Buccaneer Hotel**
5 **St. Croix, USVI**
6

7 MARCH 26-27, 2013
8

9 The Caribbean Fishery Management Council convened at the
10 Buccaneer Hotel, St. Croix, USVI, Tuesday morning, March 26,
11 2013, and was called to order at 9:00 o'clock a.m. by Chairman
12 Carlos Farchette.
13

14 **CARLOS FARCHETTE:** We are going to call this meeting to order.
15 It's March 26, 2013 and we're holding the 145th Caribbean Fishery
16 Management Council meeting at the Buccaneer Hotel, St. Croix,
17 USVI. Call to order is 9:05 and we're going to do a roll call,
18 starting on my left.
19

20 **LIVIA MONTALVO:** Livia Montalvo, council staff.
21

22 **MARIA DE LOS A. IRIZARRY:** María de los Irizarry, council staff.
23

24 **ADAM SKORDINSKI:** Lieutenant Junior Grade Adam Skordinski, U.S.
25 Coast Guard.
26

27 **WINSTON LEDEE:** Winston Ledee, council member, St. Thomas.
28

29 **MIGUEL GARCIA:** Miguel Garcia, council member, Puerto Rico DNR.
30

31 **EUGENIO PIÑEIRO:** Genio Piñeiro, council member, Puerto Rico.
32

33 **CARLOS FARCHETTE:** Carlos Farchette, council Chair.
34

35 **MIGUEL ROLON:** Miguel Rolon, council staff.
36

37 **PHIL STEELE:** Phil Steele, NOAA Fisheries.
38

39 **MARA LEVY:** Mara Levy, NOAA Office of General Counsel.
40

41 **BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.
42

43 **NELSON CRESPO:** Nelson Crespo, Puerto Rico.
44

45 **BILL ARNOLD:** Bill Arnold, NOAA Fisheries.
46

47 **GRACIELA GARCIA-MOLINER:** Graciela Garcia Moliner, council
48 staff.

1
2 **EDWARD SCHUSTER:** Edward Schuster, AP Chair.
3
4 **BARBARA KOJIS:** Barbara Kojis, SSC Chair.
5
6 **DAVID OLSEN:** David Olsen, STFA.
7
8 **TONY IAROCCI:** Tony Iarocci, fish trap reduction plan.
9
10 **LIAM CARR:** Liam Carr, Pew Charitable Trusts.
11
12 **TOBY TOBIAS:** Toby Tobias, St. Croix Fisheries Advisory
13 Committee.
14
15 **LEDA DUNMIRE:** Leda Dunmire, Pew Charitable Trusts.
16
17 **EMILY HELMICK:** Emily Helmick, Pew Charitable Trusts.
18
19 **THIERRY LEDEE:** Thierry Ledee, St. Thomas Fishermen's
20 Association President.
21
22 **TONY BLANCHARD:** Tony Blanchard, St. Thomas Fishermen's
23 Association.
24
25 **HELENA ANTOUN:** Helena Antoun, contractor.

26 27 **ADOPTION OF AGENDA**

28
29 **CARLOS FARCHETTE:** Thank you. Next on the agenda is the
30 Adoption of the Agenda.
31
32 **EUGENIO PIÑEIRO:** I so move that we adopt the agenda.
33
34 **PHIL STEELE:** Second.
35
36 **CARLOS FARCHETTE:** We have a Genio Piñeiro motion to accept the
37 agenda as written and seconded by Phil Steele. All in favor say
38 aye. Moving forward, the Consideration of the 144th Council
39 Meeting Verbatim Transcript.
40

41 **CONSIDERATION OF THE 144th COUNCIL MEETING VERBATIM TRANSCRIPT**

42
43 **MARA LEVY:** I just noticed one thing and I think it's on page 7.
44 On page 7, in the discussion of CITES, line 27, it says it's in
45 Appendix 2 and it's talking about queen conch and it should say
46 it's in Appendix II. That's all.
47
48 **CARLOS FARCHETTE:** Any further comments on the verbatim

1 transcripts?

2
3 **EUGENIO PIÑEIRO:** Being none, I move that we adopt the
4 consideration of the council meeting transcription as amended.

5
6 **PHIL STEELE:** Second.

7
8 **CARLOS FARCHETTE:** That motion was made by Genio Piñeiro and
9 seconded by Phil Steele and I forgot to say earlier, but can
10 everybody please put their cell phones on vibrate or silent? We
11 are having a little difficulty hearing people and so if we can
12 speak a little louder into the mic. We'll continue with the
13 verbatim minutes and all in favor say aye. The motion carries.
14 Roy, can you introduce yourself for the roll call?

15
16 **ROY PEMBERTON:** Roy Pemberton, DPNR.

17
18 **CARLOS FARCHETTE:** We are going to go into the Executive
19 Director's Report.

20
21 **EXECUTIVE DIRECTOR'S REPORT**

22
23 **MIGUEL ROLON:** I don't have much to report. The first part is
24 the budget and everybody is wondering what is going to happen
25 with the budget. At this time, from the meeting of the Chairman
26 and Executive Directors in Washington, we don't have a clear
27 picture of 2013 and 2014.

28
29 We received about 22 to 25 percent of the budget for 2013 and as
30 we speak, they are working on the remainder of the 2013 budget.
31 At least for this council, we are okay and we already prepared,
32 as we will discuss this afternoon at the Administrative
33 Committee, how we will be able to fulfill our mandate during
34 2013 without much trouble.

35
36 2014 is something else. We don't know exactly what Congress
37 will do and already National Marine Fisheries Service has been
38 able to present our case, NOAA's case and the National Marine
39 Fisheries Service, in terms of what will happen if we receive
40 the cuts that they are talking about. We're talking about 10 to
41 15 percent cuts across the board.

42
43 At least for 2013 we will be able to finish the projects that
44 were started and fund the proposals with the fishers that Tony
45 Iarocci presented at the last meeting and carry on the other
46 meetings that we have. We saved some money from last year that
47 we may add to this year and we are okay.

48

1 On the international front, the queen conch resolution was
2 approved at the CITES International Meeting in Bangkok and that,
3 as you know, is something that we have been working on for the
4 last thirty years and it was a success story.

5
6 We convened in Panama last year, in October, twenty or more
7 countries, and now all the countries will be working on the
8 implementation of the CITES resolution and we may need to have
9 another meeting of this group maybe in 2014 to assess what the
10 status of each country's implementing this CITES resolution.

11
12 The way CITES works is so voluntary, but at the same time,
13 because all the countries involved participate and approve these
14 documents, they suspected that each country then will do the
15 work they have to come up with -- Whatever they said at the
16 resolution that they will do to manage the queen conch.

17
18 There's a possibility that when you look at CITES that an
19 organism will be put in Appendix 1. Appendix 1 is more
20 restrictive than Appendix 2 and there is no trade of
21 commercially-important species when you have it in Appendix 1.
22 In Appendix 2, you have trade, but you have to have a manifest
23 of -- You have to tally every fish that you send out of your
24 country to another country as export.

25
26 In the case of the queen conch, we are okay. Now, for the other
27 countries, I worry there is a possibility of moving queen conch
28 into the Endangered Species Act of the United States, because
29 that will stop commerce and that's a worry they have and that's
30 why they want to meet this year again or early in 2014.

31
32 The other part international that we are a part of is Nassau
33 grouper or other grouper segregations. We are going to have, in
34 2013, an international meeting of the working group that is
35 going to look at the fish aggregations across the Caribbean, all
36 the way from Central America, North and South America, and Cuba.
37 The meeting will take place in Miami in October.

38
39 After that meeting, it is expected then that the United Nations
40 will come up with a document similar to the queen conch, where
41 countries will commit to manage the fishery of those species
42 that aggregate in an orderly fashion.

43
44 The other things that we have on the plate is that the Outreach
45 and Education Committee has come up with some recommendations,
46 as you know from the last meeting, and they will have a
47 presentation tomorrow or maybe this afternoon, out of which came
48 the idea of meeting with some key players and that included

1 legislators.

2
3 We are going to meet, in the case of the Virgin Islands, with a
4 representative of the Senate in St. Thomas on April 19. Then we
5 are working on the second meeting that will be in St. Croix.

6
7 The reason for having two meetings is that the senators told us
8 that they prefer to have two meetings, because if we have it in
9 St. Thomas, if not all of them, the majority of the senators
10 from St. Thomas and St. John will be there, but not necessarily
11 the St. Croix senators and vice versa.

12
13 The meeting, what we are going to have is a presentation by
14 Alida Ortiz on key issues that are important to the federal
15 government and the local government and specifically, we are
16 going to be talking about ACLs and what is it and compatible
17 regulations and how can we interact -- We, mean all the players,
18 the council and the local governments and the local legislators.

19
20 This is something that was requested by them some time ago and
21 we have been able to fulfill that commitment that we made with
22 the local legislators.

23
24 In the case of Puerto Rico, we are planning, through Dr.
25 Garcia's office, a meeting with the Secretary of the Department
26 of Natural Resources and at that meeting, there will be a
27 presentation on enforcement by three technical people, social
28 anthropologists that have been working with these issues and
29 others in Puerto Rico.

30
31 They will be giving that presentation to the Secretary,
32 especially now that the Secretary of the Department of Natural
33 Resources is looking at ways to improve the way the way that we
34 enforce and how can we improve the communication within the
35 department and among agencies that are involved in enforcement,
36 such as the Coast Guard and the National Marine Fisheries
37 Service.

38
39 We have other things that the Outreach and Education people are
40 doing that they will report to you, but enforcement is one of
41 the top priorities and as you know, one of the meetings when we
42 had the enforcement chief and National Marine Fisheries Service
43 in Washington, they were very interested in moving forward with
44 outreach and education of important issues in the U.S.
45 Caribbean. That's about it.

46
47 Under housekeeping, as you know, Dr. Roy Crabtree requested a
48 mechanism for us to allow participation of SERO personnel and

1 Southeast Fisheries Science Center through the internet and so
2 we have a Go to Meeting facility today.

3
4 We have some people participating from these two offices and
5 they are able to hear us and they are able to see the
6 presentation and if needed to, they can talk and we can hear
7 them through the speaker and we need to thank the South Atlantic
8 Council for allowing Diana to copy everything that they have
9 done there to do this and from now, all the council meetings and
10 maybe the SSC meetings will be on the internet, so people can
11 interact.

12
13 **CARLOS FARCHETTE:** Thank you, Miguel. We are going to move
14 forward to Regulatory Amendment 2 to the Fishery Management Plan
15 for Queen Conch Resources of Puerto Rico and the U.S. Virgin
16 Islands: Compatibility of Trip and Bag Limits.

17
18 **REGULATORY AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR QUEEN**
19 **CONCH RESOURCES OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS:**
20 **COMPATIBILITY OF TRIP AND BAG LIMITS**

21
22 **MIGUEL ROLON:** We have to say, for the record, that yesterday
23 evening we had a public hearing in this very same room and we
24 presented the alternatives that the council considered in
25 response to the Virgin Islands' request for establishing
26 compatible regulations for the queen conch in St. Croix.

27
28 Specifically, as you all know, the queen conch is closed in the
29 EEZ off of St. Thomas, St. John, and Puerto Rico. It's only
30 open on the east end of St. Croix and as a result of yesterday's
31 public hearing, we had three deponents and we have some comments
32 that are relevant to the discussion and so, Graciela, do you
33 have that ready?

34
35 **MARA LEVY:** I just want to clarify that what action is going to
36 happen here is going to be either to modify or not modify the
37 trip limits and bag limits applicable to the entire EEZ. Now,
38 the fact is that we don't allow any harvest in the other parts
39 of the EEZ and so effectively, we're only talking about St.
40 Croix, but the actual regulations, the trip limit regulations
41 and bag limit regulations, apply EEZ-wide.

42
43 **CARLOS FARCHETTE:** Thank you, Mara.

44
45 **GRACIELA GARCIA-MOLINER:** Do you want to just go over the
46 comments that you received yesterday or do you want to see the
47 alternatives that you have on the table before we go into the
48 comments?

1
2 **MIGUEL ROLON:** The comments that we received yesterday is
3 something like I agree with Alternative 2 and so we need to have
4 the Alternative 2 there, so they can read it. We had three
5 deponents yesterday. We had Dr. Barbara Kojis, Toby Tobias, and
6 Edward Schuster, but not in that order.

7
8 **GRACIELA GARCIA-MOLINER:** One more clarification. It applies to
9 the EEZ, but also the other regulations that we have in place,
10 like the size limit, do still apply everywhere in the EEZ where
11 it's open and so we're just dealing here with the compatibility
12 between the bag and the trip limits between the St. Croix or the
13 USVI regulations and the EEZ regulations regarding those two
14 management alternatives.

15
16 What you have on the screen, you have the regulations as they
17 are in the federal waters on the left-hand side. For the
18 commercial trip limits, right now it's 150 queen conch per
19 licensed fishermen per day.

20
21 This is the USVI territorial regulation of 200 queen conch per
22 vessel per day, no matter how many people you have onboard.
23 That's one of the regulations that you will be looking for
24 compatibility.

25
26 The second one had to do with the recreational bag limits and in
27 the federal EEZ, you have a limit of three queen conch per
28 person per day, to a maximum of twelve queen conch per vessel
29 per day, no matter how many fishers are onboard.

30
31 In the USVI, you have a less restrictive regulation of six queen
32 conch per person per day to a maximum of twenty-four queen conch
33 per vessel per day, no matter how many people you have onboard.
34 These are the two issues that you have at hand in terms of
35 compatibility right now.

36
37 You have two actions in the Regulatory Amendment Number 2 to the
38 Queen Conch FMP. The first one deals with modifying the trip
39 limit for the commercial sector and it has three alternatives.
40 Alternative 1 is the no action, not to change the current
41 commercial trip limit.

42
43 The second alternative is to change the commercial trip limit to
44 be compatible with the USVI, that is a 200 queen conch limit per
45 vessel per day.

46
47 The Alternative 3 is to have no more than 150 queen conch per
48 day per licensed commercial fisherman onboard, with no more than

1 200 queen conch per vessel per day if you have more than one
2 licensed commercial fisherman onboard.

3
4 At the public hearing last night, you had a representation from
5 the FAC of St. Croix and a person from the public and the
6 comments had to do with selecting the Alternative 2 to make it
7 compatible with the USVI. Those were the recommendations that
8 the council received last night.

9
10 Action Number 2 has to do with modifications to the bag limits
11 for the recreational catch and in this one, you have four
12 alternatives. The first one is the no action alternative, to
13 leave the regulations as it is, to keep three queen conch per
14 person per day, to no more than twelve.

15
16 The second alternative to make it compatible is to up the amount
17 to six queen conch per person per day, to a maximum of twenty-
18 four per vessel per day.

19
20 Then you have two additional alternatives. One would keep the
21 six queen conch per person per day, to a maximum of twelve per
22 boat per day. You would cap it at twelve. The last one,
23 Alternative 4, is three queen conch per person per day and
24 twenty-four per boat per day.

25
26 These are the comments that you received yesterday and so the
27 council went to public hearings without having a preferred
28 alternative selected at the time and so that's one thing that
29 you have to do.

30
31 The recommendations were, for Action 1 -- The people who deposed
32 at the public hearing last night selected Action 1, Alternative
33 2. That's to make it compatible and cap it at 200 queen conch
34 per vessel per day.

35
36 For the Action Number 2 regarding recreational harvest of queen
37 conch, one of the recommendations was to have the local
38 government be compatible with the federal government and that is
39 to down the regulation from six to three, so that we in fact
40 select -- The council would select the no action alternative,
41 but there was also another deponent who suggested to have
42 Alternative 2 and so to have the federal government be
43 compatible with the USVI and up the number of conch per person
44 per day to six and twenty-four. Those were the only comments
45 that you received yesterday. Do you want me to go into the
46 additional comments that we received at the public hearing last
47 night?

48

1 You did receive additional comments and one of them has to do
2 with the -- The reason for keeping the six conch and the twenty-
3 four is that most of the recreational harvest for queen conch
4 does happen in the state waters. The EEZ waters are very deep
5 and far away from shore and so most people who fishing
6 recreationally will harvest the conch from very close to shore.

7
8 It was suggested that the federal government require a fishing
9 permit for queen conch and in that fishing permit that there
10 would be a specific request for reporting queen conch and if the
11 conch was going to be reported as a meat weight, to be very
12 specific about a percentage of cleaned meat that was being
13 reported.

14
15 There are issues of diver safety in the EEZ, in the deeper
16 water, because most of the divers do not use a surface buoy, so
17 that the people onboard the vessel who are following them follow
18 the bubbles rather than a buoy and so a lot of people apparently
19 end up swimming back to shore or in fact disappear.

20
21 There is an issue with the licenses, per se, because apparently
22 the helpers, who are defined in the regulations as people
23 helping with the traps and seine nets -- It doesn't say anything
24 or it doesn't speak to the regulation of divers.

25
26 Apparently the hookah is prohibited in the USVI. In the
27 document, it states that it's not prohibited in the USVI and so
28 there is a mismatch there and so we have to figure out what to
29 do about that.

30
31 It was mentioned that there is an enforcement issue that had to
32 do with the black market that had been developed in St. Croix,
33 especially during the closed season, and that the reporting --
34 The underreporting, it's the way that people are dealing with
35 the 50,000-pound cap and so in 2011, the 30,000 pounds that have
36 been reported so far, it's probably way under the actual harvest
37 that is taking place.

38
39 An additional recommendation was that there is a need for port
40 sampling, not only for the commercial catch, but also for the
41 recreational sector.

42
43 In the agenda, it states that there is going to be a public
44 comment period and we don't have any additional comments. We
45 did not any receive any written comments or emails regarding the
46 Amendment 2 to the Queen Conch Regulatory Amendment 2.

47
48 **CARLOS FARCHETTE:** We're going to open up the comment period for

1 anyone who wants to speak from the public on this amendment.
2 Hearing none, we are going to move forward. I guess we will
3 discuss the alternatives.

4
5 **MIGUEL ROLON:** In the case of the hookah, you are going to check
6 whether it's already a requirement in the Virgin Islands? What
7 I want to make sure is it's written in the law of the Virgin
8 Islands and not that somebody thought about it and probably it's
9 a mistake, but we want to make sure that the hookah is there and
10 also, nobody has disappeared yet from the bubbles. It's just a
11 possibility, but Toby suggested that and so far they haven't had
12 an accident yet, but there's a safety hazard that they want to
13 see if we can assist.

14
15 **CARLOS FARCHETTE:** We do have Toby Tobias who wants to make a
16 quick comment, but speaking about the hookah, I do remember --
17 It must have been more than fifteen years ago in our FAC meeting
18 that we did make a motion that was approved to prohibit the use
19 of hookah for harvesting queen conch, but I don't know it didn't
20 make it into our handbook. Something went wrong there and we
21 will look that up.

22
23 **GRACIELA GARCIA-MOLINER:** We were trying to also -- We've been
24 trying to collect the actual regulations, like Act 3330 and the
25 different codes that are available from the Virgin Islands. We
26 looked at the fisher's booklet, but that's not really the law,
27 right?

28
29 **CARLOS FARCHETTE:** Some of it is following the VI Code in the
30 fishermen's handbook, but it won't be in Act 3330 and I know it
31 won't be in the rules and regulations, because for some reason
32 we missed it somewhere, but maybe we have to go back to find out
33 what the then Commissioner did and whether it was approved or
34 not.

35
36 **MARA LEVY:** Just to clarify then, for the USVI actual
37 regulations, what you're saying is you don't think it prevents
38 the use of hookah and so the document, in terms of what it would
39 allow and not allow, is correct? I just want to make sure that
40 we're characterizing your regulations as they currently apply
41 correctly.

42
43 **CARLOS FARCHETTE:** Right and currently -- We have to do some
44 research to find out what happened, but it didn't make it into
45 the rules and regulations, but currently it's not in the rules
46 and regulations.

47
48 **TOBY TOBIAS:** Good morning. I am Toby Tobias and I'm a

1 representative from the St. Croix Fisheries Advisory Committee.
2 I just want to ask a question of protocol. Will the Caribbean
3 Fishery Management Council today come up with a preferred
4 alternative and then that is going out for further discussion?

5
6 The reason why I ask is because neither of the two fisheries
7 advisory committees have discussed this issue in detail and I'm
8 certain that they would like to have input on it, to come up
9 with their recommendation.

10
11 **MARA LEVY:** Ultimately, I guess that's up to the council. I
12 think what had been discussed previously was, in order to get
13 this implemented by the time the new fishing season starts for
14 conch, that the idea was to pick preferred alternatives and have
15 the public hearing like we did last night, public comment today,
16 and vote to submit it to the Secretary today, so that it could
17 be implemented before the next queen conch season.

18
19 If you decide to delay until the next meeting, the odds are that
20 it will not get implemented before the next season starts, but
21 ultimately, that's the council's decision.

22
23 **CARLOS FARCHETTE:** Thank you, Toby. We will open the floor for
24 the council members to discuss alternatives and I have something
25 I would like to say, but I want to give the opportunity to
26 either the state or any other council member that wants to make
27 a comment on the alternatives.

28
29 **PHIL STEELE:** I just wanted to remind the council that for
30 Action 2 on the recreational harvest limits that Alternative 2,
31 the six and twenty-four, had been examined previously and there
32 is no Conch FMP. It had been not passed by this council, just
33 to let you know the status of that one.

34
35 **CARLOS FARCHETTE:** Thank you, Phil.

36
37 **EUGENIO PIÑEIRO:** It seems to me that from a conservation point
38 of view, in a species that has had so many problems -- As far as
39 I can remember in St. Croix we've had trouble with the queen
40 conch and, Ed, if you could answer, what would be the rationale
41 then to put a six and twenty-four or three and twelve?

42
43 **MIGUEL ROLON:** You discussed this and that's why I said
44 yesterday evening that you have any rationale to move from what
45 you already have in terms of the three and twelve.

46
47 You may have rationale to go more restrictive in the alternative
48 for the commercial fishers, where you have a quota of 200

1 animals per boat, rather than what you have now is 150 per
2 person. With the possibility of having three persons in a boat,
3 you have 450 and so Alternative 2 that could be implemented in
4 the EEZ is more restrictive and goes along with the status of
5 the queen conch as of now.

6
7 It will be up to the Virgin Islands then to decide to move or
8 not to the three and yesterday, Ed Schuster said that his
9 preference is to go at least at the level of the FAC and to have
10 the compatibility with the federal government in terms of the
11 recreational fishing quota.

12
13 **BILL ARNOLD:** A couple of points to keep in mind when you're
14 talking about this issue. The first one is that with the
15 commercial fishery, we have a 50,000 pound quota cap on this
16 fishery and so you can change your bag limit, but it's not going
17 to change the ultimate amount of conch that are taken out of St.
18 Croix waters. You still have a 50,000-pound limit. At least
19 theoretically, that's all they're going to be able to take.

20
21 Mike Larkin at our office did an analysis of the most recent
22 three years for which we have data, looking at what the changes
23 would be, switching from 150 per licensed fisher to 200 per
24 vessel, with at least one licensed fisher onboard. The actual
25 change in take is going to be very small and so it's not -- It
26 really affects enforcement efficiency without complicating or
27 altering the impacts to the queen conch fishery. That's on the
28 commercial side.

29
30 On the recreational side, it's a little bit different, because,
31 first, we don't get recreational landings data in the USVI and
32 we don't have an MRIP program and so we don't really know what's
33 being harvested.

34
35 Second, there is no cap on the recreational take. The
36 recreational fishery, as I mentioned last night, closes when the
37 commercial fishery closes, but during the time that the
38 recreational fishery is open, we have no idea what's being taken
39 and that's not a criticism. It's just a fact, that we don't
40 know what's being taken.

41
42 If you double the daily bag limit and admittedly, this is only
43 in federal waters and so okay, there's not a lot of fishing. By
44 testimony last night, there's not a lot of fishing going on in
45 federal waters. We don't know how much is going on, but
46 apparently there's not much, but certainly if you double the
47 allowable daily take, you potentially double whatever that
48 federal total take is before the commercial fishery closes and

1 so that's something to keep in mind.

2
3 Like I said, it may not affect your thinking on this and it may
4 not have that big of an impact, because there may not be a lot
5 of fishing in federal waters, but one thing I would point out is
6 if you double the allowable take in federal waters, it may
7 become a more appealing place to fish for queen conch and so
8 just some things to keep in mind.

9
10 **EDWARD SCHUSTER:** Just some clarifications. There was a comment
11 made by Toby that wanted some additional FAC members or the
12 additional FAC members to take a look at these alternatives.

13
14 As a matter of a fact, on the commercial side, on the harvest,
15 where we reduced it from 150 per licensed fisher to 200 per boat
16 regardless of how many fishers, this came from a recommendation
17 from our FAC.

18
19 In terms of the recreational harvest take, six, there's not much
20 recreational take of queen conch in the EEZ and we based this on
21 our territorial take from our recreational fishers in there.

22
23 I've always had the idea, since there's no catch reports for the
24 recreational sector of the fishery, I always believed that you
25 should make their take less. We don't know how much
26 recreational fishers there are and if you make it compatible,
27 due to the fact that we have lack of enforcement, it would be
28 easier to enforce.

29
30 On the flip side of it, even if you leave it as status quo, as
31 three conch per fisher per day or twenty-four per boat, and
32 that's on the federal side, and six and twenty-four -- Even if
33 they go into the EEZ and fish and come into the territorial,
34 they would still fall within the guidelines, but I always
35 believed, trying to read it and how you interpret the law, I
36 think if it's clear-cut across and it's whatever is on the
37 federal side versus the territorial, it would be equal across
38 the board and it would have no discrepancy in interpreting the
39 law and enforcement could easily enforce the regulation.

40
41 I don't know what can we do in terms of getting this information
42 to our FAC members, which is a local group that advises through
43 our commissioner, but most of these recommendations came from
44 our FAC members and so we'll go from there.

45
46 **WINSTON LEDEE:** Schuster, can I ask you a question? What is the
47 norm of how much people usually go on a boat to fish for conch?

48

1 **EDWARD SCHUSTER:** Recreationally or commercially?
2

3 **WINSTON LEDEE:** Commercially.
4

5 **EDWARD SCHUSTER:** You would have anywhere from two divers that
6 are licensed commercial fishermen to four divers and so that's
7 the reason why we reduced it. For example, if you've got four
8 commercial divers onboard, you would be able to harvest 450
9 conch. Three would be 450 and four would be 600.
10

11 We looked at it as a means of reducing the take, regardless of
12 how many commercial fishers that you have. They would be able
13 to fish within the months of the open season and not close it
14 down within half the time or maybe two months into the season,
15 having four divers onboard. You would only be able to harvest
16 200 per boat, regardless of how many commercial fishers you have
17 onboard.
18

19 **WINSTON LEDEE:** So in actuality, you would be reducing the take
20 in the EEZ if we go with Alternative 1 or Alternative 2?
21

22 **EDWARD SCHUSTER:** Alternative 2, yes, that's correct.
23

24 **GRACIELA GARCIA-MOLINER:** Regarding the comment yesterday of the
25 30,000 pounds that were landed in 2011, I believe the additional
26 regulation within the state waters that capped that to 200 conch
27 per day -- The 30,000 pounds makes sense if they are keeping
28 that cap. Did I make myself clear? You would have noticed a
29 reduction in the total landings if the caps were being met and
30 additional effort was not being made.
31

32 **CARLOS FARCHETTE:** I would like to make a comment on the
33 alternatives. For me, on the commercial side, and these are
34 just my thoughts for discussion and anybody can pick a
35 preferred, but Alternative 3, it's safe to say that it would
36 work for both federal and territorial sides, where if you have
37 one person onboard the vessel in the EEZ, he's allowed 150 and
38 if you have two fishermen with licenses onboard the vessel in
39 the EEZ, they're allowed 200.
40

41 When they enter into the territorial waters, they would still be
42 in compliance with the regulation of 200 per boat. That way --
43 Because I think Alternative 2 still increases it, but, like Bill
44 said, not by much.
45

46 On the recreational side, I believe that Alternative 1, no
47 action, also would not present a problem, because if you're
48 fishing in the EEZ with three and twelve, once you enter into

1 territorial waters, you are still below the recommended limit of
2 six and twenty-four.

3
4 I do agree with the statement that Toby Tobias made last night.
5 It's 99.9999 percent that nobody fishes recreationally in the
6 EEZ for conch, because it's eight to ten miles northeast of St.
7 Croix and from the landing site, that's another seven miles.

8
9 That's fifteen miles to travel to harvest three queen conch or
10 twelve. They're not going to do that when they can just go half
11 a mile offshore from wherever their landing site is and harvest
12 conch recreationally.

13
14 I don't see a real issue with Alternative 1, status quo with
15 what's going on, because once they come into the territorial
16 waters, they can still -- There's no fishing going on. There's
17 zero in the EEZ for recreational. Those are my comments, but I
18 think Alternative 3 on the commercial side, to me, is good.

19
20 **MIGUEL ROLON:** If you assume that the two guys fishing are
21 friends and they have a cap of 200, they can divide the pie the
22 way they want. If they are not friends, then one of them will
23 take 150 and the other guy will take fifty and so Alternative 3
24 still has the same 200 queen conch per vessel per day and the
25 cap is there. If you are all by yourself, you can catch the 200
26 and so I don't know.

27
28 **GRACIELA GARCIA-MOLINER:** In terms of the Alternative 3, I think
29 that enforcement officers should address the fact that you're
30 going to have one regulation still in the EEZ of 150 and another
31 regulation in the state waters of 200. You do have the cap, but
32 if you intervene with a person, you still have two sets of
33 regulations that are different to look at.

34
35 **MIGUEL ROLON:** Thank you, Graciela, because that's the key to
36 the whole thing. In terms of the analysis that Bill just stated
37 for the record, there's no difference for us in the EEZ of what
38 we have now.

39
40 It's a matter of enforcement. Our enforcement agents can see a
41 vessel and if it counts one more than 200, then you are in
42 violation. In the case of the EEZ, you can have 450. It makes
43 sense to go to 200 in the EEZ.

44
45 **GRACIELA GARCIA-MOLINER:** The information that we have from the
46 SEAMAP Caribbean Fishery-Independent Survey regarding queen
47 conch is that the populations are on the way to recovery. The
48 numbers have increased over the past few years.

1
2 The first characterization of the Lang Bank is being conducted
3 this year and from thirty-three dives between thirty and fifty
4 meters, there were less than ten queen conch found at Lang Bank
5 and so that's a minimal amount and the depths, of course, are
6 much more than what normal divers use. That's just some
7 information that is available.

8
9 **CARLOS FARCHETTE:** I would also like to make a comment on the
10 recreational side, because if the territory decides to change to
11 three and twelve, like Barbara mentioned last night, that's in
12 territorial waters and that would make a big difference for St.
13 Croix and the St. Thomas/St. John district and I think it will
14 have to go through the Fishery Advisory Committee and see what
15 they think about this and present it to the fishermen, because
16 they are so accustomed to the six and twenty-four right now, but
17 that's up in the air. I don't know if there's any further
18 discussion or if anybody has a motion.

19
20 **WINSTON LEDEE:** I would like to make a motion to adopt
21 **Alternative 2 on the commercial side to be the preferred**
22 **alternative. It's Action 1, Alternative 2.**

23
24 **CARLOS FARCHETTE:** The motion is Action 1, Alternative 2 as a
25 preferred alternative. Any further discussion? We will take it
26 to a vote and I will start on my right with Nelson.

27
28 **NELSON CRESPO:** Yes.

29
30 **PHIL STEELE:** Yes.

31
32 **EUGENIO PIÑEIRO:** Yes.

33
34 **ROY PEMBERTON:** Yes.

35
36 **MIGUEL GARCIA:** Yes.

37
38 **WINSTON LEDEE:** Yes.

39
40 **CARLOS FARCHETTE:** Yes. **All in favor and the motion carries.**
41 Now we will go to the recreational side. Is anyone in favor of
42 the no action or does somebody have a preferred? I think it may
43 save us a lot of complication with the no action, but it's up to
44 the members.

45
46 **MIGUEL ROLON:** If you don't do anything, it would stay as it is,
47 but now that we've spent all this time, maybe we should have a
48 motion that you guys prefer the no action.

1
2 **PHIL STEELE:** I will make that motion that the council select,
3 for Action 2, Alternative 1, no action, and that would be three
4 conch per person, no more than twelve per boat per day.
5
6 **EUGENIO PIÑEIRO:** Second.
7
8 **PHIL STEELE:** The motion would be that the council select for
9 Action 2, Alternative 1, the no action alternative, which states
10 that the bag and possession limit will be three conch per person
11 per day, but no more than twelve conch per boat per day.
12
13 **CARLOS FARCHETTE:** There was a second by Genio Piñeiro. Any
14 further discussion on this? If not, we will take a vote,
15 starting on my right again with Nelson.
16
17 **NELSON CRESPO:** Yes.
18
19 **PHIL STEELE:** Yes.
20
21 **EUGENIO PIÑEIRO:** Yes.
22
23 **ROY PEMBERTON:** Yes.
24
25 **MIGUEL GARCIA:** Yes.
26
27 **WINSTON LEDEE:** Yes.
28
29 **CARLOS FARCHETTE:** Yes. All in favor and the motion carries.
30
31 **BILL ARNOLD:** I just want to make sure I'm clear on this. For
32 the first motion, you adopted Action 1, Alternative 2 as the
33 preferred alternative. For Motion 2, it appears that you're
34 adopting Action 2, Alternative 1 as the decision. Is that a
35 preferred alternative? I am not clear on exactly what you're
36 doing on these two.
37
38 **CARLOS FARCHETTE:** I guess it should say preferred alternative.
39
40 **MIGUEL ROLON:** Bill, what's next with this? What is going to
41 happen now?
42
43 **MARA LEVY:** You will need to look at the codified text that's
44 going to go along with this amendment and then once you see how
45 we're going to change the regulations, you're going to need a
46 motion to submit to the Secretary and deem the codified text as
47 necessary and appropriate.
48

1 **CARLOS FARCHETTE:** Okay.
2
3 **MARA LEVY:** You will notice, once they put the codified text up,
4 that it has a change to the bag limit section, because we put it
5 in there in case you decided to go compatible with the six and
6 twenty-four. You can just ignore that. That will not be part
7 of the codified text that goes forward from here. Just look at
8 the commercial trip limit text and see what that's going to be.
9
10 **GARCIA GARCIA-MOLINER:** The comments are just so that the
11 alternative that is selected gets put in there and so that's
12 what we're going to do right now.
13
14 The motion would be from the codified text, because you selected
15 a no action, there won't be any change to what you have in the
16 regulations right now. The codified text is under 622.44,
17 Commercial Trip Limits, Subsection (e), Caribbean Queen Conch,
18 Number (2) would then read: The trip limit for queen conch in
19 or from the Caribbean EEZ is 200 queen conch. That's what your
20 codified text will be. That's what the regulation will say.
21
22 **MIGUEL ROLON:** In order to finish this section of the agenda, I
23 have a rough draft of a possible language for the queen conch.
24 It's to submit the regulatory amendment to the Secretary and
25 deem the codified text as necessary and appropriate.
26
27 **EUGENIO PIÑEIRO:** So moved.
28
29 **MIGUEL ROLON:** The motion is by Genio and is there a second?
30
31 **WINSTON LEDEE:** Second.
32
33 **CARLOS FARCHETTE:** Any further discussion? Hearing no more
34 discussion, we will take a vote and start on my left with
35 Winston.
36
37 **WINSTON LEDEE:** Yes.
38
39 **MIGUEL GARCIA:** Yes.
40
41 **ROY PEMBERTON:** Yes.
42
43 **EUGENIO PIÑEIRO:** Yes.
44
45 **PHIL STEELE:** Yes.
46
47 **NELSON CRESPO:** Yes.
48

1 **CARLOS FARCHETTE:** Yes. All in favor and the motion carries.
2

3 **GRACIELA GARCIA-MOLINER:** We would like to thank Maria Lopez and
4 the group at SERO and the Southeast Fisheries Science Center,
5 because everyone has been collaborating in the Regulatory
6 Amendment 2.
7

8 **CARLOS FARCHETTE:** That's a good point and I missed that in the
9 beginning of this whole subject here under development of the
10 document. I read the whole document and it was really well put
11 together and I also want to commend Bill and Graciela and all
12 the team for the excellent job that they did. It was a very
13 good document and there was a lot of historical information in
14 there. We are going to take a ten-minute break and so I guess
15 about 10:20 or 10:25.
16

17 (Whereupon, a brief recess was taken.)
18

19 **CARLOS FARCHETTE:** We are going to move forward to Development
20 of Island-Based Fishery Management Plans in the U.S. Caribbean:
21 Transition from Species-Based FMPS to Island-Based FMPS.
22

23 **DEVELOPMENT OF ISLAND-BASED FISHERY MANAGEMENT PLANS IN THE U.S.**
24 **CARIBBEAN: TRANSITION FROM SPECIES-BASED FMPS TO ISLAND-BASED**
25 **FMPS**
26

27 **MIGUEL ROLON:** Graciela or Bill, before we start, just to
28 refresh the memories of the council of where are we and what do
29 you expect as a staff from this council today in terms of
30 directions and where to go.
31

32 **BILL ARNOLD:** We have prepared an environmental assessment that
33 pertains to the shift from the present species-based approach to
34 fisheries management in the U.S. Caribbean, which basically is
35 reflected in our fishery management plans. We have a Lobster
36 Plan, a Queen Conch Plan, a Corals and Reef-Associated Plants
37 and Invertebrates Plan, and a Reef Fish Plan.
38

39 The idea behind this environmental assessment is to assess the
40 impacts of shifting to an island-based plan and that island-
41 based plan has options. Those options are to not make the
42 change, make the change to a four island approach, in which each
43 of the four major islands of the U.S. Caribbean would be managed
44 separately and so you would have a St. Croix management plan.
45

46 Within that St. Croix management plan, you would have a queen
47 conch component, a lobster component, and a reef fish component,
48 but they would all be within that fishery management plan.

1
2 You would have a separate fishery management plan for St. John
3 and a separate plan for St. Thomas and then a separate plan for
4 Puerto Rico and so that's the four island approach.

5
6 Then there's an alternative that's a three island approach and
7 the only difference there is that you bundle St. Thomas and St.
8 John, which based upon our data and data collection patterns and
9 fishing patterns in those areas, makes sense and based upon the
10 way we're managing things now.

11
12 I would like to point out at this moment that we did go to
13 scoping with these and the consensus coming out of scoping was
14 that the three island approach was most favorable and then
15 there's a fourth alternative and that is the two island approach
16 and the two island approach bundles Puerto Rico, St. Thomas, and
17 John and keeps St. Croix separate.

18
19 The logic behind that is Puerto Rico, St. Thomas, and St. John
20 all lie on the Puerto Rican Bank and so they're all geologically
21 associated, whereas St. Croix is on a separate bank. That has
22 some merits, but it's much more complicated than just the depth
23 of the water, obviously, but those are the four alternatives
24 that we're considering within this shift from species-based to
25 island-based management.

26
27 Then, assuming that the council approves this fundamental shift,
28 but it's an administrative shift, because no regulations change
29 within this shift. You still have your same bag limits and your
30 same ACLs and your same closed areas, et cetera, et cetera, et
31 cetera. Nothing changes except the basic administrative
32 approach to how we handle this.

33
34 Then we ask the council to give us direction to begin developing
35 these new fishery management plans in whichever form you wish to
36 take them and ideally, that direction would include guidance to
37 schedule and conduct scoping hearings on these new FMPs,
38 ideally, again -- I'm not trying to make decisions for the
39 council and I'm just throwing this stuff out, but ideally
40 sometime this summer, so that we could come back to the fall
41 council meeting with the outcome of that scoping and get
42 guidance on developing the alternatives within each FMP and
43 moving forward from there, in whatever form that takes. That's
44 what we're looking for today.

45
46 **MIGUEL ROLON:** I believe that the council already pronounced, in
47 terms of what Bill just discussed. Probably you need a motion
48 then to pick one of those four alternatives or reinforce what

1 the council has decided.

2
3 I believe, from the discussion with the local governments and
4 the fishers and the scoping meeting results, that everybody
5 favored, as Bill stated, the three island approach. That is
6 that we combine St. John with St. Thomas so that you have one
7 unit of St. Thomas and St. John, one unit of St. Croix, and
8 another unit of Puerto Rico. That will be your first motion
9 today, I believe.

10
11 **BILL ARNOLD:** We have had about a year of work on this thing and
12 a lot of the discussion has centered on exactly what process we
13 are going to follow to achieve these goals and these processes
14 deal not just with the development of the fishery management
15 plans, but development of the National Environmental Policy Act
16 requirements that go along with these plans.

17
18 We have bounced it back and forth quite a bit, I personally
19 think pretty exhaustively. We've had our NEPA Coordinator at
20 the Southeast Regional Office and we've had both Shep and Mara
21 providing excellent input on this, as to what we should do, and
22 that's how we came to the conclusion that we would do the
23 environmental assessment to make the fundamental shift and then
24 we would create the fishery management plans and each fishery
25 management plan would have an environmental impact statement
26 associated with it.

27
28 There was discussion to do an overall programmatic environmental
29 impact statement, but I think that, based upon the discussions
30 and comments we've had, that would result in a lot of
31 redundancy, but I'm pleased to see Mara raising her hand,
32 because I want her input here.

33
34 **MARA LEVY:** I just want to make clear that when we're talking
35 about what you're going to do today and what's going to happen,
36 there's not going to be any shift, per se, until you actually
37 develop the other plans and the current ones get repealed and
38 the new ones get adopted or approved.

39
40 This is a policy decision about where you want to go with this
41 and the environmental assessment is analyzing that policy
42 decision, but what you do now is not functioning as any kind of
43 action in terms of any type of change that's going to happen
44 today. It's going to happen down the road when you actually
45 develop those fishery management plans and so until that
46 happens, the current fishery management plans are in effect and
47 that won't change today.

48

1 **MIGUEL ROLON:** The first motion is just to have this motion for
2 the three island thing and then the second one probably will be
3 to reinforce or restate that would like to proceed, if possible,
4 with the EA/EIS approach and the process.

5
6 **MARA LEVY:** The NEPA process is the agency's decision. Your
7 decision is, as a policy matter, do you want to shift and how
8 you want to shift and then, down the road, how you're going to
9 develop these different FMPs and what's going to be in them and
10 all those different things, but the NEPA analysis, ultimately
11 the agency is going to decide what's appropriate and that's the
12 way that it's going to go. You don't, as a council, need to
13 address what the NEPA process should be.

14
15 I would just say that if you're talking about going to scoping
16 in the summer, I don't know what we've developed in terms of
17 scoping documents. I don't know if you've discussed what issues
18 you want scoped.

19
20 That may be something Bill can address, but generally, in the
21 other regions, I believe we've had documents that address
22 scoping, but what you might want to discuss is at least what you
23 would want to achieve from scoping. What issues do you want the
24 Fisheries Service to focus on or prepare in their scoping
25 document, so that something is structured a little bit before
26 you actually get to the scoping hearings or meetings?

27
28 **MIGUEL ROLON:** I'm glad you said that, because I just came from
29 a meeting in Washington and they're still discussing this issue
30 of action agency and all that and for the bad things, we are
31 considered the action agency and for others, we are not
32 considered the action agency. For the record, we leave that to
33 NMFS.

34
35 **MARA LEVY:** The different areas of the country function a little
36 bit differently and so generally, in terms of the law, the
37 responsibility is on NMFS or the department to comply with NEPA.
38 In other regions, it may be that the council takes a more
39 proactive role in preparing the documents and things like that,
40 but ultimately, the federal agency is required to comply with
41 NEPA.

42
43 **MIGUEL ROLON:** We can have a sidebar on that, but those of you
44 who were not in Washington, this is something that is going on
45 and I'm glad that for the record that NOAA legal counsel has
46 just stated what she stated, because that way, we have a clear
47 path of the next step.

1 I believe that we need to go back and have the motion for the
2 three island thing and don't worry at this time with the EIS or
3 EA. In due time, they will bring that to your attention of what
4 will happen. Bill, in order to have some orderly fashion of
5 this, can we go ahead with the first motion?
6

7 **BILL ARNOLD:** I think you should let me take you through the
8 first presentation first that will provide some guidance on this
9 and then make the motion and address it.

10
11 **MIGUEL ROLON:** The motion on the three island, because we have
12 discussed that to death and if anybody here doesn't know what it
13 is and is not ready for the motion, I don't know when you're
14 going to be ready. Does everybody agree with the three island
15 thing? Make a move and then Bill will move to something else.
16

17 **ROY PEMBERTON:** I've got a question for legal. How long would
18 it take for you then to implement once we've passed it?
19

20 **MARA LEVY:** Implement what specifically?
21

22 **ROY PEMBERTON:** The three island plan, in terms of the time
23 process for that.
24

25 **MARA LEVY:** That is going to depend on how quickly the council
26 actually develops the new plans. What you're going to have to
27 do is develop three new entire fishery management plans that
28 have all the required components and then it will be the same
29 process of you submitting it and the proposed regulations and it
30 going through all that process and so it will take a while, but
31 Bill might have a timeline.
32

33 **BILL ARNOLD:** Let me go through my presentation. You guys are
34 getting way ahead of me here.
35

36 **EUGENIO PIÑEIRO:** I am going to make a motion that we adopt the
37 three island plan. I need some language in here from you, Bill,
38 if you may.
39

40 **PHIL STEELE:** Let me help you a little bit with this. I would
41 make the motion that we instruct staff to continue development
42 of the island-based fisheries management plans using the three
43 island approach.
44

45 **MARA LEVY:** The document, the environmental assessment that
46 looks at this, has an action with alternatives in it and so I
47 would suggest that if you don't want to go through the
48 presentation, at least put the action with the alternatives up

1 and then make a motion that selects a preferred alternative.
2
3 Then what will happen is they will go back and do a final
4 analysis and prepare a finding of no significant impact based on
5 that preferred and we'll wrap that NEPA box up and then you'll
6 give staff direction as to where you want to go.
7
8 **CARLOS FARCHETTE:** You're going to put the preferred of the
9 three? Is that what you're going to put, because I know the
10 government works with the St. Thomas/St. John district and St.
11 Croix and so we're looking at a three island approach.
12
13 **BILL ARNOLD:** We're going to skip right to the chase here.
14 These are the proposed actions and alternatives and there's only
15 one action, but there are -- There might be another action down
16 there, but this is the key to it right here and this is what
17 choice are we going to make?
18
19 This is what I just went over. Are we going to not do anything
20 and continue managing on a species basis or are we going to go
21 to a four island approach, a three island approach, or a two
22 island approach?
23
24 It is true that after our scoping meetings we brought this back
25 to the council and they did say we want to do the three island
26 approach. We just want formal approval of this environmental
27 assessment and guidance to move forward from here. If you just
28 want to make the motion and get this done, let's do it.
29
30 **EUGENIO PIÑEIRO:** I move that we adopt Alternative 3 in Action 1
31 of the three island FMP approach. Do we have a second?
32
33 **ROY PEMBERTON:** I second.
34
35 **CARLOS FARCHETTE:** Is there any further discussion?
36
37 **PHIL STEELE:** Yes. You want to make that as the preferred
38 alternative.
39
40 **CARLOS FARCHETTE:** Okay. Any further discussion? If not, we
41 will take a vote and I will start on my right.
42
43 **NELSON CRESPO:** Yes.
44
45 **PHIL STEELE:** Yes.
46
47 **EUGENIO PIÑEIRO:** Yes.
48

1 **ROY PEMBERTON:** Yes.
2
3 **MIGUEL GARCIA:** Yes.
4
5 **WINSTON LEDEE:** Yes.
6
7 **CARLOS FARCHETTE:** Yes. All in favor and the motion carries.
8
9 **MIGUEL ROLON:** Bill, the next part was the question about the
10 schedule.
11
12 **BILL ARNOLD:** I am pretty sure that schedule that Roy is
13 concerned about is the schedule of development of the fishery
14 management plans themselves, which is, of course, the crux of
15 this whole thing and that's in this presentation and so I get to
16 give one.
17
18 We are going to go through the steps involved in developing
19 these fishery managements for island-based management of
20 Caribbean EEZ resources in the U.S. Caribbean. I won't spend
21 much time on the NEPA component, because that's not really a
22 council issue.
23
24 The first step is to develop these draft scoping level versions
25 of the fishery management plans and that's this step right here.
26 Again, this is the NEPA-oriented thing, the environmental impact
27 statements.
28
29 We intend to use these to analyze the process of establishing
30 these new island-based FMPs and as it says in the second bullet,
31 these analyses will include cultural impacts, economic impacts,
32 ecological impacts, et cetera, et cetera, and my goal here is to
33 thoroughly analyze these components of developing these fishery
34 management plans and ideally including bringing us up to the
35 present on all things that have happened in the last ten years
36 or so with fisheries management in the U.S. Caribbean.
37
38 A lot of things have happened. We've established new closed
39 areas and we've got the 2005 Sustainable Fisheries Act Amendment
40 that did quite a bit and obviously the 2010 and 2011 Annual
41 Catch Limit Amendments and then other smaller amendments, like
42 the queen conch compatibility, et cetera, et cetera.
43
44 We feel a key step in this process is getting everybody up to
45 where we are and analyzing the impacts. This is something
46 that's been asked over and over again by a lot of the user group
47 folks, including a lot of the fishermen.
48

1 As we go out there and we do these things and then we don't
2 really evaluate how they have impacted our fisheries and so we
3 would like to get our hands on that, to the greatest degree
4 possible.

5
6 I'm not saying they will be perfect, because there remains a lot
7 of unknown information in the U.S. Caribbean, but we're
8 certainly going to tackle it to the greatest extent we possibly
9 can and this will be for each island, but, of course, at some
10 levels you can separate these islands and at some levels, there
11 is still going to be integration, in larval transport, habitat
12 similarities, et cetera, et cetera.

13
14 All that is going to, as I said, to the greatest degree possible
15 be taken into account and that's something that will be
16 influenced by scoping, by public hearings, by input from a lot
17 of different people that know a lot of things about the U.S.
18 Caribbean and all things Caribbean that are fisheries or
19 ecosystem associated.

20
21 I want to make clear that this does make this an ecosystem-based
22 fishery management plan, because that's something that we feel,
23 as great as it sounds on paper, it's something that's extremely
24 difficult to achieve, even in the most well-known situations,
25 and we would not classify the U.S. Caribbean as one of the
26 better known situations from a data and understanding point of
27 view, but hopefully this will guide us to a better data
28 acquisition, a more targeted data acquisition, and a more
29 coherent application of that data acquisition to operate at a
30 more ecosystem-oriented level. I still think it's a long way to
31 go before we achieve this ideal ecosystem-based management.

32
33 These are the draft island-based fishery management plan scoping
34 documents. These are some of the things that will be included
35 in that.

36
37 Establishing the fishery management units for each island FMP
38 and these units are the units that actually contain the fish and
39 so right now, we have a snapper unit and we've got a grouper
40 unit. In fact, in Puerto Rico, we've got Snapper Unit 1 and
41 Snapper Unit 2 and we've got a triggerfish and filefish unit, et
42 cetera, et cetera.

43
44 The composition of those units may -- Not necessarily, but could
45 be customized to each island group. For example, you may have
46 specific components of these units that are very important on
47 one island and are not accessed at all on another island. That
48 doesn't mean we would remove them, but it means we could discuss

1 removing them, because it may be in the future they become a
2 more targeted species.

3
4 More important is that we may add species to these units or
5 create new units and this will be a critical component of this
6 and as Roy Crabtree has discussed at these meetings in the past,
7 there are species out there that not federally-managed that are
8 primarily caught in federal waters and constitute very large
9 fisheries.

10
11 Obviously dolphinfish and mahi-mahi come to the top of the list,
12 but there are others as well and so the council may want to
13 discuss adding these species to the fishery management plans,
14 either as separate units or within a unit. It's probably more
15 likely for most of them, since a lot of them are pelagic,
16 creating new units. These are the things that need to be
17 considered and that kind of goes into Bullet 2.

18
19 **MIGUEL ROLON:** Just a question. SDC, what is the meaning of
20 that acronym?

21
22 **BILL ARNOLD:** I was just going to get to that. Those are status
23 determination criteria. Those are things like your biomass-
24 related parameters and your MSY would be one and your MSY proxy
25 that we've used in the past, et cetera, et cetera. Those are
26 our status determination criteria.

27
28 Those are the criteria we use to determine what the status of
29 this fishery is relative to its ideals. Do they have enough
30 spawning potential out there? Do they have enough biomass
31 relative to the fishing mortality rate, et cetera, et cetera?

32
33 We would also hope to reevaluate those on a more island-oriented
34 level, although, as Bonnie has said in the past and may wish to
35 comment here, that creates some increased levels of effort and
36 increased data resolution considerations that would have to be
37 dealt with, but certainly these are things that we would
38 certainly be discussing. We may not deal with them, but we
39 would certainly be discussing them.

40
41 **MIGUEL ROLON:** Bill, you mentioned the coastal pelagics. At
42 what time should the council make a decision like that? We used
43 to have a plan for the coastal pelagics. It didn't fly though,
44 but that coastal pelagic FMP had the king mackerel and
45 dolphinfish and others, little tunny and some others. At what
46 time during the process must the council decide whether to
47 include those management units or not?

48

1 **BILL ARNOLD:** My advice would be at the present time you may
2 want to provide us with guidance that you want us to evaluate
3 the fishery management units on an island level and come back to
4 the council, through scoping, with guidance as to how those
5 things might be reconstructed, how they might be modified by
6 removal or addition, but you don't have to make any concrete
7 decisions now.

8
9 That's probably, and I will show you the timeline, closer to a
10 year down the line rather than at the fall meeting, for example.
11 It's probably something we would be dealing with next spring,
12 probably next spring or maybe in the winter, to get further,
13 more specific guidance from the council as to what we would want
14 to do, but we still have a two-stage public process, a minimum
15 of two-stage public process, the scoping, which is just to
16 provide guidance from the public as to what alternatives should
17 be included, and then the public hearings, where we actually
18 develop preferred alternatives and start moving forward with
19 those.

20
21 **MARA LEVY:** I just want to clarify that the status determination
22 criteria are generally those that assess the overfishing and
23 overfished status and so it's its own little separate component
24 and it deals with those things like overfishing limits or those
25 other values that you can use to determine when something is
26 overfished or undergoing overfishing.

27
28 **CARLOS FARCHETTE:** I would also like to comment on this subject
29 of coastal pelagics, because the Virgin Islands is revising and
30 trying to develop a recreational licensing program and in that
31 licensing program, there is bag limits for coastal pelagics and
32 so hopefully we will join our thoughts together.

33
34 **GRACIELA GARCIA-MOLINER:** On that same topic, the council has
35 already discussed things like the mahi and the charter
36 operations and the allocation, because, for example, in Puerto
37 Rico, contrary to St. Croix, the mahi fishery -- It's mostly, if
38 not almost completely, a recreational fishery rather than a
39 commercial and that's not the case in St. Croix.

40
41 What Bill is saying about being allowed to look into the
42 fisheries as they are prosecuted in the different islands will
43 really give you an insight of what's happening actually at the
44 ecosystem level in any one of those islands, because fish are
45 not being harvested at the same rate and the species are
46 different from one island to the other and so these are things
47 that the council needs to keep in mind when the direction
48 towards the staff comes down the road.

1
2 **MIGUEL ROLON:** That's why I asked about the schedule and you
3 want to keep that in mind for a year, according to the schedule
4 you have here. For some of the species, we already have an idea
5 of which ones should be included, but I believe what Bill is
6 saying is that in order to follow the train of thought and the
7 process, we need to allow the staff to work this out and take it
8 to scoping and then come back, maybe in the spring of next year,
9 with possible recommendations that the council will follow for
10 the management units.

11
12 **BILL ARNOLD:** I think that some of our guidance will be brought
13 to you in the fall meeting. That doesn't mean you'll be making
14 the final decisions, but just that we'll bringing you more solid
15 guidance, including some data analyses that will help guide your
16 decisions as to what could be included or excluded and why that
17 would be done.

18
19 The fourth bullet is kind of important too, modify or establish
20 additional management measures. I think I brought this up at
21 the last meeting. Now, we're doing things. We are making
22 management modifications right now. Queen conch compatibility
23 is a management modification.

24
25 That's a modification that we will probably have done or we're
26 hoping to have done by November 1. There are other things we
27 have ongoing that could be done relatively soon. Those are the
28 things that we will do within the context of species-based
29 management, but eventually there will come a time when it will
30 be quicker to include these management measures in our newly-
31 developed FMPs rather than try to develop them outside of these
32 FMPs and then incorporate them.

33
34 In fact, there will come a time when it will become extremely
35 difficult to develop these management measures separately and so
36 there may be other management measures included in these FMPs
37 that we haven't even thought of yet, but we will think of down
38 the line.

39
40 It could be a change in annual catch limits, for example, or a
41 change in bag limits or something like that that we detect needs
42 to be done and we find that, given the timing of where we are in
43 the development of these new FMPs, it would be more efficient to
44 drop them into the new FMPs rather than include them in the old
45 FMPs and then split them out when we develop the new FMPs.

46
47 I hope you're following me, but if you have any questions or
48 confusion on that, let me know, but that's what the fourth

1 bullet is all about, just additional management measures that
2 would be included in these.

3
4 **EUGENIO PIÑEIRO:** Bill, going back to the third bullet, do you
5 mean that you might want to get some guidance or some
6 suggestions from the council at this time for any of those or
7 no? Are we going to wait until after the scoping meetings?

8
9 **BILL ARNOLD:** On the status determination criteria? It's
10 premature for that.

11
12 **BONNIE PONWITH:** We have ACLs for everything that's in
13 management plans right now. When consideration is given to
14 removing things from the management plan or adding things to the
15 management plan, if something is added to the plan, then we're
16 going to have to go through the process of setting an ABC and an
17 ACL for that. For that, you would need the advice of your SSC
18 as a starting point.

19
20 **BILL ARNOLD:** Here's our draft timeline for this. Today is
21 spring of 2013 and the council passes a motion to schedule
22 scoping hearings. That's certainly what we hope for.

23
24 The next step is in summer of 2013 we hold the scoping hearings
25 on all three islands, maybe all four. I think St. Thomas and
26 St. John is generally grouped together. Then in the fall, at
27 the fall meeting, we will discuss the outcomes of those scoping
28 hearings and the council would direct staff to develop the
29 fishery management plans for the public hearings and the
30 associated draft environmental impact statements, which we would
31 do.

32
33 Then in spring of 2014, and notice we don't really have anything
34 for the winter of 2014, because it's going to take us a while to
35 develop these FMPs. Given a September meeting, we're not going
36 to be ready for a December meeting with those FMPs, but I think
37 we can be ready in the spring of 2014.

38
39 The council would then approve the public hearing drafts and
40 select the preferred alternatives and then in the summer of
41 2014, we would go for the public hearings with those preferred
42 alternatives and we would come back in the fall of 2014 and the
43 council would consider the comments from those public hearings
44 and they would hopefully, if we can maintain this timeline,
45 direct us to develop the proposed rule and complete the FMPs and
46 then we come back in winter of 2014 and finish this thing up.

47
48 We would publish the FMPs and the final rule and the final EIS

1 and move towards getting this island-based stuff in place for
2 2015, as soon in 2015 as we could. That's what I believe is a
3 reasonable and achievable timeline, assuming that all things go
4 reasonably well.

5
6 I certainly wouldn't expect them to go perfectly well, but I
7 think without any major interruptions that we could achieve this
8 timeline.

9
10 **MIGUEL ROLON:** Bill, the next step will be the scoping meetings
11 in the summer and maybe the Chair and I can sit with you at some
12 time or do you want to have those dates today, right now, to
13 have the scoping meetings?

14
15 Usually when we have scoping meetings, we have three in Puerto
16 Rico and one each in St. Croix and St. Thomas/St. John. That
17 would be five and they usually take about a week to have those
18 meetings and how do you want to proceed?

19
20 **BILL ARNOLD:** It's kind of a personal comment, but I would say
21 based upon the importance of this transition, new FMPs and
22 potentially bringing new species in and the long-term
23 significance of what we're doing, I would want to be very
24 careful to make sure that we reach as many impacted people as
25 possible.

26
27 That may require more meetings on Puerto Rico and more meetings
28 on St. Thomas and St. Croix, whatever it takes. I would want to
29 advise that, given the significance of this issue.

30
31 For example, this is going to have more impact on recreational
32 fishers than we generally have had in the past and so we want to
33 make sure that we access our recreational folks as best we can
34 and then we've also discussed in the past the need to really get
35 out there and find these commercial fishing groups, particularly
36 in Puerto Rico.

37
38 The USVI tends to be better -- I'm not going to say better
39 organized, but we seem to have been, in the past, better able to
40 target them through their organizations. I thought that when we
41 targeted the Naguabo group, the outcome of that was fantastic
42 and I think if we need to target more groups like that around
43 the island of Puerto Rico, we would want to work on that.

44
45 My concern being I'm not sure we're reaching all the fishers,
46 recreational or commercial, in Puerto Rico and I reiterate the
47 importance of this issue. We want to do the best we can to do
48 that and so I know there are economics involved in this, but we

1 would want to try as hard as we can to meet with as many as
2 possible.

3
4 As far as the specific timing of this is concerned, I don't
5 think we need specific actual dates right now and we've talked
6 about potentially some June council activities that could
7 influence that and so I'm not sure we need those dates at this
8 very moment, but Mara or Phil or the council members may have
9 other comments on that.

10
11 **MIGUEL ROLON:** We have the money for as many as we need and this
12 is why I asked you the question, because given that this is a
13 shift, a paradigm shift as they call it -- When we started with
14 the management plans in Puerto Rico and the Virgin Islands, we
15 went everywhere. We went to St. Thomas and we went to St. John
16 and to St. Croix and even to a couple of places in St. Croix.
17 Although it's a small island, the fishermen from the north may
18 have a difference and we may need to have those meetings.

19
20 In the cast of Puerto Rico, we went to Arecibo, where you have a
21 large component of recreational fishermen, and we went to the
22 west coast, to the east of Fajardo, and then we went to Vieques
23 and Culebra and so I believe in the case of the fishermen of
24 Vieques and Culebra, because we have -- They don't bother that
25 much, but given that this is a change that they may want to be
26 involved somehow, my advice to the council is to allow the Chair
27 to discuss it will Bill and the staff and see if we can put
28 together a comprehensive list to the fishermen.

29
30 Let me say something about the fishermen in Puerto Rico. You
31 have forty-six fishing associations, possible fishing
32 associations, in Puerto Rico and that's the reason why they
33 don't come that much and the other reason is they don't believe
34 that the federals will come until it's too late.

35
36 Look at the example of the snapper grouper fishery and the issue
37 that happened and so right now, the outreach and education
38 people are discussing how to get to the fishing villages and we
39 have a series of meetings with the leaders and so probably --
40 Helena is here and we can ask them where can we go to have these
41 scoping meetings, so we can incorporate as many fishermen as
42 possible.

43
44 In the case of the recreational groups, they don't go to these
45 meetings and so we have to attack that by probably the fishing
46 clubs and ask them where we can go and meet with them. Just to
47 let you know, in the case of the council, we have a couple of
48 weeks, maybe three weeks, of scoping meetings so we can reach as

1 many people as possible.

2
3 **PHIL STEELE:** Our financial resources are going to be somewhat
4 limited. I can tell you that right now. Our travel budget is
5 next to none and coming down here is very expensive, as you all
6 know, and so all I would ask is that when you do these meetings,
7 let's try and do them all in one fell swoop and not have Billy
8 go back and forth and back and forth as much as we can, to cut
9 down on costs.

10
11 **MIGUEL ROLON:** Also to that point, usually what we have done is
12 that Bill comes to the Virgin Islands and Graciela does Puerto
13 Rico and that way, you have exactly the same presentation
14 everywhere and that way, we save money, because we are mindful
15 of that point, and we keep Bill abreast of whatever happens.

16
17 The other thing that I was going to mention is there an issue of
18 getting information or getting scoping comments using the
19 internet? Can we put that on our webpage and tell people you
20 can go there and make comments about these documents? Is that
21 something that we can do?

22
23 **MARA LEVY:** You can have general solicitations for comments, as
24 long as you're not sending out requests. If you want just have
25 a spot of if you want to comment, here's your opportunity, then
26 that's fine.

27
28 **MIGUEL ROLON:** What I was thinking is -- I was thinking
29 especially the recreational component. The reason why we don't
30 have the participation of the recreational component people is
31 because most of those people, they -- It's not that they don't
32 care, but it's just that they have their own way of getting the
33 information.

34
35 I have talked to a handful of them and they say, Miguel, why
36 don't you put something on the internet that we can send
37 comments to and those were leaders of the fishing clubs and
38 probably what I will do is put something together and send it to
39 you and see if it's a doable thing and then we can post it on
40 our webpage and send flyers to the fishing clubs of here is a
41 place that you can go and comment on our scoping document or
42 something like that. I just don't want to overdo it and I also
43 I don't want to get into legal issues on this one.

44
45 **MARA LEVY:** Right and so all I'm thinking about is the Paperwork
46 Reduction Act and the idea of soliciting from more than ten
47 people. There's a difference between actually soliciting and
48 just having a general here's a place you can comment type of

1 thing. We can look into the boundaries of that and what would
2 be appropriate and not appropriate without going through that
3 process.

4
5 **DAVID OLSEN:** I like what Miguel said about this is a real
6 paradigm shift and I think it would be worthwhile in doing the
7 scoping in a couple of iterations.

8
9 I have been very impressed by the HMS people, who came down here
10 to solicit comment and then made changes to their program and
11 then came back to see how people responded to the changes. I
12 think this has the potential for being fairly significantly
13 different from the way things have been done and I think that to
14 solicit comment and give it to Bill and then to have them kind
15 of chew on it and see how it would affect their thoughts and
16 then come back with a second version of the thing would be a
17 worthwhile exercise.

18
19 **MARA LEVY:** When you're deciding about scoping, I have a
20 question for Bill and maybe I should know this, but do you have
21 scoping documents prepared already? Has the council seen
22 scoping documents? Do they want to see scoping documents or are
23 you comfortable just saying this is what we want you to focus on
24 in scoping, because Bill had a list of things.

25
26 I think you need some sort of direction or council discussion
27 about what you want to see in scoping and if it's the things
28 that Bill talked about, then that's fine. Then you can answer
29 my question about the documents.

30
31 **BILL ARNOLD:** We do have those draft FMP scoping documents
32 prepared and available for the council. I don't know that I
33 adequately distributed them and that blame would be on me, but
34 we can do that and we do have those draft FMPs prepared. I
35 thought that they were provided to the council, but that may not
36 have been the case. They were, Miguel? Okay.

37
38 These draft FMP scoping documents are pretty general, because
39 we're not really trying to influence decisions and input. We're
40 just trying to provide a framework for that input and so it's
41 not like we're saying we should include dolphinfish.

42
43 We would say something more along the lines of we could alter
44 our management units to include species or exclude species or
45 whatever we want to do. Those are ready to go and it's just a
46 matter of you guys -- Anybody reviewing those and saying how
47 about this and how about that and we can modify them
48 accordingly.

1
2 These are very general documents and it's a very general
3 approach. What we're looking for is you guys going to scoping
4 and for the public to give us input on how to structure these
5 things. We don't want to get too far down the line, because
6 we're still looking for public guidance into what specific lines
7 to go down.

8
9 **MIGUEL ROLON:** Mara, is it okay if we just tell them to go and
10 scope and come back?

11
12 **MARA LEVY:** If you're okay with either what you've seen in the
13 scoping document or the issues that he's presented that they're
14 going to bring to scoping, then that's fine.

15
16 **MIGUEL ROLON:** So everybody is happy with that? We trust our
17 Bill guy. Okay, then go and scope.

18
19 **EUGENIO PIÑEIRO:** I move that we authorize to proceed with the
20 scoping meetings. The motion is to authorize staff to proceed
21 with the scoping meeting process. I need a second for that one.

22
23 **WINSTON LEDEE:** Second.

24
25 **CARLOS FARCHETTE:** Any further discussion on this?

26
27 **MIGUEL ROLON:** I distributed the letter and we want to
28 acknowledge receiving the letter from the Pew Commission about
29 the discussion that we just had and we distributed a copy today.
30 The letter is addressed to Chairman Farchette and mostly what
31 they say is notably any new island-based FMP should consider,
32 one, fisheries impacts on vital coral reefs, including
33 endangered and threatened species, the role of forage fish in
34 the marine food web, whether fishery management units should be
35 uniform across the region or defined at the island level.

36
37 Four is bringing targeted but unmanaged species into the fishery
38 management unit and five is ecosystem connectivity issues,
39 including, but not limited to, larval transport between islands,
40 the impact on proposed fishing levels and other management
41 measures for each island under recruitment, reproductive
42 capacity, and other biological benchmarks for species whose
43 range is not specific to one island or island group.

44
45 They wanted to include this as part of the record and the
46 discussion today. The letter addresses other issues and so we
47 sent a copy to each one of them and there is a five-minute
48 comment period if you want to expand or allow Pew to expand.

1 They are represented here.

2
3 **MARA LEVY:** Do you want to add to the motion that you're going
4 to allow the Chair and Executive Director to decide on the most
5 appropriate or do you not --

6
7 **GRACIELA GARCIA-MOLINER:** In terms of the letter from the Pew
8 Trust, one of the things that we have in the scoping documents,
9 and we've had them since last year, is a look at the revision of
10 the species composition, because that will include all of the
11 forage species that are used for bait fish, for example, forage
12 both in terms of the fish that they feed and humans using them
13 to harvest other species.

14
15 You have four very broad alternatives right now in the scoping
16 document or actions, actions in the scoping document, and
17 probably most of what is included in the letter is addressed in
18 the scoping document.

19
20 **CARLOS FARCHETTE:** Before I go to a vote, Tony Blanchard needs a
21 minute.

22
23 **TONY BLANCHARD:** Good morning. I am Tony Blanchard and I just
24 think that -- Something that just came across my mind as to
25 dealing with the scoping method is when you talk about
26 recreational fishermen, I think the best way to approach this
27 might be to look at the boat registrations and just have
28 everybody with a boat registration get a scoping document,
29 general questions on it, as to whether they fish and how much
30 they fish and what they fish for.

31
32 Really, like it was stated a while ago, a lot of what is done in
33 St. Thomas as to the dolphin and the wahoo, a lot of it is done
34 by recreational on a part-time basis. I think that looking at
35 the boat registrations, that might be a better way of getting
36 that information out and getting the information you want.
37 That's just my thought.

38
39 **MARA LEVY:** That's probably a very efficient and good way to do
40 it. The issue is that you're going to have to comply with the
41 Paperwork Reduction Act and so if you send out a survey to more
42 than ten people asking for answers to specific questions, you
43 have to get approval from the Office of Management and Budget
44 and you have to go through this whole process. It's possible,
45 but it is a long process for the federal government side.

46
47 **MIGUEL ROLON:** How about sending the document and telling them
48 where the scoping meetings will be, period? Will that cut it

1 for the Paperwork Reduction Act?
2

3 **MARA LEVY:** You don't need it just to announce things. It's
4 when you're asking people to respond to things.
5

6 **MIGUEL ROLON:** That's my point. If we take Tony's idea and I
7 send a bunch of papers, as many as needed, to Mr. Roy Pemberton,
8 they can distribute it to those people and then it's just a
9 matter of them receiving the document and saying you have a
10 listing of the scoping places and times. Is that a doable
11 thing?
12

13 **MARA LEVY:** Yes, that's fine. I was just referring to the idea
14 of asking them to respond to specific questions.
15

16 **MIGUEL ROLON:** I see. We don't want to ask them anything.
17

18 **ROY PEMBERTON:** I don't think it would be a problem territory-
19 wise to do that. We ask them all kinds of questions. It's just
20 to gain the information or get an idea, as Mr. Blanchard is
21 saying. We already have the fishermen -- I can tell you what
22 they do and we ask them questions and sometimes we ask them to
23 fill out a questionnaire.
24

25 In this boater registration, we're going to definitely look into
26 asking those types of questions and there's no problem with that
27 and then sitting there and compiling.
28

29 Now, the difference is the commercial guys come in at a set time
30 period and the recreational guys come in at any time or place.
31 There's no problem with having a listing right there at the desk
32 as to some of the one or two questions that they need to ask
33 them to get an idea.
34

35 **MARA LEVY:** If the territory wants to do it and there's nothing
36 that would prevent you from doing it, then that's fine. I was
37 talking from the council's perspective or our agency's
38 perspective.
39

40 **BILL ARNOLD:** I think the most important thing is we just want
41 to get these scoping hearings advertised as widely as we
42 possibly can. That's what we really need to focus on. If we
43 can get those guys out there and get them to come into these
44 meetings or get them to submit written comments, that's what we
45 want. Getting the word out is going to be the hard part.
46

47 **MIGUEL ROLON:** Graciela, how many pages is that document?
48

1 **GRACIELA GARCIA-MOLINER:** Eleven pages. There is three
2 documents of eleven pages each, more or less. In terms of the
3 mailing, when we did the mailing last time for the scoping, the
4 council sends a mailing that is huge. We address the clubs, all
5 the fishing associations that we have, the general public.

6
7 It gets published in the local newspapers and we send
8 information to the news media, both to the radio and the
9 television. This is continuously done. It's not something that
10 we don't do it, but --

11
12 **MIGUEL ROLON:** We will do it again.

13
14 **GRACIELA GARCIA-MOLINER:** We will do it again.

15
16 **PHIL STEELE:** This brings up an interesting topic and maybe not
17 germane to this, but certainly for communications. When we send
18 out -- When we do a federal action, we have a mailing list of
19 constituents in the southeast region that we mail Fisheries
20 Bulletins to, either paper copies or through the constant
21 contact.

22
23 We really need to update or even initially establish these
24 contacts in the Caribbean for us to be able to mail these
25 bulletins out to, because we basically don't mail them out down
26 here in the Caribbean, because we have no one to mail them to.

27
28 If the territories have a mailing list of people with emails or
29 with addresses that we can use that we can incorporate into our
30 NMFS mailing list for all actions, it would certainly help get
31 the word out.

32
33 **MIGUEL ROLON:** Phil, you use the council actually. All of your
34 bulletins are sent out by our council and so you are using our
35 listing. It's a cooperation thing that we have and if need be,
36 we can send you an electronic file with all the addresses
37 directly to you.

38
39 Given that we are sharing this workload, what we have done is
40 that the Regional Office prepares the bulletins that are germane
41 to the Caribbean and we send them out on your behalf.

42
43 **PHIL STEELE:** Are we reaching all the people that we want to
44 reach? I heard earlier today the reference to the forty-six
45 fishing associations that are in Puerto Rico and that's just one
46 example. Are we reaching all of these people?

47
48 These bulletins we send out, now that we're using constant

1 contact, we actually -- We still send the paper bulletins out to
2 some folks, but we're trying to encourage them to use constant
3 contact. It seems to me this is an opportunity now,
4 specifically for this action, that we could really increase our
5 communications with these folks if you just give us the list of
6 people, if they've got emails or whatever. We could really do a
7 job on this to help our outreach.

8
9 **MIGUEL ROLON:** You're right, Phil, and actually one of the
10 things that the outreach and education people are doing is that
11 we are identifying how to connect to more people and, for
12 example, I was going to ask Diana to include an email address
13 for anytime that we go to scoping meetings or go to any meeting,
14 we ask the people to give their name and address and everything,
15 so we can keep improving our data.

16
17 I believe that with the discussion that Bill and the Chairman
18 and the staff have enough guidance to make sure that we reach as
19 many people as possible and I believe that we can vote.

20
21 **CARLOS FARCHETTE:** On Phil's comment, I think that when it comes
22 to the licensed fishers, I know that Fish and Wildlife can
23 probably work together with you on this mailing list and when it
24 comes to the boat registration, enforcement can work with you on
25 this mailing list. I know it's all computerized, but how you
26 extract that mailing list out, we'll discuss that with them. We
27 are going to go for a vote and I'm going to start on my left.

28
29 **WINSTON LEDEE:** Yes.

30
31 **MIGUEL GARCIA:** Yes.

32
33 **ROY PEMBERTON:** Yes.

34
35 **EUGENIO PIÑEIRO:** Yes.

36
37 **PHIL STEELE:** Yes.

38
39 **NELSON CRESPO:** Yes.

40
41 **CARLOS FARCHETTE:** Yes. **All in favor and the motion carries.**
42 Next on the agenda is Exempted Fishing Permits from Puerto Rico
43 and the USVI.

44
45 **EXEMPTED FISHING PERMITS REPORT**

46
47 **BILL ARNOLD:** Puerto Rico's Department of Natural and
48 Environmental Resources has requested an exempted fishing permit

1 to conduct sampling of various reef fish species, both in state
2 and federal waters. Obviously federal waters are our concern
3 and these species would be harvested during closed periods,
4 potentially, and potentially in closed areas and even
5 potentially some species for which harvest is prohibited,
6 although I don't think they intend to keep any goliath or Nassau
7 grouper.

8
9 The purpose of this harvesting activity is to obtain samples to
10 conduct age, growth, and reproduction analyses on these various
11 species. I would say, editorially, this is very important data
12 that we need badly.

13
14 Now, the reason -- If it was just DNER staff going out to
15 harvest these species, they wouldn't need the exempted fishing
16 permit, but they intend to use commercial fishers to do the
17 harvesting, which is fine, but, of course, if a commercial
18 fisher is out there or a fisher of any sort is out there
19 collecting species out of season, out of area, then law
20 enforcement could cite them. The exempted fishing permit gets
21 them around this.

22
23 They've got a variety of sites and I had a map showing the sites
24 that they intended to harvest from, but they have sites both off
25 the east coast of Puerto Rico and off the west coast of Puerto
26 Rico and really what we're doing today is making you aware of
27 this exempted fishing permit and asking if the council has any
28 concerns or objections to use providing this EFP to DNER so that
29 they can undertake these harvest and research activities.

30
31 **MIGUEL ROLON:** If we oppose that, do you think they would be mad
32 at us?

33
34 **BILL ARNOLD:** I will. We need the data. This is the sort of
35 thing we want to have going on out there.

36
37 **PHIL STEELE:** So that you understand how the process works, we
38 ask you for your approval and a recommendation to the RA that he
39 would approve this, after review, and then we will take this
40 back and we will publish a notice in the Federal Register that
41 they've applied for this exempted fishing permit and we'll take
42 public comment on it and then after that, the Regional
43 Administrator will make his final decision on the issuance or
44 not for the EFP.

45
46 **MIGUEL ROLON:** Phil, will that come in the form of a motion?
47 Can you make it?

48

1 **PHIL STEELE:** To recommend, yes. The motion is to recommend to
2 the RA that he approve the exempted fishing permit submitted by
3 the Puerto Rico DNER.
4
5 **MIGUEL ROLON:** Recommend to the Regional Administrator to
6 approve --
7
8 **PHIL STEELE:** The EFP submitted by the Puerto Rico DNER.
9
10 **EUGENIO PIÑEIRO:** I second the motion.
11
12 **CARLOS FARCHETTE:** Any discussion? Where would this leave the
13 USVI? Is there a second motion for the USVI?
14
15 **PHIL STEELE:** There is no application from them yet. If you
16 haven't, Mr. Chairman -- If you haven't read this EFP proposal,
17 you should. It's a very interesting piece of work that they're
18 proposing to do.
19
20 **CARLOS FARCHETTE:** I will do that. What happens when the USVI
21 comes up? Then they will request the same thing again? Okay.
22 That's fine. Any further discussion? Miguel Garcia, would you
23 like to make a statement?
24
25 **MIGUEL ROLON:** Just a few words. You don't need to say
26 anything, but just if you want to add something just to the
27 effect of this.
28
29 **MIGUEL GARCIA:** Thank you, but this project is being submitted
30 as being addressed directly by people from the Caribbean Marine
31 Fisheries Laboratory in Cabo Rojo and we support the request and
32 I don't have too much to say besides that.
33
34 **CARLOS FARCHETTE:** Thank you. We will take it for a vote. I
35 will start on my right with Nelson.
36
37 **NELSON CRESPO:** Yes.
38
39 **PHIL STEELE:** Yes.
40
41 **EUGENIO PIÑEIRO:** Yes.
42
43 **ROY PEMBERTON:** Yes.
44
45 **MIGUEL GARCIA:** Yes.
46
47 **WINSTON LEDEE:** Yes.
48

1 **CARLOS FARCHETTE:** Yes. All in favor and the motion carries.

2
3 **MIGUEL ROLON:** Mr. Chairman, we may consider bringing some items
4 from tomorrow to today, if that's allowable. We have Electronic
5 Reporting for Fish Dealers in the U.S. Caribbean and the
6 Outreach and Education Enforcement Report, so we can finish by
7 five o'clock. When do you want us back here, 1:30?

8
9 **CARLOS FARCHETTE:** Yes. We will break for lunch and we will
10 start again at 1:30.

11
12 (Whereupon, the meeting recessed for lunch on March 26, 2013.)

13
14 - - -

15
16 March 26, 2013

17
18 TUESDAY AFTERNOON SESSION

19
20 - - -

21
22 The Caribbean Fishery Management Council reconvened at the
23 Buccaneer Hotel, St. Croix, USVI, Tuesday afternoon, March 26,
24 2013, and was called to order at 1:30 o'clock p.m. by Chairman
25 Carlos Farchette.

26
27 **CARLOS FARCHETTE:** Next on the agenda is Addressing
28 Compatibility Issues for Bajo de Sico, Abril la Sierra, and
29 Tourmaline off the West Coast of Puerto Rico. We have Graciela
30 and Bill Arnold. This is the continuation of the 145th Caribbean
31 Fishery Management Council Meeting on March 26, 2013 at the
32 Buccaneer Hotel.

33
34 **ADDRESSING COMPATIBILITY ISSUES FOR BAJO DE SICO, ABRIL LA**
35 **SIERRA, AND TOURMALINE OFF THE COAST OF PUERTO RICO**

36
37 **GRACIELA GARCIA-MOLINER:** While we get the presentation, we can
38 talk about what the situation is. As you know, Bajo de Sico
39 changed regulations to open the water column for fishing and so
40 it's closed six months of the year for bottom fishing, to
41 protect the red hind spawning aggregation and other
42 aggregations, but it's open in the water column to fish for
43 pelagics.

44
45 Tourmaline and Abril la Sierra are still under the old
46 regulations that closed the area to all fishing for three months
47 out of the year and so the issue to discuss is we want to
48 present to you what the compatibility issues are and what the

1 government of Puerto Rico has in terms of compatible regulations
2 or incompatible regulations of the two areas that are shared
3 jurisdiction, Bajo de Sico and Tourmaline, because Abril la
4 Sierra is completely in the federal waters.

5
6 We have prepared a table and we're going to show you that it
7 just goes through a whole set of regulations for the three
8 areas, so that we can discuss it and you can determine what the
9 pleasure of the council is regarding the change in regulations.
10 One second and we'll be ready to go.

11
12 If you look at the map that's on the screen, you can see the
13 three areas off the west coast of Puerto Rico. That's Bajo de
14 Sico and that line right there is the division between the state
15 and the EEZ, the federal waters, and so that's shared
16 jurisdiction.

17
18 This is Tourmaline and that one also is about 60/40 federal and
19 state. Bajo de Sico is mostly in the federal waters, but still
20 shared jurisdiction, and this is Abril la Sierra, which is
21 completely within the EEZ.

22
23 This is all closures. For Abril la Sierra and Tourmaline, they
24 remain as they have been since the 1990s, December 1 through the
25 last day of February. Bajo de Sico changed regulations and it
26 closes between October 1 and March 31.

27
28 The species that are prohibited are all species, including HMS,
29 at Abril la Sierra and Tourmaline. That was the original setup
30 that it had and Bajo de Sico, when it changed jurisdiction, it
31 only regulated council-managed reef fish and so there are quite
32 a number of differences in the species that are protected in
33 Bajo de Sico versus Abril la Sierra and Tourmaline. Those
34 include species like the spiny lobster, for example, because
35 under council species, it only refers to reef fish and not to
36 spiny lobster.

37
38 The anchoring was allowed in Abril la Sierra, but for three
39 months out of the year, you couldn't fish for anything, not even
40 HMS, and so there was -- No one should have been anchored there
41 at all and so de facto it was a prohibition on anchoring. With
42 the change in regulations, the anchoring was prohibited year-
43 round at Bajo de Sico.

44
45 The commonality among the three areas and the commonality
46 between the state government of Puerto Rico and the federal
47 government is that all bottom tending gear are prohibited from
48 these areas and so there are no pots, traps, bottom longlines,

1 gillnets, or trammel nets. That's year-round for all three
2 areas.

3
4 Again, this is specifically for Bajo de Sico and this is one of
5 the things that we have to deal with, because it's a difference
6 in regulations within one of the banks. Bajo de Sico is still
7 under --

8
9 **MIGUEL ROLON:** Graciela, will you refresh the group on why we're
10 doing this and what are the expected results?

11
12 **GRACIELA GARCIA-MOLINER:** It was brought to the council, and I
13 don't recall exactly what meeting, but that Bajo de Sico,
14 because it has a difference in regulations, there is an issue of
15 enforcement, number one, and there is some misunderstanding
16 about what's prohibited where and when and the council has been
17 talking to the local governments in terms of going through the
18 whole set of regulations to determine what's compatible and
19 what's not.

20
21 As we saw earlier with the queen conch, one of the issues that
22 we have -- The other issue that we have with Bajo de Sico is,
23 one, the difference in state and federal regulations and, number
24 two, the difference in regulations between Bajo de Sico and
25 Abril la Sierra and Tourmaline.

26
27 **MIGUEL ROLON:** One issue is for the council to resolve whether
28 the federal zone in Bajo de Sico and the other two will be made
29 compatible somehow and the other issue is whether the Puerto
30 Rico government is willing to move or not toward compatibility
31 regarding the area that they have under their jurisdiction.

32
33 We have a couple of -- A year or two ago, you guys met and you
34 went through the whole thing and there was some kind of an
35 arrangement or kind of a deal there and so probably -- Miguel,
36 do you have any idea of the new Secretary, how she sees this and
37 what do you recommend will be the next step?

38
39 **MIGUEL GARCIA:** We have been talking about this for quite some
40 time and having some discussion about how to go over this.
41 There is even a graph in the white paper and I have had
42 countless conversations with Aida Rosario.

43
44 The new administration or even the past administration has been
45 moving towards easier implementation for law enforcement.
46 Having said that, I would say it's good timing to put that on
47 the table at the state and the federal government, the actual
48 recommendation, which is the easier way to handle this, because

1 I don't see there's any easier answer to that in any way.

2
3 The administration is open. The new Secretary does know about
4 this and it's something that is about trying to go back to her.
5 We are in the process of revising the regulations and the
6 fisheries law in Puerto Rico and so the timing might be good.
7 Any information or any analysis that could help us to move
8 forward finally on this issue is welcome.

9
10 **MIGUEL ROLON:** Until they move in Puerto Rico, the only thing
11 that we could do is to provide the fishers with that information
12 and then they can have that table. In the case of Bajo de Sico,
13 we have a couple of incidents where even the Rangers and the
14 Coast Guard were confused a little bit about what was prohibited
15 and what's not.

16
17 A case in point was people were making a film and they were
18 intervened and almost arrested and they were not in violation of
19 any of the two columns in the case of Bajo de Sico. The other
20 part is whether the council can move or not forward or would you
21 like to prefer to wait until we finish the three island FMPs
22 with adopting compatible regulations in the two other areas that
23 are within the area of jurisdiction of the council? Actually,
24 they are in the EEZ.

25
26 **GRACIELA GARCIA-MOLINER:** As background information, the council
27 is sponsoring research at the Bajo de Sico, specifically,
28 looking at the aggregations of Nassau grouper, one of the
29 prohibited species, and the picture that's coming out of that is
30 that October and November are probably not the right months to
31 close if we were going to extend the closure and that it should
32 have been April and May rather than October and November and so
33 there is ongoing research right now at the Bajo de Sico.

34
35 **MIGUEL ROLON:** Graciela, do you remember why October through
36 March 31 was adopted?

37
38 **EUGENIO PIÑEIRO:** I do. October to December was for the
39 Deepwater Snapper 1, the silk snapper, and then from January on,
40 it was for the grouper aggregations.

41
42 **GRACIELA GARCIA-MOLINER:** The original closure of Bajo de Sico,
43 December, January, and February, was established to protect the
44 red hind spawning aggregation that had been confirmed through
45 the SEAMAP Caribbean and the Fisheries Research Lab and that was
46 well established based on the scientific data that they had
47 collected.

48

1 The October, November, December seasonal closure is for silk
2 snapper, Snapper Unit 2, which is the one that had problems, and
3 so Bajo de Sico goes from about a hundred feet or so to the very
4 fairly deep areas around it and so it could protect some of the
5 spawning of silk, but there is a seasonal closure in place that
6 goes October, November, and December and so you are doubly
7 protecting in that sense, but you do have a seasonal closure in
8 place October, November, and December and so that shift in
9 December, January, and February and add, at the end, two more
10 months, rather than October and November, could be a scientific
11 recommendation, because the larger groupers are aggregating at
12 Bajo de Sico after March.

13
14 **MIGUEL GARCIA:** That research that you are referring to is the
15 one that -- is collaborating on? I had some conversation with
16 her recently and she was telling me that red hind specifically
17 were aggregating after the closure and besides that, I would
18 like to get some feedback from Nelson and maybe Genio from the
19 fishermen's point of view about what they think about this
20 closure in that area anyway.

21
22 **NELSON CRESPO:** One of the main problems that we have is having
23 different management plans for those three islands that are to
24 close. It causes a lot of confusion between recreational,
25 charter, and commercial fishermen and even enforcement agencies.
26 They provoke anglers to make a violation of the law without the
27 feeling to do it.

28
29 Also, this action prevents -- to the red hinds for a lot of
30 fishers that live around the island. Are we getting a benefit
31 if we made a compatibility for the three islands for the
32 spillover effects? That's the most important key that the
33 commercial fishing sector thinks about it.

34
35 **EUGENIO PIÑEIRO:** Briefly, it's like the MCD in St. Thomas.
36 What I hear from fishermen, they really want to keep it closed,
37 because it works. If they works, they don't want it open and
38 their results are the best evidence.

39
40 The promoters of this action are basically charter operators,
41 commercial, and also recreational who want to have a
42 compatibility of regulations, but the effects, to answer
43 directly the question by Dr. Garcia, is that the Bajo de Sico
44 closure the way it is now, it's working because it's open 365 up
45 in the water column and it closes and it still protects the
46 spawning aggregation of both snappers and groupers and keeps the
47 integrity of an essential fish habitat.

48

1 **MIGUEL ROLON:** I know it's after lunch and all that, but what do
2 you want to do? Do you want to have compatible regulations
3 across the three areas? The way this works is we in the federal
4 can go ahead and do it and have compatible regulations if
5 supported by scientific facts.

6
7 Another one is to have compatible regulations with the local
8 governments at the same time and so let's say that a scenario
9 next year if we decide that we want to have compatible
10 regulations and that will be to adopt the same set of
11 regulations that we have for the federal said of Bajo de Sico to
12 the two other areas, then make a motion and do it. That's a way
13 to do it.

14
15 Then another motion would be to encourage the local government
16 to come up with compatible regulations in due time. However,
17 keep in mind that the local government is -- The authority rests
18 within the Secretary and they may find that some of the
19 regulations they have are better or they are not willing to
20 change it and then you have to have a two-way street, in the
21 same way that you did with the queen conch.

22
23 **MIGUEL GARCIA:** We have law enforcement and even the federal
24 government and for compatibility or enforcement actions
25 together. It will be like an obvious way to go. Before going
26 any further, the local government will seek to have more
27 communication with the stakeholders, with the fishermen first,
28 and to be sure what they want to accomplish with this before
29 going another step further. I would like to talk with the
30 fishermen and to the Secretary and to have a better, more
31 comprehensive, open source of information before moving forward.

32
33 **BILL ARNOLD:** A little history on this. We originally developed
34 this white paper and brought this discussion to the council and
35 actually Graciela and Aida and I met to discuss this and other
36 compatibility issues and that was probably last summer or
37 something like that.

38
39 At that time, the decision was made to wait until after the
40 election before we moved forward on this and so that's where we
41 are now, but we've done nothing more than discuss the basics and
42 provide the white paper. We still have to develop the entire
43 process.

44
45 We have to develop a scoping paper and we have to take that to
46 scoping and we have to develop our alternatives and we have to
47 get preferred alternatives identified and approved, et cetera,
48 et cetera, and so we've got a ways to go on this and a lot of

1 public input to obtain before we really start making final
2 decisions.

3

4 I think all we're looking for today from the council is a
5 decision as to whether we want to move forward with developing
6 compatible regulations for these areas with no necessary
7 preconceptions as to exactly how those compatible regulations
8 will be structured, but just let's go out and find out what the
9 best combination of regulations are to eliminate the confusion,
10 ease the enforcement problems, and maximize the value of these
11 what are essentially maybe not total, but certainly partial
12 marine protected areas. That's really where we are for today.

13

14 **GRACIELA GARCIA-MOLINER:** In terms of the new information that
15 has come to light from the scientific point of view, you do have
16 the first characterization and baseline information from both
17 the three areas that were done through the Coral Reef
18 Conservation Program and so there is a baseline that was done
19 after the areas had been closed.

20

21 When the regulations in Bajo de Sico changed, there hasn't been
22 any directed monitoring until now that there is a permit being
23 requested to start looking at -- To monitor the area of Bajo de
24 Sico, I think, specifically.

25

26 You do have a fishery-independent survey of these deepwater
27 areas for both fish and shellfish that was just presented to the
28 SSC last year, but the impact that opening the water column and
29 the loophole in terms of the spiny lobster fishery has not been
30 assessed.

31

32 There is spearfishing going on at Bajo de Sico. Most of it is
33 supposed to be for coastal pelagics or highly migratory species.
34 There hasn't been any enforcement issues specifically regarding
35 the reef fish, but the talk of Bajo de Sico being about sixty
36 feet deep, it's possible that you can free dive and spearfish at
37 the same time. There are a number of loopholes that have been
38 opened with the changes to Bajo de Sico.

39

40 **MIGUEL ROLON:** I believe that with this discussion probably what
41 you need to do is to go to scoping in conjunction with the local
42 government and hopefully we don't have to wait until after the
43 election, because we have three years from now, and we might be
44 able to have then compatible regulations.

45

46 In the meantime, I believe that what the council should do is to
47 have this table that Bill and Graciela put together and put it
48 in a fact sheet that we can distribute to the fishermen and to

1 the Rangers and to whomever is out there enforcing our fishing
2 and that way, we can wait for the process to finish.

3

4 The first step will be the scoping meetings and you so desire to
5 move, I believe with the discussion that we had. In the case of
6 the scoping meetings, it's like going from the top of the class
7 and going back to square one.

8

9 You can bring to the discussion what Graciela just mentioned in
10 that scoping meeting and then decide with the local government
11 when and where. The Bajo de Sico fishermen are not distributed
12 all around the island. However, you may have somebody from
13 Fajardo that goes there once a year or something like that and
14 so we need to work on this one.

15

16 Not to scare Phil here, but if we put together this
17 presentation, Graciela and I can go and have the scoping
18 meetings, given the time constraints and the budget that we
19 have. If they allow Bill, then we are more than happy to have
20 him with us, but I believe, Mr. Chairman, that you need a motion
21 to proceed, so the staff can move forward with this.

22

23 **MIGUEL GARCIA:** I would like to make a motion to ask the staff
24 to continue moving this forward with the scoping meeting
25 process.

26

27 **EUGENIO PIÑEIRO:** I second it.

28

29 **MARA LEVY:** You may just want to clarify what you mean by that.
30 Are you asking for staff to prepare scoping documents to come
31 back for you to look at and then decide whether there's
32 sufficient -- Then you'll go to scoping or what -- Because right
33 now, you had an options paper that was back when and so I don't
34 believe there are any scoping documents or any written down, at
35 least, idea of what we would be scoping, exactly, and so maybe
36 be more specific.

37

38 **MIGUEL ROLON:** If we say "process", probably, Miguel, what we
39 need to do is to expand your motion. It would be a process to
40 look into the possibility of adopting compatible regulations
41 across Bajo de Sico, federal and local, Abril la Sierra, and
42 Tourmaline Bank.

43

44 **MIGUEL GARCIA:** That is correct. The scoping is aiming to find
45 that compatibility possibility between those three sites.

46

47 **MARA LEVY:** Do you want staff to bring you back a scoping
48 document that lays out the different things or are you -- I

1 guess I'm just not exactly sure what you're looking for at the
2 next meeting.

3
4 **MIGUEL GARCIA:** It was my understanding that most of that
5 information is already in that white paper that was written some
6 time ago and so I think it's about creating the scoping
7 documents.

8
9 **GRACIELA GARCIA-MOLINER:** A clarification. Do you want us to
10 look at the times of the year when the areas are closed, for
11 example October through March for Bajo de Sico and December
12 through February for the other two, and scope whether it should
13 be, instead of October to March, December to May or something
14 like that?

15
16 **MIGUEL ROLON:** What we want to do is to get that table so we
17 don't have to see it again in three years and then look at the
18 table and follow the compatibility issues with each one of them
19 and prepare the scoping process document that will examine
20 whether we can be compatible or not in the closed season and
21 whether we can be compatible or not on gear or whatever
22 restrictions are out there for the three areas.

23
24 The question for the staff is the document, the white paper that
25 you have, how difficult or how much time do you need,
26 considering other stuff that you have to do, to convert that
27 into a decent scoping meeting document for this area?

28
29 **BILL ARNOLD:** I would expect it to take a couple of months
30 anyway. This will probably be another summertime event.
31 Certainly we would be able to come back for the fall meeting
32 potentially with the outcomes of scoping meetings, but that
33 assumes that you give us the freedom to take that white paper
34 and turn it into a scoping document.

35
36 We could send that through the council. Mara may have some
37 resistance to this, but that's one possibility. The other is we
38 prepare scoping documents for the fall meeting and look them
39 over and then we would do scoping between the fall and winter
40 meetings.

41
42 **MIGUEL ROLON:** I believe, if I may, Mr. Chairman, that's a good
43 alternative. Bajo de Sico is not such a huge priority issue
44 nowadays, although it's important. The second option is
45 probably the best, that you come to the fall meeting with the
46 document. Then the council approves it and then we set a
47 schedule for the scoping meetings after the fall sometime.

48

1 **BILL ARNOLD:** Then I suggest the motion say to prepare scoping
2 documents for presentation at the fall meeting of the Caribbean
3 Council.

4
5 **MIGUEL ROLON:** The source document will be the white paper and
6 that will make it easy and then, Miguel, where can we stick the
7 -- For the fall meeting and ask staff to continue to move
8 forward with the scoping meeting process to look into the
9 possibility of making compatible regulations and bring a scoping
10 document to the fall meeting for council consideration.

11
12 **CARLOS FARCHETTE:** Any further discussion on this motion? We
13 will take it to a vote and I will start with Nelson.

14
15 **NELSON CRESPO:** Yes.

16
17 **PHIL STEELE:** Yes.

18
19 **EUGENIO PIÑEIRO:** Yes.

20
21 **ROY PEMBERTON:** Yes.

22
23 **MIGUEL GARCIA:** Yes.

24
25 **WINSTON LEDEE:** Yes.

26
27 **CARLOS FARCHETTE:** Yes. **All in favor and the motion carries.**

28
29 **GRACIELA GARCIA-MOLINER:** Again, Whitney and Miguel for the
30 island document that we saw before, they have been essential in
31 developing the documents that the council has seen and the
32 presentations that are here and so thank you and to the Region
33 for all their help.

34
35 **MIGUEL ROLON:** They are on the Go to Meeting thing and they are
36 hearing this and that's good. Mr. Chairman, the other two items
37 on the agenda, I believe Bonnie Ponwith has some presentation or
38 at least to start the discussion on the first one.

39
40 **CARLOS FARCHETTE:** We will move with the Science Center Queen
41 Snapper and Red Hind Data Evaluation Update.

42
43 **SEFSC QUEEN SNAPPER AND RED HIND DATA EVALUATION UPDATE**

44
45 **BONNIE PONWITH:** Thank you, Mr. Chairman. You will recall at
46 the last council meeting there was a request that we go back to
47 the queen snapper stock assessment and revisit it to see if we
48 could obtain more quantitative information out of that

1 assessment than we did.
2
3 The way the queen snapper stock assessment was left was that
4 there was no strong indication that overfishing was occurring,
5 which is good news, but not a particularly quantitative
6 response, as a result.
7
8 The council expressed some frustration that we have been
9 selecting the stocks that we believe have the most promise for
10 being able to be assessed under traditional stock assessment
11 methodologies, but over and over coming up really struggling
12 with those stock assessments ending in a good strong,
13 quantitative result like we would see in places where we have
14 better data.
15
16 The council challenged us to seek another solution, so that we
17 don't get into an endless do loop of doing stock assessments in
18 the hopes that it's going to work out and then finding out that
19 the data just were not robust enough for the methodology.
20 That's a frustrating cycle.
21
22 Our assignment was to go back to the Center and take a look at
23 the queen snapper stock assessment to see if more definitive
24 information could be obtained from that and report out on how
25 that's going, so that the council knows whether additional
26 measures need to be taken to make adjustments.
27
28 As you know, I believe right now, based on the estimated
29 overage, that queen snapper would be scheduled for closure
30 sometime in September.
31
32 Our analysts did take a look at this and what they've done is
33 taken a completely different approach to the stock assessment
34 and it is to estimate fishing mortality as derived from
35 estimates of total mortality and natural mortality and those
36 were derived using a mean length estimator applied to the TIP
37 data, the Trip Interview Program, length data that were obtained
38 for SEDAR-26.
39
40 Basically, this is a length-based process and you use length
41 frequency data from the commercial landings to estimate natural
42 mortality, from which you can derive fishing mortality.
43
44 This has been a valuable exercise and we believe that not only
45 does this methodology work well for queen snapper, but we think
46 this methodology holds a lot of promise for a whole complement
47 of our data-poor species for which we have reasonable length
48 data from the landings.

1
2 What does that mean for queen snapper? The thing that we need
3 to do to be able to interpret the results that we're seeing so
4 far is we need to convene the SSC to be able to get information
5 from them on how they want to set up this analysis with respect
6 to sort of the parameters of the model. I am struggling here
7 with the actual term that we're looking for, but they need to
8 define a certain portion of this, because it's based on input
9 from the SSC.

10
11 It's basically the -- I apologize because the term is escaping
12 me, but it's basically kind of the threshold that you use for
13 setting up the model and so our recommendation is -- What we've
14 done is run this analysis and we've run a bunch of sensitivity
15 analyses.

16
17 We believe that by very early May that we could have the
18 information prepared early enough to get into a briefing book
19 for the SSC to enable them to hold a meeting in early May, and
20 I've got some dates in my notes that work well for the analysts.

21
22 Our proposal is to bring the SSC together, to talk to them about
23 this methodology and then to get the input that we need from the
24 SSC to be able to complete the analysis. Once we have that
25 input from the SSC, we will be able to generate the final
26 results and give those to the council to enable the council to
27 make a determination as to whether they can depart from that
28 September closure date and set a different closure date or
29 whether the status of the stock indicates that that is an
30 appropriate closure date.

31
32 I will say, and this is all tentative, because it's in advance
33 of receiving the input from the SSC, but the runs that we have
34 right now show promise that it's possible that that stock is in
35 good enough shape to allow some departure from that date, but,
36 again, this is all pending stronger input from the SSC.

37
38 That's the status with respect to queen snapper. The other
39 thing that I want to talk about -- I'm going to stop and let
40 people ask questions, but the next topic that I'm going to cover
41 is our SEDAR schedule for 2013 and 2014 and it's influenced by
42 the findings from this analysis. I guess I'll stop there and
43 see if there are questions.

44
45 **WINSTON LEDEE:** You didn't mention the red hind.

46
47 **BONNIE PONWITH:** I didn't mention red hind because red hind is
48 scheduled for closure, based on the estimated overage, for quite

1 a bit later in the year. I believe it's sometime in November
2 and from just the standpoint of how much of the year has been
3 lopped off from fishing, we viewed queen snapper as the higher
4 priority.

5
6 The other thing is that red hind is a stock that's under
7 consideration for stock assessment this year, which is the next
8 topic of discussion.

9
10 **MIGUEL ROLON:** We are addressing at this time only the queen
11 snapper and if we are going to have a meeting in May of the SSC,
12 we need to announce that thirty days in advance in the Federal
13 Register. Is the document ready, do you think, for publishing
14 or sending it out to the SSC, so we can have the meeting on
15 time?

16
17 **BONNIE PONWITH:** If it's not ready, it would be ready soon.
18 Allow me to double check on the status of that. I guess my
19 question is there's nothing preventing us from announcing the
20 date of the meeting with an agenda and then submitting the
21 briefing materials somewhat later than that, is there, or do the
22 briefing materials have to be contained in the actual meeting
23 announcement?

24
25 **MIGUEL ROLON:** No, but we just need to make sure that the SSC
26 receives the material at least fifteen days before the meeting.
27 That's what they have been requesting. Given this is one issue,
28 one question, one species, for them it's kind of easy to do
29 that, unless you want to add something else to the agenda of the
30 SSC.

31
32 Graciela, you have been working with Barbara on the possible
33 next meeting of the SSC and aside from the queen snapper, do you
34 have anything else that you need to address in the SSC? I
35 believe also they were looking at the completion of the priority
36 research document. Barbara, do you think that a May meeting is
37 doable for the SSC meeting?

38
39 **BARBARA KOJIS:** You would have to check with the other SSC
40 members. I probably would only be available a couple of days in
41 May, at the beginning of May, and I wouldn't be available until
42 after the beginning of June, like after the 3rd of June, but most
43 of the people who are the stock assessment people may be
44 available and those would be probably the most important people
45 to make sure that they're at the meeting, people like Sissenwine
46 and Appeldoorn and people who have worked in these areas before.
47 They're probably the crucial ones to make the judgments and
48 assessments on this.

1
2 **MIGUEL ROLON:** Bonnie and the rest of the council, let's see if
3 Graciela can contact especially the stock assessment guys on the
4 SSC and whether we can pin a date for May. Remember, what we're
5 trying to do is to be able to have a decision by the council
6 based on the best available data for June or July.

7
8 If they have the information, that decision will affect this
9 year's season for the snapper grouper. If we are not able to do
10 it, then the process will continue and remember that Roy
11 Crabtree told us that the process has started already and they
12 will implement some accountability measures if nothing deviates
13 the process from what we already have set.

14
15 In this case, if we have the opportunity to get the Southeast
16 Fisheries Science Center document on time to have a meeting in
17 early May and we have the key people being able to come to a
18 quorum meeting of the SSC, we will be in business.

19
20 **PHIL STEELE:** Just to add to what Miguel said, depending on --
21 As it stands now, Snapper Unit 2 is scheduled to close September
22 21, as it stands now. If we get the updated information from
23 the Science Center, from Dr. Ponwith, in time for the SSC to
24 review and if they give us a new ABC recommendation that the
25 council feels is worthwhile to proceed with, then the council
26 could come back in a meeting, probably in June or whenever is
27 earliest as possible, and request an emergency rule to enact
28 this ACL and I think we could get it done in time to not have
29 that September 21 closure for the Snapper Grouper Unit 2.
30 That's how it would all work, basically.

31
32 **BONNIE PONWITH:** For the sake of planning, the lead analyst is
33 going to be essential to the success of this SSC meeting and her
34 best week is the second week of May, but she could meet with you
35 anytime the first three weeks of May and so those are sort of
36 the time constraints.

37
38 Basically, what we're looking for from the SSC is a harvest
39 control rule based on FMSY, on FMSY proxy, on a yield per
40 recruit basis. It's a slightly different analysis than what we
41 are currently operating under and that's what we're seeking from
42 the SSC.

43
44 **MIGUEL GARCIA:** I would like to thank Bonnie and company, the
45 Southeast Fisheries Science Center, and specifically because
46 we've had a few conversations about this topic and they have
47 been very helpful and besides that, notwithstanding what happens
48 in September, the Puerto Rican government is taking several

1 issues to proactively avoid the situation repeating itself in
2 the next year.

3
4 It includes, among other possibilities, like sort of a limited
5 entry permit to get better data and the commercial fishermen's
6 license, we know that there are some issues within that. Having
7 conversations with fishermen, mostly to Nelson and Genio, other
8 management strategies like daily bag limits and trips and so
9 parallel to what's going on in Miami, Puerto Rico is doing other
10 things down in the island.

11
12 **EUGENIO PIÑEIRO:** Briefly, to join Dr. Garcia's in expressing
13 our thanks and gratitude to the Center and to NMFS and to the
14 efforts being done here by the council. For our sustainability,
15 this is not a matter of one year or two years, but it's a
16 sustainable -- We are all in here for the same reason. We want
17 it to be a sustainable fishery for this year and years to come
18 and we want to manage things properly, the best way we can. I
19 want to express, once again, our thanks and my gratitude for the
20 efforts being made by all of you and thank you.

21
22 **MIGUEL GARCIA:** Last, but not least, the council. They have
23 been very helpful on this and thank you, Miguel and company.

24
25 **MIGUEL ROLON:** I believe that probably we should trust Graciela
26 to look into this matter and, Graciela, as soon as possible when
27 you have some dates, then we can talk to Bonnie and then we can
28 announce the meeting in the Federal Register. Remember we have
29 to have the SSC meeting before we schedule the other meeting of
30 the council to take care of this part and the sooner, the
31 better.

32
33 **SEDAR UPDATE: RED HIND AND WHITE GRUNT**

34
35 **BONNIE PONWITH:** The second issue is the SEDAR Stock
36 Assessments. As we've already covered, the queen snapper was
37 used as sort of a test stock or a test species for this new
38 analytical approach that we think is a good one.

39
40 I want to be really careful about this, because all of our
41 desires should be to work, in the collective, to work together
42 to try and get us out of this data-poor scenario. I am almost
43 concerned about creating a way of dealing with data-poor
44 assessments, because it creates an area of comfort for a problem
45 we all want to end.

46
47 My preference would be to never hear the words "data poor" again
48 and I think that that's a noble thing for all of us to continue

1 working on. With that caveat, I will say that we believe that
2 this approach, particularly once we have an opportunity to talk
3 the SSC through this, is a very good one.

4
5 It is going to require us continuing to work together to make
6 sure we keep our sampling rates up for length frequency data.
7 That's true for the TIP data. Port samplers are going to be
8 more important than ever and having time to do biological
9 sampling is going to be absolutely critical.

10
11 Secondly, augmenting that with fishery-independent data
12 always strengthens the data source and so we have, on the stock
13 assessment agenda for this year, red hind and white grunt and
14 our proposal, after thinking about this analysis and seeing how
15 it came out using queen snapper as a test, is to go ahead and
16 follow through with the red hind stock assessment, particularly
17 because we've heard from at least one scientist who says they've
18 got data and are now willing to share that with us.

19
20 If they had not been willing to share those data, we're pretty
21 much back in that same do loop again and so obtaining the data
22 is going to be very important. Your assistance in helping us to
23 obtain data collected by the Parks Service would make this even
24 stronger, because that -- While the data from the Parks Service
25 is a geographically constrained area, it's a longer time series
26 than a lot of the other data that we have.

27
28 If we had all of those data in hand and QA/QC'd and
29 standardized, so that we could incorporate it into the stock
30 assessment, we believe that we have a very strong assessment
31 ahead of us.

32
33 Our interest is to go ahead and conduct that stock assessment as
34 scheduled in 2013. Of course, it will be late in 2013. That
35 brings us to white grunt.

36
37 Our proposal, rather than conducting an assessment on white
38 grunt as stand-alone stock, is that we substitute out white
39 grunt and put in its place a methods assessment workshop, where
40 we go over, in great detail, this stock assessment method and
41 refine kind of a framework approach to how we would apply this
42 to all data-poor species, create a comfort level within the SSC
43 and within our own scientists, bring in academic scientists to
44 talk through this methodology, and also to help us set
45 priorities for our data collections going forward, in the event
46 that we embrace this as the way that we handle these stocks.

47
48 Then in 2014, we would select a list of the most promising

1 stocks that have enough data to really succeed using this
2 approach, and white grunt could be among them, and conduct a
3 stock assessment on all of them using this method.

4
5 Instead of doing one traditional stock assessment on one stock
6 and have it maybe or maybe not come out, we would be making an
7 investment in the methodology in one year and then in the
8 following years, we could do a suite of assessments using this
9 methodology that would give us ACLs that we feel would be more
10 quantitative and stronger than the approach we set for setting
11 the ACLs to meet the deadlines of the Magnuson-Stevens Act
12 Reauthorization.

13
14 **MIGUEL ROLON:** Bonnie, do you have a feeling as to what the
15 method will be or can you expand a little bit on that?

16
17 **BONNIE PONWITH:** The method that I'm talking about is the exact
18 same method that we're going to show the SSC for queen snapper.
19 We ran this analysis and designed the analysis and we're going
20 to walk them through this for queen snapper, to get this harvest
21 control rule based on the new approach, but then for the methods
22 workshop, we would walk them through, in a more generic sense,
23 the assessment and what our expectations are for data quantities
24 and data standards and just refine those discussions on the
25 methodology for taking this approach in a more generic sense.

26
27 **MIGUEL ROLON:** Do you need anything from us at this time in
28 terms of a decision?

29
30 **BONNIE PONWITH:** I guess what I would be interested in is
31 because -- According to the SEDAR Steering Committee, the
32 decisions on what stock assessments are going to be done in 2013
33 have already been made.

34
35 This is a new development, this methodology and our sense of how
36 successful it could be. What I would need from the council, I
37 guess, is, first of all, would you -- Do you view this as a good
38 investment to substitute a methods workshop for the scheduled
39 white grunt workshop stock assessment for 2013, number one.

40
41 Then, number two, would you endorse putting a data-poor workshop
42 in the schedule and do assessments on a suite of different
43 stocks in 2014?

44
45 **MIGUEL ROLON:** Just to refresh the memory of the council
46 members, we already had a data-poor workshop, but this is
47 something different. The time that we had this data-poor
48 workshop, we were asking everybody and his brother out there

1 what they do in the case of fisheries where they have a data-
2 poor situation.

3
4 We have a method to compare MPAs with outside the MPA areas and
5 we have yield per recruit analyses that are different and we
6 even discussed the P* versus all the other and so this proposal
7 that we have on the table now, number one, will do away with the
8 white grunt.

9
10 The time slot that we have in the SEDAR will be dedicated to
11 this workshop. Personally, I believe this is better. Actually,
12 this is probably a compromise between what we discussed before,
13 trying to have a separate process for us in the Caribbean versus
14 the SEDAR process.

15
16 This will allow the council to continue with the SEDAR, but at
17 the same time tailor the methodology that we have there with our
18 needs and the situation that we have of -- Let's call it data
19 poor for the time being and the process. We may have some other
20 fancy word for it, but at this time, this is what we have.

21
22 There is two parts that Bonnie is proposing. Number one is to
23 let the Steering Committee know that the white grunt time slot
24 will be dedicated to this workshop and then also we need to
25 decide whether or not the council endorses having this workshop
26 that will allow us to have a methodology that could be applied
27 for all the other species.

28
29 **BILL ARNOLD:** I just had a quick question for Bonnie. How does
30 this relate to the ORCS procedure that Jim Berkson came up with?

31
32 **BONNIE PONWITH:** I pressure that this approach is part of ORCS,
33 but I will double check and get back and basically, it's using a
34 yield per recruit approach rather than the more traditional
35 biomass-based approach for setting this ABC, but I will double
36 check to see how it relates to ORCS.

37
38 **DAVID OLSEN:** I want to talk about red hind. There is a lot of
39 anger in St. Thomas about the idea that you might be closing the
40 red hind at all, given the support the fishermen have provided
41 for the Hind Bank MCD.

42
43 I wrote you a letter about Nemeth's -- During the periods when
44 the ACL was constructed, the biomass of hinds on the spawning
45 aggregation went up over 300 percent. What fishermen have been
46 catching that have gone over the ACL have basically been
47 production from the resource and they are failing to understand
48 why their continued support for this conservation method should

1 lead to them having to pay some kind of price like this.

2
3 I think if the council goes through this meeting without making
4 some kind of at least statement about this that anger is going
5 to continue to percolate and at some point it's going to
6 manifest itself in a reluctance to report their catches
7 accurately.

8
9 **MIGUEL ROLON:** Well, David, anytime somebody tells me that they
10 get angry and they do not report, they are shooting themselves
11 in the foot, because the less that you report, the bigger the
12 uncertainty and therefore, your ACL will be lower.

13
14 Anyway, taking your point with the red hind, because I agree
15 with the red hind. There is nothing wrong with the red hind,
16 but following the process, the question to especially the
17 Regional Office is what can we do at this time, between here and
18 December 1, for the red hind, if anything?

19
20 **PHIL STEELE:** It's the same situation that you've got with the
21 snappers off of Puerto Rico. If you get new information that
22 comes to you through a stock assessment or whatever from the
23 Science Center and it's vetted through the SSC and they come
24 back with an increased ABC level, then we can do something about
25 it.

26
27 Again, I will remind everyone that we're not taking any fish
28 away. We're shortening the season by ten days and I see this as
29 a conservation measure to protect both the fishermen and the
30 fishery.

31
32 If we don't do this, then the overruns could come back and
33 affect them next year and so that's what ACLs are there for, but
34 to answer your question directly, it's the same process. The
35 Science Center provides us with new and better data and it goes
36 to the SSC and the SSC decides whether there's a new ABC and we
37 can increase or decrease the ACL. That's how it works.

38
39 Getting something done between now and December, I really don't
40 see that happening, with everything else, the workloads that the
41 Science Center has got going on now, but that's not my call, but
42 that's how the process works.

43
44 **MIGUEL ROLON:** Bonnie, you said before, in the case of the red
45 hind, given that we don't have a pressing date like September,
46 that it can be dealt with during this year or does it have to be
47 for next year?

48

1 **BONNIE PONWITH:** A closure in September was viewed by the
2 Science Center as a bigger, imminent threat than a close in mid-
3 November and so we dealt with the queen snapper question first,
4 particularly because that lent itself to a second-generation
5 analysis, because that stock assessment was just recently
6 completed and so that's the one we tackled first.

7
8 As soon as this is done -- In other words, as soon as we meet
9 with the SSC and obtain the information that we need from them
10 to complete the analysis, complete the analysis and give the
11 results to the council, then we begin conducting the red hind
12 stock assessment.

13
14 I guess my question is until we have those additional data in
15 our hands, we don't have the new information. In other words,
16 we hear people saying that red hind are okay, but that isn't
17 enough to change a management measure.

18
19 We've got to be able to have data in hand to be able to
20 quantitatively conduct an analysis that proves that out and
21 that's what we're doing in the red hind stock assessment. By
22 obtaining the data from the people who are saying, hey, look,
23 you really need to see this, give it to us so that we can see it
24 and then incorporate it into the stock assessment and then those
25 results will reflect what those patterns are showing.

26
27 If indeed there are optimistic patterns, it's reasonable to
28 expect we could have a very good outcome from that assessment,
29 but my question is do you want -- I am struggling to figure out
30 how we would postpone the red hind stock assessment to do sort
31 of an ad hoc analysis in time to influence those last couple of
32 weeks of the season.

33
34 Not only is it the red hind, but it's the methods workshop and
35 so I think it's a matter of making some careful choices about
36 where you want to make your investments this year, knowing that
37 they can do so much and then the plate is full.

38
39 **BILL ARNOLD:** I will clarify -- Phil touched on it and so I was
40 going to let it slide, but this closure is scheduled -- This St.
41 Thomas grouper ACL closure is scheduled for December 20 and it's
42 not just for red hind. It is for the suite of groupers that are
43 caught in the waters surrounding St. Thomas. I just want to
44 make sure everybody is clear on that.

45
46 **ROY PEMBERTON:** I am going to try and just take this easy, but I
47 agree with Dr. Olsen and here's why. For a long time, we've
48 been approaching these issues simply on a yield per recruit

1 basis or something along those lines instead of looking at the
2 data that these fishermen have already provided.

3
4 They have size constraints. They have increasing size in the
5 population over time. That's all in our TIP database, all in
6 our sampling database, but the one thing I'm not hearing when
7 we're dealing with these assessments or reassessments or
8 reevaluating the assessment is doing some of the classical
9 studies that we need to do on each one of these grouper species,
10 which is age and growth, fecundity, all those things.

11
12 If we don't, we're still shooting in the dark and we're going to
13 still have Dr. Olsen coming with the same correct response. Not
14 for nothing, these guys have done a lot of their homework and
15 they need to be respected for that and this needs to come across
16 on this council.

17
18 We keep going back to this issue of trying to come up with some
19 elaborate method, but we've got to go back to the basics. All
20 of us here, Bonnie and Roy, if he was here, all of us are
21 classically trained and Bill. We know you can't manage a
22 fishery based on shots in the dark. You've got to have that
23 concrete information and I know we don't have it.

24
25 We need to start putting things in steps from like yesterday to
26 get it and not come up with new evaluative methods. Now, in
27 terms of not returning the data, I have to admit, Dr. Olsen and
28 company, that will put the wrong message, because, again, the
29 assessments will look at the fact that something has gone
30 strategically wrong and you're not getting the response and they
31 will shut the fishery down even more.

32
33 That's not the correct method to do either, but one of the
34 things that I keep saying, and I hear the fishermen cry out
35 about this all the time, is they have to go into these closed
36 areas and do a very detailed assessment.

37
38 300 percent is a good number, but it might be more than that,
39 because what I'm seeing in the fishery compared to what I saw
40 twenty or thirty years ago is completely reversed. They have
41 hind now that are just unbelievable in size and they can't move
42 them and they can't sell them and so we need to start going back
43 to those traditional methods or we're going to be back here in
44 four or five years with the same issue.

45
46 **BONNIE PONWITH:** This is going to take some really profound
47 collaboration, because the thing that hit the news is something
48 that was inescapable from your attention, I'm sure, and that is

1 the fact that we have a sequester and we automatically lost --
2 They're still doing the math right now, but it's 5 percent of
3 the budget, but over six months of the year and so that's a big
4 cut.

5
6 Right now, the major word that we're hearing in budgeting is
7 "deficit reduction" and that is not a rosy scenario and so I'm
8 an optimist. I agree with you completely that we need to be
9 doing this basic biological sampling, life history sampling, to
10 understand the demographics of these stocks as the hard work
11 that the fishermen are putting in and shouldering the impacts of
12 these regulatory actions, to be able to actually track the
13 progress of those stocks as they approach those targets that
14 we've set for the status of those stocks.

15
16 That's absolutely, indisputably true. We need fecundity and we
17 need length data and we need age and growth studies. These are
18 absolutely essential to doing a good job to understanding the
19 status of those stocks.

20
21 We are going to have to be very creative in a shrinking budget
22 on how we're going to get this done. It's going to take a lot
23 of collaboration with each of these island platforms and their
24 existing data collection methods.

25
26 We are trying to manage the data that we've got right now.
27 We're finding that we're short of port samplers and so the
28 amount of length data that we have to apply this new method is
29 not where it needs to be.

30
31 We're having situations where the key punching of those data
32 aren't coming in at the pace that we need them to to be able
33 adequately manage and so what we need to do -- We understand,
34 because we have problems with trying to backfill positions when
35 people leave too under a situation like this, but I think it's a
36 time where we need to open our communications with one another
37 and really get creative of how can we gather these data in a way
38 that's affordable and that's innovative.

39
40 How can we mine data that already exist by garnering a
41 collaboration with academic scientists and other federal
42 scientists? Just doing our level best to work together to solve
43 some of these data problems.

44
45 **DAVID OLSEN:** I am talking with Josh right now about what it
46 would cost for us to do a stock assessment based on Nemeth's
47 data and the data that we have in hand of red hind. We
48 completely disagree that you can ignore the fishermen in this

1 case.

2
3 This is a serious case of credibility for the council. They are
4 just not going to be credible if there's any closures at all on
5 the grouper group. 60 percent of the grouper group is red hind
6 and another 5 percent is the yellowfin grouper that got a 25
7 percent reduction in 2005.

8
9 This is not the way to do this. You all need to find a way
10 around it. We have been arguing for five years about getting
11 in-season notification. If you were going to have ACLs and
12 accountability measures, you needed to provide some feedback to
13 the fishermen so they know when they're overfishing or going
14 over the thing.

15
16 I think that Bill had 2008 data at one meeting one time. We
17 have not heard about 2009 and we have not heard about 2010 and
18 we have not heard about 2011 and then all of a sudden we get
19 told that they've overrun it and how would anyone know that
20 they've been fishing over the ACL?

21
22 There was no information coming out. I don't know where it was
23 coming out from, the Science Center and the Regional Office.
24 There needed to be at least notification of annual landings.

25
26 Bill worked with a student to try and find some way to project
27 landings and I don't think that was probably successful, because
28 I tried to do it with lobster, which is a single species and
29 much simpler, and I wasn't able to do it.

30
31 To just know what the 2010 landings were or the 2009 landings,
32 so we could see that, oh, you guys were over this year. There
33 is a minimum of communication that needs to take place and it's
34 not taking place and who is paying the price for it? Tony and
35 Daryl. It is not the way to manage these fisheries.

36
37 **BONNIE PONWITH:** I am not sure where you heard that fishermen
38 were being ignored.

39
40 **DAVID OLSEN:** We're not hearing, because you're not telling us
41 anything.

42
43 **BONNIE PONWITH:** We need data and we are eager to be working
44 with fishermen to make sure that the data are provided in a way
45 that is as timely and as accurate as possible. We are willing
46 to work with the government shops to make sure that those data
47 are key punched and QA/QC'd and put in our hands as fast as we
48 possibly can for the same reason.

1
2 We've got a red hind stock assessment scheduled. We have a
3 promise that data we've been trying to get our hands on for a
4 very long time are going to be provided. This isn't a time to
5 start a second stock assessment on the same species. It's the
6 one that's going to be done through the SEDAR process.

7
8 I really hope that we can maintain communication on this and
9 work together to meet these data requirements, these data
10 demands, for these assessments in a way that's as absolutely
11 efficient as possible.

12
13 **TONY BLANCHARD:** I just want to -- What we're listening to is a
14 lot of one-sided give. For the last probably half an hour, I'm
15 sitting down here and I'm listening to we need more data, we
16 need more data, we need more data.

17
18 The data that was provided, you want us to give more. You're
19 telling us you can't help us by shutting off this hind closure,
20 because you didn't get information until lately is what
21 Farchette told me.

22
23 Now you want to put us on the back burner and put the queen
24 snappers forward. What you're telling me is that we're
25 definitely going to take a closure this year and we're going to
26 probably take another closure next year because the timeframe
27 that we're talking about, you can't act on it that fast and so I
28 don't know who you're trying to fool here, because my
29 mathematics is pretty good and Dave is laughing behind me here
30 because he knows I'm right.

31
32 A scientist does not just make a drastic decision. You're
33 talking about using the white grunt as a new methodology and so
34 what you're trying to tell me is that you want to incorporate
35 different species and then your new methodology, which you ain't
36 having the time to try it out to see if it actually works, but
37 you're willing to give that give and go and run after that.

38
39 We still can't get this hind stock assessment. That's what I am
40 telling you and so as far as I'm concerned, you're shooting a
41 shot in the dark and you're hoping for it to hit and what you're
42 doing is you're playing with time and you're buying us because
43 we're sitting down here giving you we need more data, we need
44 more data.

45
46 The more we give is the longer we sit on the back burner and we
47 suffer the closure, because you have a certain timeframe that
48 you need to move on, but our timeframe is every day. You talk

1 about a 5 percent cut that you just take not even a month ago.
2 How about taking our cut and then we'll see who has the bigger.
3
4 Maybe ten days ain't nothing to you, but the last time I
5 checked, every time I turn on my bill on time and me personally,
6 I think you're ignoring the situation with the hind and it's
7 blatant. Even a blind man could see that, that the hind is not
8 in any trouble, but you're telling me we need more information.
9
10 Like I say, this new methodology, I think you're shooting for
11 stars. You want to pick up something and run with it and it
12 probably ain't going to work, but you're willing to give it a
13 give and go because we're moving in a direction.
14
15 I think what's happening here is the big picture is you actually
16 don't have a grasp of what is going on anyplace and you need to
17 show that you're doing something or making some attempt to fix a
18 problem that you really don't have a grasp on and that's my
19 personal opinion.
20
21 **BONNIE PONWITH:** We are doing a red hind stock assessment this
22 year and it will incorporate the data that were promised to us
23 and so there's no shot in the dark. It is going to happen and
24 the second we get those data, it will be rolled in with the data
25 that you helped provide through the TIP.
26
27 The new methodology is going to be shown to the SSC for queen
28 snapper the first week of May or second week of May or third
29 week of May, to help influence decisions on what should happen
30 for queen snapper later on.
31
32 That same methodology is going to be the subject, provided the
33 council agrees that this is a good idea, for a major methods
34 workshop. That's a workshop that's a publicly-noticed SEDAR
35 workshop. You can be there and listen to the stock assessment
36 scientists discuss how it is going to work and what data go into
37 it and set it up in a way that the scientists are comfortable
38 with it to be able to deliver good, sound information.
39
40 We're not using it on white grunt this year. We are going to
41 use that white grunt slot to do the methods workshop to make
42 sure everybody is comfortable with the methodology, so that
43 provided they are, we can apply that methodology to a whole
44 collection of stocks the following year.
45
46 **MIGUEL ROLON:** Bill, just to know what we're talking about, what
47 is going to happen in December with the red hind and the other
48 groupers?

1
2 **BILL ARNOLD:** The season will be shortened to end on December 20
3 and then there will be no more allowable harvest from the EEZ of
4 any federally-managed groupers in that subarea that we defined
5 for St. Thomas/St. John until January 1 at 12:01 a.m. and then
6 it will reopen.
7
8 **MIGUEL ROLON:** So we're talking about twenty days?
9
10 **BILL ARNOLD:** We're talking about ten days, but that's, as Tony
11 pointed out, that is ten days.
12
13 **MIGUEL ROLON:** What is the impact of those ten days?
14
15 **BILL ARNOLD:** I am not going to --
16
17 **MIGUEL ROLON:** No, it's a rhetorical question and don't worry.
18 I would never do that on your birthday, but this is what we're
19 discussing in the case of red hind, of what is the principle
20 there.
21
22 I am trying to come up with some sort of strategy or solution
23 for this. The scientist that we're talking about is an
24 academic, that has the information on red hind. I believe that
25 Graciela and I, we saw some correspondence that he is sending
26 that information to the Center and the Center already has the
27 information or is about to have it and I don't know.
28
29 The other part that we're discussing is that we have Josh and
30 others working with the datasets for the St. Thomas/St. John
31 fishermen and they have some indication as to the status of at
32 least the red hind.
33
34 The question is can we come up with some sort of a strategy for
35 2013 and 2014 regarding the red hind and the others, but the red
36 hind is the one we're addressing at this time, because if we
37 have the workshop and it's successful and endorsed by the
38 council, then we can deal with all the other species in that
39 group for the 2014.
40
41 Red hind is kind of a poster boy for the discussions that we
42 have now and when we discussed the red hind a long time ago, we
43 came up with this closure and I remember Danny Moore wanted to
44 close the entire southeast coast of St. Thomas and St. John and
45 he almost was tarred and feathered out of the meeting.
46
47 Then talking with the fishermen, the fishermen recommended this
48 other area, which is smaller, but low and behold, it made the

1 trick. The red hind was documented by Dr. Jim Beets as
2 increasing in size and the level was good and so it was a good
3 case of management.

4
5 Anyway, I am trying to see where can we work together and the
6 other thing is you know we can't tell the fishermen that -- I
7 respect the fishermen a lot and when we're seeing that we need
8 size limits and size this and size that for the fishers to move,
9 you will never, ever get that in this area, not in the entire
10 nation, for every fish that you manage.

11
12 We've got more than 4,000 species here and you have fifty and
13 you cannot get a decent size limit or size frequency and now you
14 want to have for every little fish all the life history and that
15 will never happen. Maybe some of the key species you may get
16 that, but not the species that we have in the management units.

17
18 **BILL ARNOLD:** A couple of things to keep in mind. With these
19 ACLs, and any ACL overages that may occur, there are no payback
20 provisions. There is no penalty for exceeding the ACL. If, as
21 has happened, the recent historic data indicate that fishing
22 rates are resulting in total harvest that is greater than what
23 we have set as an allowable annual catch, then we adjust the
24 season so that there's enough time for the fishermen to catch
25 that quota and then the season ends.

26
27 As it turns out, on December 20, that hundred-and-ten-thousand-
28 or-whatever-it-is pounds of grouper that have been landed, on
29 average, in St. Thomas will have been caught. It's not like
30 there's been a reduction in the allowable catch. There's just a
31 time period during which that catch takes place.

32
33 A second item to keep in mind, and we've brought this up at
34 previous council meetings, is the way we do these seasonal
35 shortenings is we start on December 31 and move back as many
36 days as are required to ensure that that annual catch limit is
37 not again exceeded.

38
39 My concern has been for some of these species that -- I'm not
40 saying this is the case, but, for example, you may find that by
41 doing it that way, in a regimented manner such as that, that you
42 are eliminating those very days during which -- I'm not saying
43 this is the case, but, as an example, the price is the very
44 highest. You're taking out the best days of the year, for
45 example, when these guys aren't allowed to catch.

46
47 If, as an example, you take ten days out and you take them from
48 September 10 to September 20, when, for example, nobody is

1 buying these fish anyway and nobody is really fishing for them,
2 then you can customize your season closures, as is done
3 commonly. That's what we do with spawning aggregation closures,
4 et cetera, et cetera, so that the season reflects the fishing
5 activity.

6
7 Again, that would differ for all types of species and in this
8 case, in the case of grouper, it may be that closing over the
9 Christmas holiday is closing -- I'm not saying that this is the
10 case, but it could be, that that's a closure that takes place
11 when not a lot of fishing has been occurring anyway.

12
13 On the other hand, it could be taking place during a critical
14 fishing time, which is something that, if possible, we might
15 want to avoid. There's a lot of things that go into this, but I
16 go back to my original statement that we're not reducing the
17 total allowable take that was established during the ACL
18 process. We are simply identifying how long it takes to obtain
19 that take and we're saying that will be the length of the
20 season.

21
22 **MARA LEVY:** There is no payback. However, the reason that you
23 have the shortening of the season to prevent an overage again of
24 the ACL is because if you go over more than once in a four-year
25 period, the council is required, under the National Standard 1
26 Guidelines, to reevaluate the system of ACLs and AMs to make
27 sure that you're not going over in the future.

28
29 There's a reason for doing this and I just wanted to make a
30 comment about the idea that you could shift where the closure
31 happens. That's potentially true if you decide to have a closed
32 season somewhere else.

33
34 It may say that you can go longer at the end of the year.
35 However, you have to have an analysis that looked at what the
36 fishing period was during that year. If you're going to choose
37 your closure at a time when there's light fishing, potentially
38 the closure would be longer, because you're still trying to get
39 the pounds, the same amount of pounds.

40
41 There would be an analysis that would have to be done and it
42 wouldn't necessarily be ten days here equals ten days here
43 equals ten days there.

44
45 **MIGUEL ROLON:** This is in hot pursuit of what Bill was saying,
46 because I always believe that for you to find something or
47 discuss something, you really need to understand what the hell
48 you're talking about.

1
2 In the case of the red hind, I want to ask Tony, those dates in
3 Christmas, between December 20 and the end the of the year, is
4 that a significant time where you have more people or less
5 people fishing or what is the effect, in your experience, of
6 those ten days at the end of the year for red hind?

7
8 **TONY BLANCHARD:** You believe in Santa Claus? You need to come
9 visit me every year around that same time. The point I'm trying
10 to make here is you're cutting out the last ten days of the
11 year. The high numbers just start or run hard around that time
12 that you are catching.

13
14 The bills are going to start coming in, because we've got to
15 spend money that we don't have to begin with or that we normally
16 wouldn't spend on a regularly monthly basis, because it's
17 Christmas and so what kind of effect do you think we're having
18 there, number one?

19
20 Number two, we already have a closed season on some of the
21 groupers that I'm sure the council is aware of and the question
22 is this. Let me pose it to you quite bluntly. Was that ever
23 taken into account when the ACLs came into play? I am pretty
24 sure the answer would be no. That's the end of my statement.

25
26 **MIGUEL ROLON:** Those ten days at the end of the year are
27 important?

28
29 **TONY BLANCHARD:** I would say so.

30
31 **GRACIELA GARCIA-MOLINER:** I don't know if the Science Center has
32 received the information from Rick Nemeth regarding the
33 population density estimates from the MCD specifically and his
34 work on the spillover from the MCD all the way off to the east
35 coast of Puerto Rico.

36
37 He has been reporting in the literature and these are the
38 numbers that I have here, that the population density at the MCD
39 has been increasing since 2000. That's the one that I have in
40 my table.

41
42 **DAVID OLSEN:** He started surveying in the --

43
44 **GRACIELA GARCIA-MOLINER:** Let me get my point, because my point
45 is that this is only the January population densities that range
46 -- Only in January and this doesn't include the data that he has
47 for December and the data that he has for February, nor the data
48 that deals with the tagging and recapture of red hind all over

1 the east coast of Puerto Rico and the Virgin Islands.
2
3 It goes anywhere between 19,000 red hind all the way to 84,000
4 red hind for the January spawning season, only the January
5 spawning season. There is definitely an increase in the
6 population of red hind. There is no doubt about it.
7
8 The problem is that groupers for the Virgin Islands are not only
9 red hind. They include -- As Tony was saying, the seasonal
10 closure is for the yellowfin and for the red grouper and these
11 are groupers that are harvested in the Virgin Islands and they
12 are, by size and weight, much more significant in terms of what
13 they contribute to the population or to the biomass of fish than
14 the red hind is, except that the red hind is probably more
15 prolific than any one of those.
16
17 Now, it is true that the -- I was just talking to Bill about the
18 landings data for 2011 and 2012 and we do not have that
19 information ready yet.
20
21 They are not in complete form and so the data has been reported
22 and recorded by the fishermen and it has been turned over to the
23 government and over to the Southeast Fisheries Science Center at
24 different stages, but we do not have, and have not had, up-to-
25 date and in-season notification of what the landings are.
26
27 Our last dataset dates to 2011 and so probably if we looked at
28 the 2012 data, they would be probably much more over the limit
29 than it had been before.
30
31 **MIGUEL ROLON:** Graciela, do you know where the data is?
32
33 **GRACIELA GARCIA-MOLINER:** Where the data is? Which one, Nemeth
34 or the landings data?
35
36 **MIGUEL ROLON:** The landings.
37
38 **GRACIELA GARCIA-MOLINER:** One of the big issues that the
39 government of the Virgin Islands has had, and it has made an
40 impact all the way down the chain, is that they have lost a
41 number of people at the Division and so some of the information
42 that they gather is still at the Division. That's one big
43 problem.
44
45 I also had a question, because Tony brought this up. You said
46 that you had been harvesting fish that are larger than what you
47 can sell.
48

1 **TONY BLANCHARD:** Right.
2
3 **GRACIELA GARCIA-MOLINER:** Can you give me, just so that I can go
4 over my numbers here, can you give me an estimate of the average
5 weight of the red hind that you sell?
6
7 **TONY BLANCHARD:** The fish that I normally use ain't red hind.
8 I'm sure Mr. Pemberton will be able to verify, because he sees
9 my data on a monthly basis on time, that I don't really catch a
10 lot of hind. What I catch a lot of is triggerfish.
11
12 I had some triggerfish last week up to six pounds. After they
13 reach a certain size, I cast them back overboard. The majority
14 of time, on a regular day, I lose between thirty to maybe forty-
15 five, because the customers I have don't want to take them. I
16 bring them to the market and I can't get them sold and so
17 really, it's a loss to me to bring them in, because I have no
18 use for them and so I put them back overboard.
19
20 For the red hind, he would be able to verify that. I'm sure
21 he's seen my numbers already and I don't really catch a lot of
22 hind.
23
24 **GRACIELA GARCIA-MOLINER:** I was just asking as to the average
25 weight of that red hind, but the other issue that's important
26 here is that we have been talking about fishery-independent data
27 for a very long time, because of the very fact that the
28 fishermen are throwing overboard fish that are larger than the
29 size that they can market.
30
31 When you look at the information that's available from the
32 Science Center and from the Division, what you see is a
33 truncated population, because you are not getting all the
34 information that the scientists need to look at the whole set of
35 data.
36
37 That's another problem that we have and basically there are only
38 two fishery-independent programs running, one specifically for
39 the MCD and the red hind that it's showing that things that have
40 changed dramatically and two is the SEAMAP that is done over in
41 the southern part of St. John.
42
43 There are big, big issues with the scientific information and
44 specifically with the monitoring of the regulations that we have
45 in place.
46
47 **WINSTON LEDEE:** Graciela, my experience with the red hind, most
48 of the red hind being caught now are between two to four pounds.

1
2 **GRACIELA GARCIA-MOLINER:** You made a statement that are being
3 caught now. That means that they used to be a pound or a pound-
4 and-a-half?
5
6 **WINSTON LEDEE:** I wouldn't say that. It's been so for several
7 years.
8
9 **EDWARD SCHUSTER:** I am listening to this back-and-forth that's
10 going on here and it goes back to fishermen again being
11 penalized for something that happened beyond our control and it
12 goes back to when all the groupers were grouped into a CCR form,
13 where all the groupers were placed under one category.
14
15 The fishermen have been asked to participate into these
16 redesigning of a CCR, where we took part into it and separated
17 the grouper participation into port sampling and, again, it
18 leads back to the same thing.
19
20 We're being penalized and I say we on behalf of all the
21 fishermen. We're being penalized for the lack of staffing on
22 the government's behalf and the lengthy hiring process, local
23 government, which these offices need to be staffed and the
24 hiring process needs to be expedited, however it may be, and the
25 federal government may have to intervene in there and staff them
26 and pay them out of their own budget or however it's going to be
27 done.
28
29 If we provide the data and the data is not being passed on to
30 the Science Center, that's not our fault and the second thing is
31 that I can remember in several of these meetings with port
32 samplers from St. Thomas saying that the hind has increased in
33 size largely.
34
35 I feel if you're going to penalize the fishermen at ten days out
36 of the season, I think, and it could be my crazy idea, that
37 you're going to increase the catch per unit effort. You're
38 going to force the fishermen, knowing that they've got ten days
39 left, to fish harder at those ten days, not knowing that there
40 is a timely accountability for their catch.
41
42 Therefore, closer to those ten days of the closed season coming
43 down next year, then they may be pushed back the ten days and
44 eventually, I think it's a strategy of forcing them out to when
45 close to the peak season of the spawning, where that whole
46 December month is going to be closed down.
47
48 Why not take it down ten days closer to the open of the season

1 instead of the end of the season? That's just my idea, but I'm
2 speaking broadly on behalf of the fishermen. I think this needs
3 to be looked at closely.

4
5 We have made an effort out of this world to participate in the
6 new design of the CCR and providing data and participation and
7 we've even by threatened by the local agencies to be penalized
8 and fined if we don't participate and made requirements of
9 participating in ten port samples per year and all this other
10 stuff and then now, because they're not submitting the data or
11 wherever this data is coming from, because of lack of staffing
12 on the government's behalf -- You can't penalize us for that.

13
14 There's no way that we could keep accountability of that,
15 because there's no real-time data on behalf of the fishermen
16 that we have access to and so that needs to come -- I think we
17 have to backtrack or ask some of these council members that I
18 talked to, because it's like if we overrun and it's our fault
19 and the agency is not keeping us abreast of what's going on a
20 real-time basis, who is going to take the accountability and the
21 responsibility of whose fault it is?

22
23 You can't blame me for something and hold me responsible when
24 you're not saying, well, listen, guys, you're at 10,000 close to
25 the limit and you've got six days and ten hours. Somebody needs
26 to be held responsible besides the fishermen.

27
28 **ROY PEMBERTON:** A lot of what Schuster is saying is correct. I
29 could bust my head wide open pushing for government
30 accountability and the hiring process, but it's outside my
31 hands.

32
33 The forcing of the issue is getting my staff to put the data in
34 as fast as possible, but I would agree that on the other end of
35 things that I do have some fishers that are not coming forward
36 as fast as they have, but they are a lot more compliant than
37 they have been in the past and we have been putting that data
38 in.

39
40 We have not had a certain degree of problems from any one
41 district versus another, but they have definitely stepped up
42 their pace in getting the data in and as far as I know, and I'm
43 double checking with staff, a lot of these problems go back long
44 before last year or the year before. It goes back to 2009, when
45 they started noticing this event with the hind and the issues
46 with hind.

47
48 It's not needing last year's data or even this year's data. You

1 can go back to 2008 or 2009 data, which apparently is already
2 in, and you can see these issues with the hind.

3
4 Going back to also some of the strategies, right now staff that
5 don't do database entry are doing database entry. I am doing
6 database entry and so I'm going full tilt on this and there's no
7 resolve in terms of backing off or saying I'm tired, because
8 there's a major issue here. These guys are going to get closed
9 down.

10
11 The Christmas season is coming and they still need to do what
12 they have to do and to shut them down at any part of this
13 process, even ten days or twelve days or fifteen days before
14 Christmas, is still a problem, because they still need to get
15 those numbers in. There just has to be an alternative method.

16
17 **CARLOS FARCHETTE:** We're going to take a quick ten-minute break.

18
19 (Whereupon, a brief recess was taken.)

20
21 **CARLOS FARCHETTE:** We'll get started again. Do we have any more
22 discussion on the SEDAR update for red hind or white grunt?
23 Maybe Dr. Ponwith may or may not have something.

24
25 **PHIL STEELE:** Both Tony and Dr. Olsen brought this up, is the
26 lack of forewarning, for lack of a better word, to the fishermen
27 about where they stand on these ACLs. What we do in the other
28 two councils in the Southeast is that we have real-time data, or
29 as close to it as we can get, and we put this data up on our
30 website, so that fishermen, both recreational and commercial,
31 can have this and know where they are in getting close to their
32 quotas.

33
34 I assure you that when we ever reach the point where we have
35 this kind of data, we will provide the same information to the
36 fishermen here.

37
38 No one wants to see these things closed down any quicker than
39 what they are already and providing this updated information
40 real time, or as close as we can get it, is important and once
41 we realize it and we have this information, we will certainly
42 make it available to the fishermen and this is from a Southeast
43 Regional Office perspective. Other than that, I will get it and
44 I will give it you when I get it.

45
46 **CARLOS FARCHETTE:** I think the territory has a lot of work to
47 have on time submissions, so that you all can follow up with the
48 website for the fishermen. Bonnie, do you have any more on the

1 SEDAR update or are we through with this?

2
3 **BONNIE PONWITH:** Mr. Chairman, the two things that I would be
4 interested in hearing from is what the council's views are on
5 the proposed schedule of conducting the red hind stock
6 assessment this year and doing the methodology workshop this
7 year and then doing multiple stocks, using that agreed upon
8 methodology, in 2014.

9
10 **MIGUEL ROLON:** It seems that they agree with that and so we will
11 have the workshop and some of the white grunt and we will try to
12 do the red hind stock assessment and then move to 2014. Mr.
13 Chairman, given that we have an hour and ten minutes, there are
14 a couple of items from the agenda tomorrow that can be dealt
15 with today.

16
17 The first one is Presentation on Regulatory Reorganization and I
18 believe that Phil told me that that would take about five
19 minutes and we can tackle that one today and then we have
20 Electronic Reporting and that was Genio's request and then we
21 have Helena Antoun and she might be able to give the
22 presentation. There are two presentations on outreach and
23 education for tomorrow.

24
25 Even the Essential Fish Habitat Update, Graciela, if you are
26 ready, we can do it today. We can start with Phil and then
27 follow with Graciela.

28
29 **PRESENTATION ON REGULATORY REORGANIZATION**

30
31 **PHIL STEELE:** Thank you, Mr. Chairman. I won't even put the
32 presentation on the board. I will just go through it real
33 quickly and this is just a housekeeping issue. It's not
34 anything that the council really needs to take action on.

35
36 As you know, our fishing regulations are in the Code of Federal
37 Regulations at 50 CFR Part 622. The way these -- If any of you
38 all have ever had the pleasure of reading our regulations, you
39 know these regulations are set up by management measure, size
40 limit or bag limit or area closure or whatever.

41
42 It makes it very difficult to get to a Caribbean issue or a
43 South Atlantic issue or a Gulf issue or whatever and so what we
44 did last year is that -- For those of you who remember Rod
45 Dalton, we had him come back in and reorganize our regulations
46 and the way that these regulations are going to be done now is
47 by fishery.

48

1 We are going to say like the Gulf of Mexico reef fish fishery or
2 the Caribbean Council's spiny lobster fishery or these kind of
3 things. This is how it's going to be done.

4
5 It makes them a little bit more comprehensive and more user
6 friendly for the public to go in and go right to the Caribbean.
7 Instead of having to go through a whole bunch of bag limits,
8 they can go to the Caribbean reef fish and go right to that
9 regulatory process there and so we've just cleared this.

10
11 I want to thank Mara Levy, who spent a long time going through
12 623 pages of regulatory text and getting this thing out of here.
13 Right now, it's gone up to Headquarters and we'll put this thing
14 out pretty soon, but I think that you'll be -- It changes
15 nothing. It changes no regulations, but it's just a
16 reorganization to make these regulations more comprehensible and
17 easier to use and that concludes my report, Mr. Chairman.

18
19 **CARLOS FARCHETTE:** Thank you, Phil. No comments? Then we'll
20 move forward.

21
22 **MIGUEL ROLON:** Graciela, are you ready with the essential fish
23 habitat thing?

24 **ESSENTIAL FISH HABITAT UPDATE**

25
26
27 **GRACIELA GARCIA-MOLINER:** This is a very quick update on
28 essential fish habitat and a project that the council hosted
29 this past year. I don't know if you can see it, but what you're
30 seeing on the screen is a picture from about 270 meters off the
31 west coast of Puerto Rico. That's one of the little projects
32 that the council had a number of years ago and so there are
33 about 100,000 photographs of anywhere between thirty meters and
34 the deepest was 274.

35
36 The photographs will be organized in the very near future, but
37 they are not organized as of to date, but the specific topic of
38 this presentation is that all of you remember way back in 1998
39 or 2000, when we had the first series of benthic habitat maps
40 that were available through the NOS and the effort that went
41 into that.

42
43 That's what those benthic maps look like. People had access to
44 the digital format of these maps, but also the person who was
45 sitting in their homes could download any one of the maps from a
46 specific area and this is off of St. Thomas.

47
48 The council had been looking at the characterization of all --

1 These are all the seasonally closed areas that we have in the
2 U.S. Caribbean, the size and the jurisdiction, et cetera, and so
3 for most of them, we already have characterization and baseline
4 from the habitat information on those areas and so the reports,
5 on separate reports, are available on our website or will be
6 available soon, again on the website.

7
8 This year, we are doing the characterization of Lang Bank. The
9 first fifty dives were done this past month. There were thirty-
10 three stations occupied. There were Nassau grouper and some
11 yellowfin, tiger grouper, a lot of lobster, very few queen
12 conch, and actual Montastraea franksi and so that complex down
13 to a 162 feet and so there is a very healthy reef system in the
14 areas that were surveyed this past February.

15
16 That's from Vieques and that's from Bajo de Sico a couple of
17 years ago and so basically we've done -- For every year that
18 we've had a Coral Reef Conservation Program grant, we have
19 characterized one of the seasonally closed areas and so the SSC
20 will be looking, in terms of the research plan -- The reefing
21 that you see in yellow, it's thirty to fifty-meter depth and so
22 that's all potential coral habitat.

23
24 The red is all down to a hundred meters and that's also a
25 potential area for different types of deepwater corals. As you
26 can see, about 43 percent of the total area, to a hundred
27 meters, it still need to be characterized and so we still have a
28 very long-term plan to do.

29
30 This past year, what the council did was we looked for any old
31 benthic habitat maps that were on paper and everything that was
32 back from 1958 or 1959 to the 1970s and the 1980s that were not
33 available in digital format.

34
35 Most of the maps that we found looked like that. It was
36 basically a blueprint or something in paper that was all put
37 together with tape, et cetera, and so the company, GMT, who are
38 the representatives of the RGIS systems in the Caribbean, took
39 these maps and were able to scan them and georeference them,
40 because they all had latitude and longitude, and digitize them
41 and make them available in digital format.

42
43 We have recovered eleven maps from 1958 and 1959 from St. John,
44 all the way to the 1980s for St. John and St. Thomas. There is
45 one for St. Croix and some from Puerto Rico.

46
47 From that in paper, now everyone will be -- This will be
48 available for everyone to determine and one of the things that

1 the council needs to do is to determine how much change has
2 there been in habitat over time.

3
4 That map was specifically from 1970, David Olsen's time when he
5 was at the Division, and so the other thing that -- Now it will
6 be available in digital format, but it won't only be available
7 in digital format, but it will also be online and so we'll be
8 hosting a page where friends of the council will be able to
9 access the information.

10
11 What you will do is that anyone from the public can go in and
12 access these maps and the idea is that they will have everything
13 from the old times all the way to the newer maps. They can
14 access, for example, the benthic habitats of the USVI or the
15 benthic habitats of Puerto Rico and go find out what's in there.

16
17 There is a complete description of where the maps came from and
18 how they were georeferenced and how they were brought up to the
19 files that they are in and what the caveats are, so that you can
20 use them, because the resolution and the dates and the type of
21 data that was collected was completely different from one to the
22 other.

23
24 Finally, you can zoom into any one of the areas that you select
25 and this one specifically was one that most scientists from
26 Puerto Rico requested. These are the U.S. geological maps that
27 are only available as JPG, but now they are available in digital
28 format.

29
30 From the type of sediment that you have, you can infer what kind
31 of habitat you can create and what species associations you
32 would be able to describe from there. As I said, we still have
33 a very long ways to go, but we've been able to look back and
34 bring all those maps to the digital format, to the right age,
35 and now we're looking for students or a grant to look at the
36 changes that have taken place from the 1950s to the 1970s to the
37 1980s to the 2000s.

38
39 One of the complaints that we have received over a number of
40 years has been that a lot of the habitat close to shore or the
41 habitats that are over the platforms that have been dredged and
42 things like that have been lost.

43
44 For example, if you lose hard bottom and it becomes mud,
45 definitely you are not going to have a recruitment of conch. If
46 they recruit to that area, they are going to sink and you are
47 going to lose that population and so the idea is to look at the
48 changes of habitat in time and determine how much that has had

1 an impact on, for example, recruitment of queen conch.

2
3 That's my short report and so we will have everything -- The
4 whole dataset will be at the council office next Thursday and
5 hopefully within the next or month or so, it will be going
6 online and everyone should be receiving an invitation to come
7 and look at the maps and so that's it.

8
9 **CARLOS FARCHETTE:** Thank you, Graciela.

10
11 **DAVID OLSEN:** She was talking about David Olsen's time like he's
12 dead.

13
14 **CARLOS FARCHETTE:** We are going to move to -- Did you want to
15 say something?

16
17 **ROY PEMBERTON:** I did a check with staff regarding the data
18 entry and we're about 40 percent complete for this current
19 fishing year, but we have everything in for the 2011 and 2012
20 fishing year. I don't know what part of the data segment you
21 don't have access to, but please just let me know and we'll get
22 that clarified and worked out.

23
24 **CARLOS FARCHETTE:** We are going to go to Electronic Reporting
25 for Fish Dealers U.S. Caribbean and that will be Genio Piñeiro.

26
27 **ELECTRONIC REPORTING FOR FISH DEALERS U.S. CARIBBEAN**

28
29 **EUGENIO PIÑEIRO:** Thank you, Mr. Chair. I had this idea and I
30 spoke with Miguel Rolon, our Executive Director, regarding
31 another mechanism to have for data and what is out there is to
32 have an electronic report by dealers. I am going to undergo the
33 task to talk to fish dealers of council-managed species to
34 address this issue and then get back to the council and discuss
35 it further. Thank you.

36
37 **MEETINGS ATTENDED BY COUNCIL MEMBERS AND STAFF**

38
39 **MIGUEL ROLON:** Mr. Chairman, there are some compatible --
40 Talking about incompatibility things, but the software and so we
41 will wait until Helena sends the presentation to Livia and then
42 I think we can do Meetings Attended by Council Members and
43 Staff, something that will bore people to death at the end of
44 the day.

45
46 We have several here that we already discussed. The South
47 Atlantic Fishery Management Council, Diana attended the Outreach
48 and Education and the idea was to go there and participate and

1 not only in the South Atlantic Council Outreach and Education
2 meetings on enforcement, but also to copy what they were doing
3 to use Go to Meetings, so people from outside can participate.
4

5 Mike, the Administrative Officer of the South Atlantic,
6 graciously offered all the information needed to Diana and he
7 even drew the way of doing that and so it's a success story. We
8 are connected and we also adopted some of the approaches that
9 the South Atlantic uses for Outreach and Education and
10 enforcement.
11

12 The Trap Reduction Committee meeting on Monday, March 4, that
13 was attended by Carlos Farchette and Diana and myself and our
14 special staff member, Tony Iarocci. It was a very lively
15 meeting and present were the steering committee and Roy
16 Pemberton and Claude Berry and other fishers.
17

18 Out of that meeting, the committee decided to write a letter to
19 the Commissioner and to Mr. Pemberton on the outcome of the
20 meeting and basically, the agreement will be presented to you
21 tomorrow in the Trap Reduction Report.
22

23 The CCC Meeting was attended by Genio, Carlos, and myself and
24 this is a meeting, the Chairmen and Executive Director's Meeting
25 -- That's the old name and now it's called CCC. We have two,
26 one in the wintertime to discuss mostly budget and budgetary
27 issues, and then we have another one in the spring, which is the
28 national one.
29

30 At this meeting, we discussed -- The star of the show was the
31 situation with CY2013 and CY2014 and sequestration and all that
32 and also we said goodbye to two executive directors, Paul Howard
33 of New England, the Executive Director. He came with a
34 replacement. They have a new one and Steve Bortone from the
35 Gulf Council also is retiring this year and we said goodbye to
36 those two gentlemen. They are really good people.
37

38 In the case of the Gulf Council, the new executive director is
39 an old friend of mine, Doug Gregory. He and I used to work
40 together when both of us had black hair, but together many times
41 we worked together and we used to carry 23 soft diskettes for
42 the analysis.
43

44 I remember the first time I saw the Pope, not the Pope from
45 Rome, but the guy from England who knows about fisheries, but he
46 came with a 750 diskette and for us, it's like looking at fire
47 for the first time and look at that. Doug and I were making fun
48 of it, but we welcome Doug Gregory as the Gulf Council new

1 executive director. I don't know, Genio and Carlos, if you want
2 to add anything else to the CCC meeting and your experience
3 there.

4
5 **EUGENIO PIÑEIRO:** We entered a discussion about the Managing the
6 Nation's Fisheries and we are going to have that event in May of
7 this year and I took the initiative of inviting the academia to
8 participate in that discussion.

9
10 Traditionally, the point of view is that the academia is not
11 fishy enough, but we have this opportunity to have some
12 scientists from USF, including Dr. Bill Hogarth, and we invited
13 them. We opened the door for them to participate in the
14 Managing our Nation's Fisheries.

15
16 As you remember, the BP catastrophe in the Gulf of Mexico, Dr.
17 Hogarth and the University had a very big role in analyzing and
18 providing some valuable information and so I felt that it was a
19 very good opportunity for all the councils and all the public
20 and all the people who were going to be attending. We expect
21 more than 600 persons to attend and to benefit from the first-
22 hand knowledge of such knowledgeable people like our friends
23 from the academia and so that's what I have to add about that.

24
25 **CARLOS FARCHETTE:** Thank you and what we also did is at that CCC
26 meeting we did a PowerPoint presentation on the different things
27 that we're working on down here in the Caribbean, like the
28 Regulatory Amendment to the Parrotfish Size Limit. We did a
29 presentation on that for them and island-specific FMPs. We
30 discussed with them what we were planning to do, go from what we
31 are and what we tried to do here today.

32
33 Also, moving on the seagrass from the Coral Amendment 4. We are
34 working with the Pan-Caribbean on the conch regulatory
35 amendments and working together with the other Caribbean islands
36 to come up with compatible closures of conch and the different
37 months that -- Have a compatible monthly closure, so we can all
38 be on the same page.

39
40 Also the international initiatives and also we discussed what we
41 also discussed today about the plan for working on spawning
42 aggregation sites with the different Caribbean nations and I
43 think that's really what I've got.

44
45 **MIGUEL ROLON:** Next is the World Agricultural Society Meeting.

46
47 **MIGUEL GARCIA:** I was at this meeting in Nashville, the
48 agricultural meeting, and the highlights for the meeting, at

1 least for me, were the open ocean mariculture projects that are
2 currently happening in the world. These are getting a lot
3 better and improving and costs are going down and especially for
4 some fishes of recreational importance like snook.

5
6 Also, there was a good section on farming of ornamental fishes,
7 which is something that we are heavily impacted in Puerto Rican
8 waters for acquiring and trade. Those are the most important
9 ones for me.

10
11 **DIANA MARTINO:** Alida Ortiz, Carlos, and myself attended the
12 agricultural fair in St. Croix and we brought our outreach and
13 education stuff to give out. We had a booth and it was a
14 success story, because people loved our stuff and I burned my
15 face with the sun.

16
17 The agricultural fair takes place once a year in St. Croix and
18 it's a three-day fair. It's very nice and, Carlos, can you
19 explain a little more about it?

20
21 **CARLOS FARCHETTE:** We have an agricultural fair every year from
22 February 16, 17, and 18, where at least in those three days
23 about 30,000 people show up within the whole three days and we
24 had a -- We actually got a spot in the DPNR tent to put up the
25 display for outreach and education from the council and I think
26 it was a great success and we're hoping that as time goes on we
27 will be doing this every year with the council Outreach and
28 Education Committee to put the word out there on everything that
29 we do, ACLs and just about everything. They had a lot of
30 coloring books for kids and I think it worked out really well
31 and I think it's going to get better.

32
33 Roy just mentioned that at least 2,000 people walked through our
34 portion of the tent for DPNR and the outreach and education
35 council people and so I think it was a great success story for
36 the Outreach and Education Committee.

37
38 **MIGUEL ROLON:** Also, Diana tells me that the recommendation from
39 the advisory committee on outreach and education is to
40 participate next year and to combat the wind, they will have a
41 special setup and we have the -- Mr. Pemberton and Alicia Barnes
42 were there and we have the pictures to prove it.

43
44 This is the way to actually get a lot of people to understand
45 what are we doing here and exchange ideas with them, because the
46 agricultural fair not only has farmers, but it also has
47 government officials and students from the different schools
48 that participate and fishers and their wives and so it's a

1 success story. I want to repeat that. What else can we do
2 today?

3
4 **CARLOS FARCHETTE:** I know that because of prior meetings and
5 stuff that the Outreach and Education Committee was only able to
6 attend one day of the fair and it's actually a three-day affair
7 and so maybe next year we can do at least two days to get more
8 people involved and distribute more materials.

9
10 **MIGUEL ROLON:** Can we take the enforcement report from Puerto
11 Rico, Miguel? Do we have the U.S. Virgin Islands?

12
13 **CARLOS FARCHETTE:** No report.

14
15 **MIGUEL ROLON:** No report and we have NOAA/NMFS. Anything on
16 enforcement from NOAA/NMFS? Don't worry if you don't have
17 anything. That's okay. It's interesting, because at one of our
18 meetings on enforcement, one of the things that people didn't
19 know was that we receive these reports.

20
21 Believe it or not, many of the agencies who are working on
22 enforcement do not have any report, the Department of Natural
23 Resources in Puerto Rico and EPA and all that. The only one
24 that is constantly having these reports is the Coast Guard and
25 actually, people rely mostly on the Coast Guard, especially at
26 high-sea levels. That is next, the report from the Coast Guard,
27 or let's do this.

28
29 Tomorrow, with fresh minds, technical difficulties -- We can
30 take that tomorrow and Miguel will be ready tomorrow with the
31 report and so Puerto Rico and the U.S. Coast Guard will have the
32 report on enforcement tomorrow. That's all, Mr. Chairman,
33 because if I keep moving stuff from tomorrow to here, we end up
34 tonight.

35
36 I can talk about one activity and it's important for St. Croix.
37 Sea Grant and the council have been working together to have a
38 special issue of their *Fuete y Verguilla* and the idea is to
39 follow a discussion with Commissioner Barnes and Pemberton on
40 the heritage and the importance of the cultural aspects of
41 fisheries in St. Croix and all the islands, but we are going to
42 start with St. Croix.

43
44 What we are coordinating with Dr. Valdés Pizzini and the ladies
45 at the Sea Grant Program in Mayaguez is to have a visitor for
46 four or five days and Carlos Farchette will be the guide. They
47 will visit and interview fishers and housewives and dealers and
48 government officials on various aspects of the fishery of St.

1 Croix and special attention will be put to the heritage issues
2 and the cultural issues.

3
4 There's a lot of interesting things with the fishery of St.
5 Croix. We have people of Hispanic descent, Puerto Rican mostly,
6 who are fishers and we even have people from Asia fishing in St.
7 Croix at one time or another.

8
9 The contribution of the fishing community to the overall economy
10 and society of the Virgin Islands is quite important and so this
11 exercise will provide the information that they need to publish
12 this special issue of the *Fuete y Verguilla*.

13
14 Hopefully, after that, we will move to St. Thomas and St. John
15 in 2014 to do the same thing and have a special issue with the
16 fishermen and there, we need to visit the fishermen of St. John
17 and the fishermen of St. Thomas and from the experience on St.
18 Croix, we will learn what not to do and what to do to improve
19 the next *Fuete y Verguilla*.

20
21 For those of you who are not familiar, the journal that is put
22 together by Sea Grant discusses a variety of issues and one of
23 that that was interesting, at least for me, is that women in
24 fisheries in Puerto Rico -- There is a lot of fisherwomen in
25 Puerto Rico, fish dealers, community leaders, who are either the
26 daughter or the sister of a fisherman, but some of them are
27 fishers themselves, right from the beginning.

28
29 I look forward to having that meeting and so we'll be talking to
30 you and the ladies will interview Alicia Barnes and some of the
31 key fishermen and probably they will ask Roy for some leads of
32 who to talk to to get the best out of the first part of the
33 exercise, which is to come here and to interview the people. I
34 guess that we can stop, Mr. Chairman. People are getting bored
35 here of me talking and so we can break and have the
36 Administrative Committee meeting.

37
38 **CARLOS FARCHETTE:** What we will do is we will adjourn until
39 tomorrow and in about five minutes, we will start the
40 Administrative Committee meeting.

41
42 (Whereupon, the meeting recessed for on March 26, 2013.)

43
44 - - -

45
46 March 27, 2013

47
48 WEDNESDAY MORNING SESSION

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The Caribbean Fishery Management Council reconvened at the Buccaneer Hotel, St. Croix, USVI, Wednesday morning, March 27, 2013, and was called to order at 9:00 o'clock a.m. by Chairman Carlos Farchette.

CARLOS FARCHETTE: Good morning, everyone. We want to continue the 145th Caribbean Fishery Management Council meeting. It is now 9:03 a.m. on Wednesday, March 27, 2013 at the Buccaneer Hotel. We will do a roll call.

LIVIA MONTALVO: Livia Montalvo, council staff.

MARIA DE LOS A. IRIZARRY: María de los Irizarry, council staff.

ADAM SKORDINSKI: Adam Skordinski, U.S. Coast Guard.

WINSTON LEDEE: Winston Ledee, council member, St. Thomas.

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

ROY PEMBERTON: Roy Pemberton, council member, DPNR DFW.

EUGENIO PIÑEIRO: Genio Piñeiro, council member, Puerto Rico.

CARLOS FARCHETTE: Carlos Farchette, council Chair.

MIGUEL ROLON: Miguel Rolon, council staff.

DIANA MARTINO: Diana Martino, council staff.

PHIL STEELE: Phil Steele, NOAA Fisheries.

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

BONNIE PONWITH: Bonnie Ponwith, NOAA Fisheries.

NELSON CRESPO: Nelson Crespo, council member, Puerto Rico.

BILL ARNOLD: Bill Arnold, NOAA Fisheries.

GRACIELA GARCIA-MOLINER: Graciela Garcia Moliner, council staff.

BARBARA KOJIS: Barbara Kojis, SSC Chair.

1 **ALIDA ORTIZ:** Alida Ortiz, O&E AP Chair.
2
3 **DAVID OLSEN:** David Olsen, STFA.
4
5 **HELENA ANTOUN:** Helena Antoun, contractor.
6
7 **EMILY HELMICK:** Emily Helmick, Pew Charitable Trusts.
8
9 **TONY IAROCCI:** Tony Iarocci, fish trap reduction plan.
10
11 **LIAM CARR:** Liam Carr, Pew Charitable Trusts.
12
13 **THIERRY LEDEE:** Thierry Ledee, St. Thomas Fishermen's
14 Association President.
15
16 **TOBY TOBIAS:** Toby Tobias, St. Croix Fisheries Advisory
17 Committee.
18
19 **CARLOS FARCHETTE:** Thank you. On the agenda is Barbara Kojis
20 with the Scientific and Statistical Committee Report.
21

22 **SCIENTIFIC AND STATISTICAL COMMITTEE REPORT**

23
24 **BARBARA KOJIS:** Good morning, everybody. The SSC hasn't met
25 since the last CFMC meeting, but I would just like to provide
26 some update on what's happening and what my recommendations are
27 regarding getting a research priorities plan updated for the
28 CFMC.
29

30 The SSC originally recommended the formation of an ad hoc
31 committee and assign two SSC members to the committee to
32 formulate a draft research priorities draft plan. The
33 composition of the committee was not indicated in the SSC
34 report, but was briefly discussed to include representatives of
35 the CFMC staff, the Southeast Regional Office, and the Southeast
36 Fisheries Science Center.
37

38 This ad hoc committee was never established and the SSC met and
39 began to formulate, as a whole committee, research proposals
40 based on the format recommended by the CFMC staff.
41

42 Subsequently, there was a recommendation by an SSC member, after
43 our initial meeting in which we began to formulate research
44 priorities, to revise the outline of topics and ensure that the
45 research priorities recommended by the SSC are compatible with
46 the needs of the Southeast Fisheries Science Center and the
47 Southeast Regional Office. A new outline was approved by the
48 SSC.

1
2 However, at the last SSC meeting, we did not have time to really
3 address these research priorities, because our main topic of
4 discussion was the ACLs.
5
6 SSC members promised to work on a draft on their own time.
7 However, this wasn't done and I didn't get any drafts and so my
8 recommendation to move forward with this process is to go back
9 to the original recommendation of an ad hoc committee of two or
10 maybe three SSC members and then staff of the Southeast Regional
11 Office, the CFMC, and the Southeast Fisheries Science.
12
13 Have that committee draft the research priorities or to even
14 develop the plan and have the SSC then look and review it and
15 once approved by the SSC, then those research priorities would
16 be available for public comment.
17
18 I think this is the only way we're really going to go forward.
19 Developing priorities in a plan actually takes a lot of time and
20 a lot of thought and it's really important that the Southeast
21 Fisheries Science Center and the Southeast Regional Office are
22 closely involved.
23
24 Obviously from what Dr. Ponwith was talking about yesterday,
25 they are evolving their ideas on how to do stock assessments or
26 come up with status of stocks and so on and so I think it's
27 really important.
28
29 I would also like to mention, because -- Somebody from either
30 council staff or SERO or the Southeast Fisheries Science Center
31 needs to have a staff member assigned to really write this
32 document up. I am sure SSC members would be able to help and so
33 on, but we need somebody from them that actually is assigned to
34 write this.
35
36 There's a couple of other comments that I just wanted to make
37 from my perspective and some of the SSC member comments in the
38 past and so on. Given the funding situation and the needs of
39 fisheries management in the U.S. Caribbean, the research
40 priorities probably need to be focused on the highest needs of
41 the council.
42
43 For example, it's my understanding that there is still no
44 formulation and pilot testing of a statistically-valid port
45 sampling program in the USVI, nor is there a statistically-valid
46 program to determine the accuracy of catch reports and adjust
47 reported catches reported by fishers based on such factors as
48 accuracy of total catch being reported, accuracy of species

1 identification, accuracy of reported pounds of specific species.
2
3 Also, there is a need for basic biological data on age and
4 growth, fecundity, et cetera on council-managed species and so
5 this would be all part of what the ad hoc committee would look
6 at and the SSC eventually in terms of where these priorities lie
7 and what we really need to focus on for the next five years,
8 because this is a five-year plan.
9
10 The SSC also discussed the plan in term of the context of the
11 items that I mentioned above were basic fisheries data that
12 government agencies generally have responsibility for.
13
14 However, some of these needs may require a new look at what is
15 feasible and a concerted effort that can include local
16 universities. For example, in the Virgin Islands, we have a
17 master's program and there may be students that could be focused
18 on getting the biological data for some of the fish species.
19
20 Alternative methods of assessing ecosystem or fish species
21 status may need to be a priority research topic as well and also
22 there are data needs for future SEDAR stock assessments and it's
23 important that a representative of the NMFS staff involved in
24 these stock assessments participate in the ad hoc committee.
25
26 I think an ad hoc committee is the most efficient and effective
27 way of developing research priorities and a plan update and it
28 appears that the funding is getting tighter for all government
29 agencies and we need to ensure that the CFMC research priorities
30 focus on the needs of local and federal government agencies.
31
32 Finally, and a little bit different area, I just wanted to
33 mention that there are several species units that were deemed to
34 have exceeded their ACL because of more accurate reporting by
35 fishers and one of these was the angelfish species unit.
36
37 This is a species unit that the SSC discussed extensively
38 because of its ecosystem importance. These species are
39 important predators on sponges. The ACL for this species was
40 originally low on St. Thomas. However, once the species was
41 specifically listed on the catch report forms and fishers on St.
42 Thomas reported their catches, the numbers increased, the catch
43 rate increased.
44
45 If data are sufficient, a new OFL and ACL needs to be
46 established for this species group and possibly others as well
47 and so if anybody has any questions, I would be happy to answer
48 them.

1
2 **CARLOS FARCHETTE:** Thank you, Barbara. Any questions for
3 Barbara? Then next on the agenda is the Trap Reduction Project
4 Report and Tony Iarocci. We are actually going to switch that
5 agenda item and we're going to have a Report on Trap Vents by
6 David Olsen.

7
8 **REPORT ON TRAP VENTS**
9

10 **DAVID OLSEN:** A little bit of background is the council is
11 procuring, and are being constructed as we speak, \$5,000 worth
12 of trap vents. The final size that came out of the study were
13 five-and-three-quarters-by-one-and-three-eighths inches.

14
15 This will buy approximately 6,250 vents. We put two in a trap,
16 which will put vents in 3,125 traps, which is approximately
17 three-quarters of the number of fish traps in St. Thomas.
18 There's a fish trap with a bunch of lionfish and some fish in
19 it.

20
21 From the study, we calculated that the vents release, of the
22 various species, anywhere from almost ninety down to a plus
23 number of things. Interestingly enough, a number of the
24 commercial species were more abundant in the traps with vents
25 than in the traps without vents and so there is a net to
26 fishermen of some of the commercial species, a net gain, and you
27 can read that list.

28
29 For some of the significant species, you can see reductions in
30 CPUE for particularly surgeonfish, the various filefish, and the
31 angelfish. All have fairly significant reductions and for some
32 of them, there is a gain in the average size of the fish being
33 caught.

34
35 Bill has undertaken a selectivity analysis and then gone back
36 and tested the significance of the selectivity shift and for the
37 redfin, parrotfish, and the white grunt, the red hind, there was
38 not a significant shift with using the vents.

39
40 The queen triggerfish or olewife, there was a significant shift
41 at a 0.5 level. The saucereye porgy, which is something we've
42 never talked about here, but which on my Saturday junkets I see
43 an awful lot of really small saucereye porgy on the trucks, and
44 there's a highly significant shift of saucereye porgy.

45
46 The gray angelfish, which Barbara just talked about, there's a
47 significant shift and the stoplight parrotfish has a significant
48 shift. The two surgeonfish also have a significant shift.

1
2 This is Bill's contribution to the study. I basically supplied
3 some data and badgered him from time to time and again, it shows
4 these vents have a statistically significant impact.

5
6 In the study, these are the 3,125 traps that Miguel has bought,
7 along with all the lobster that he's bought. He has really been
8 in the fish business this year. In our study, we had an average
9 set length of 9.7 days and the fishermen, the serious fishermen,
10 are all trying to haul their traps on a seven-day set and this
11 extra is basically allowing for those days when the weather is
12 bad and within the context of our study, Julian had a couple of
13 times when he missed a major portion of it and so this set
14 length is probably longer than the actual thing, but it's a
15 statistically set length.

16
17 This will give an average of thirty-eight hauls a year for a
18 trap and a total, with these traps, of 118,000 hauls. Now, this
19 down here is the change in numbers, the fish that are released
20 from the traps with the vents. These are, again, commercial
21 fish, and I've taken out the boxfish, that have a net gain and
22 so the number of releases is over 200,000 fish with the vent and
23 so the purchase of this investment of \$5,000 is going to have a
24 200,000 per year release of fish, many of which are the
25 herbivores that the greenies are all concerned about and the
26 angelfish. Are there questions?

27
28 **ROY PEMBERTON:** Are these traps baited?

29
30 **DAVID OLSEN:** They are fished the way fishermen fish them. Some
31 of them bait them and some of them don't bait them.

32
33 **CARLOS FARCHETTE:** I have a question. After these vents are
34 installed and working, the intent is for a territory-wide use of
35 these vents?

36
37 **DAVID OLSEN:** We are doing this as the Fishermen's Association
38 and whatever the territory does, who cares?

39
40 **CARLOS FARCHETTE:** Any other questions for David?

41
42 **TOBY TOBIAS:** David, what is the size of the vents again and
43 where are they located on the traps?

44
45 **DAVID OLSEN:** We have tested all the sizes, heights, and
46 locations. They are five-and-three-quarters high by one-and-
47 three-eighths wide and they're located away from the funnel side
48 of the vents on the lower portion.

1
2 **TOBY TOBIAS:** They're in the horizontal position?

3
4 **DAVID OLSEN:** Vertical.

5
6 **CARLOS FARCHETTE:** Any more questions? Okay. Thank you, David.

7
8 **DAVID OLSEN:** Do you want to do the trap reduction or do you
9 want to go into the lobster?

10
11 **CARLOS FARCHETTE:** We will go into the lobster.

12
13 **SPINY LOBSTER PROJECT UPDATE**

14
15 **DAVID OLSEN:** Okay. This is a lobster fisherman, a lobster
16 trap. This is the same slide I showed last time and this is
17 showing how we're tagging the lobster. Daryl has been really
18 instrumental in the success of this project, Daryl Bryan, and
19 has done a lot of the tagging, a lot of the recapturing, and
20 both Daryl and Winston's brother, Gregory, have done
21 uncompensated total measurement trips so that our sample size of
22 total measurement trips on St. Thomas has increased.

23
24 This is the trip summary by month. We've got 112 trips in St.
25 Thomas and eighty-four trips in St. Croix. We have measured
26 almost 3,500 lobsters in St. Thomas and almost 1,400 in St.
27 Croix and tagged 1,300 in St. Croix and 2,700 in St. Thomas.

28
29 We've got twenty-seven recaptures by project fishermen in St.
30 Croix and 127 in St. Thomas and non-project recaptures, we have
31 nine in St. Croix, including one woman that owns a restaurant in
32 Cane Bay that only discovered the tag when she was getting ready
33 to serve the lobster.

34
35 Fishermen are keeping some of the lobsters that have shed their
36 roe or grown into legal size, three in St. Croix and thirty-six
37 in St. Thomas.

38
39 The non-project captures, we had one last week by Daryl that had
40 been out for 190 days and we've had one from a Puerto Rican
41 fisherman, Roberto Silva, and I'm still waiting to get the
42 coordinates from him, but I got the tag number and the size and
43 everything and so this is one of Gregory Ledee's lobsters from
44 north of Culebra.

45
46 One of the problems that we're having is that the project does
47 not seem to be, in my opinion, very successful in St. Croix.
48 The last data we've had from St. Croix is the end of January,

1 where, like I said, I've got data from Friday in St. Thomas and
2 Ed and I have been talking about this.

3
4 There are fishermen in the project that say they're seeing
5 tagged lobsters, but they're not picking them up and measuring
6 them. I have heard rumors that one of the fishermen is putting
7 the tagged lobsters in his traps to use as bait and so we're --
8 Ed and I are either going to work this out or I'm -- I don't
9 want to work with data that I can't be confident in and so by
10 the end of April, we're going to make a decision.

11
12 My understanding is the council has distributed this in Puerto
13 Rico and Roberto basically got my phone number off the tag
14 itself. My phone number is on the tag. I've had calls when we
15 were at GCFI in Columbia from one fisherman who got a tagged
16 lobster and he was real excited about it and I had to tell him
17 he was paying a very high cost to make that report and I got
18 back to him later.

19
20 This is the St. Thomas map of where the lobsters have been
21 released. Keep in mind that each one of those dots is not a
22 lobster, but it's a place where lobsters have been released and
23 there have been up to forty lobsters released at each one of
24 those points and so we've got pretty good coverage of the
25 southern shelf.

26
27 Gregory fishes the entire northern shelf. This area in here,
28 which Graciela was concerned about, I've done diving out in this
29 area when I was younger and it's mostly a big flat cobble bottom
30 and it's a place that fishermen have already tested and found
31 not to have lobsters and unless you want to pay a couple of
32 thousand dollars a trip to sample it, it's not going to get
33 sampled.

34
35 St. Croix, another issue with St. Croix is that only Gerson and
36 Tom Daley have GPS and so we're only getting GPS locations from
37 them and the rest of the reports are coming in the Fish and
38 Wildlife reporting zones, which I think are two-and-a-half miles
39 on a side, and so they're very approximate.

40
41 The recaptures, the blue lines are the distance between tag and
42 recapture. One of these lines, this one here, is 13.4 miles and
43 so they're traveling around and an awful lot of St. Thomas
44 lobster fishing is taking place in this zone and a lot of those
45 recaptures are -- Some are in the very beginning of the study.

46
47 This is the same kind of map from St. Croix. Again, it's kind
48 of meaningless because the chance that one of the fishermen with

1 GPS will also be the fisherman that recaptures the thing is
2 pretty unlikely and in fact, it has not yet happened and so
3 these are approximate tag and approximate recapture locations.

4
5 This is from the complete trips in which every lobster was
6 measured and there's a big difference between St. Thomas and St.
7 Croix. St. Croix looks an awful lot like a Florida-type of
8 fishery, where the lobsters are being caught basically as soon
9 as they reach legal size. There is still significant numbers of
10 large lobsters, 140 millimeter, but it still is a fishery that
11 really emphasizes the young, short lobsters.

12
13 St. Thomas is very different, in that the average size is much
14 bigger and the capture rate is much lower and this is a -- I've
15 got a picture in my phone of a 175-millimeter lobster. It
16 didn't happen to be one that was tagged.

17
18 Now, Graciela raised the question of sample size on these
19 complete trips and so I went and calculated, for the average
20 size, the coefficient of variation with the increasing numbers
21 of sample size and about 200 lobster, the coefficient of
22 variation starts to level off and it's pretty constant ever
23 since that.

24
25 I think the fact that we have a little bit less than 4,000
26 lobsters in the St. Croix sample means that that sample is large
27 enough to make statements from.

28
29 Now, I have always, as I mentioned last time, been a little
30 uncomfortable with Olsen 1978's estimate of lobster growth,
31 because I did a lot of tagging in mangrove lagoons and the
32 sample was heavily weighted for small lobsters and the growth
33 rate was a little bit faster.

34
35 I found -- Those Cubans really do things up. I found a forty-
36 year study with 800,000 lobsters in it, in which they estimated
37 growth every year and had really stable estimates of all the von
38 Bertalanffy parameters and so we've started using that in our
39 stock assessment until we get our own from our tag recapture
40 data.

41
42 Their L infinity is 195 and my L infinity was 150. The two
43 curves go fairly close until year four and so the earlier -- It
44 hasn't made much of a difference in the earlier years, but it
45 makes a big difference the older the lobsters get.

46
47 My estimate of the K value was 0.432 and theirs was 0.24 and
48 it's not very significant. It's just a curve fitting parameter

1 and in the study, from the tag recapture analysis that we've
2 been doing, we have not gotten a K rate value, because we don't
3 have enough recaptures of larger lobsters and so we're still
4 seeing basically the smaller lobsters, who are growing pretty
5 fast, but we've gotten the L infinity estimate down to 214
6 millimeters, which is a twelve-pound lobster, which is a lobster
7 that is caught -- Probably one every year you'll hear about
8 someone caught a twelve-pound lobster in St. Thomas. As the
9 sample size increases, we're getting closer to having a growth
10 rate from the study.

11
12 Recaptures, these are the recaptures, the days at large. As I
13 said, this was before Friday and we have one of them out here
14 now. An awful lot of our recaptures are still in this one-month
15 area, but we're starting to get a pretty good sample size of
16 recaptures which have been out a while.

17
18 Now, last time I mentioned that we calculated the mortality
19 rates from the size frequency distributions of not only the
20 project's lobsters, but from all the TIP sample that we got.

21
22 At one point, we were getting really good cooperation with Steve
23 Turner and David Gloeckner up in the Science Center and we were
24 able to calculate the total mortality and then, from that, we
25 developed measures of fishing mortality.

26
27 Interestingly, Josh and I still argue about this fishing
28 mortality rate. I am using a natural mortality as calculated on
29 the weight of the animals and it gives a value somewhere around
30 0.1.

31
32 He has been using my 1971 sample, which the mortality rate was
33 0.16. This may not be of interest to many people, but that was
34 at a time when there was very little market for lobsters and so
35 the size frequency distribution may have been indicative of
36 natural mortality. There certainly was some fishing in that,
37 but so his natural mortality rate is higher than the one that
38 I've been using.

39
40 Now, for complete trips, we're getting full recruitment at
41 around 100 millimeters carapace length and we still see lobsters
42 in the sample out to 7.1 years and we're getting a total
43 mortality rate of 0.316. Again, this is really good, solid,
44 long-term survival.

45
46 In St. Croix, we're getting basically full recruitment at legal
47 size and they're pretty much all caught within two-and-a-half
48 years and the mortality rate is slightly under one.

1
2 If you calculate the mortality rates and plot a moving average,
3 the triangles are St. Croix and the boxes are St. Thomas. You
4 see that they're running pretty close together. This is this
5 big holiday of TIP sampling that took place in the late 1990s
6 and early 2000s.

7
8 They're running along together until about 2004 or 2005, when
9 the St. Croix mortality rate continues to increase in a trend
10 that's gone on since probably about 1998, which is roughly when
11 the big diving fishery started over here. On the other hand,
12 the St. Thomas mortality rate diverges and comes down and so
13 we're seeing a point in time when there's been a significant
14 departure of the two fisheries.

15
16 Now, Josh calculated the yield per recruit, this white line. In
17 order to smooth this white line, you have to do a twelve point
18 moving average and so it doesn't come down -- It basically comes
19 down to here and so the St. Thomas fishery is pretty close to
20 the maximum yield per recruit, while the St. Croix fishery is
21 less efficient.

22
23 Then we started trying to look at population and we looked at
24 the CCR data and found that it was reported in the CCR data that
25 fishermen were hauling 300, 400, or 500 -- Over 500 traps a day,
26 which simply is not true.

27
28 We were working with Steve and David Gloeckner to try and
29 resolve this and I went and got, from the 2006 data, all the
30 fishermen that were catching or hauling these unrealistic amount
31 of traps.

32
33 I went and talked to everyone, with the exception of one guy
34 that was over the limit in two years, who refused to cooperate,
35 but everybody cooperated and gave me what they said they had
36 been hauling for traps for as long as they had been hauling
37 traps, back into the 1990s.

38
39 We took that times the number of trips they made and calculated
40 the total number of traps which would be used in our stock
41 assessment.

42
43 This only affects the bigger fishermen. You can really tell if
44 a guy is supposedly hauling 500 traps a day and he's fishing
45 five days and hauling a hundred traps and so if he's fishing 200
46 traps a day, he's fishing two days and hauling a hundred traps.
47 Pretty much everyone is hauling somewhere around a hundred
48 traps.

1
2 You get this huge difference. The peak number of traps hauled,
3 when you have the numbers supplied by the fishermen, is less
4 than 250,000 traps, where if you take the data out of the CCRs,
5 you're getting 475,000 traps. It's a huge difference.
6
7 It has affected every SEDAR which has been put forward and it
8 could be a significant reason in why SEDAR has been so
9 unsuccessful. It just shows the failure of this process.
10
11 Fishermen are invited to these meetings and they're asked
12 meaningless questions like what's the biggest one you catch and
13 stuff like that. They're not asked simple things like how many
14 traps do you haul a day and it has perpetuated the problems in
15 SEDAR.
16
17 Now, we were working pretty well, David and Steve and I, and
18 then if you take the effort, you get a fairly constant catch per
19 unit effort value until the last query that we got from the
20 Science Center came up with -- In the case of St. Croix, a 50
21 percent reduction in the number of trips being made the Cruzan
22 diver fishermen.
23
24 The reason for that was -- It was set up in the way the query
25 was written. I really believe that they were only querying
26 trips where lobster were caught, rather than all trips.
27
28 If you look at the 2006 data and change the query from
29 everything and just from the lobster to everything only where
30 lobster were caught, you get the same poundage of lobster, but
31 you get half the number of trips. This figure up here is an
32 artifact of getting that query.
33
34 Now, I got this email from Steve and basically all cooperation
35 has been shut down and we're not going to get any more data from
36 the Science Center. Being persistent, however, we decided we
37 would go ahead and so we started to look at ways that we could
38 estimate the population based on the data that we had.
39
40 We found in St. Thomas -- The fishermen in St. Thomas will tell
41 you, when it comes to lobster, and, Winston, you can tell us
42 right now, that these guys fished heaviest during the tourist
43 season, because the market for lobsters is best during the
44 tourist season.
45
46 They do this despite the fact that it's also the Christmas winds
47 when the weather is the worst and so what you're seeing is
48 fishermen working really hard to make a living.

1
2 Now, if you were to use Bill's example of how they're going to
3 implement an AM, accountability measure, and start in December,
4 you're going to hit some guys pretty hard by backing down from
5 the end of the year.

6
7 Now, St. Croix is a very different picture. If there's a peak,
8 it's more in the summer months and I suspect that St. Croix is
9 basically fishing more the resource abundance than for tourists.
10 We all hear about the problems in St. Croix's tourist industry.
11 They don't have the number of hotels and things like that and so
12 their market is pretty much constant all year long, although
13 there's a slight peak in the summer, and I suspect that that's a
14 period of peak abundance for lobsters.

15
16 Now, if we estimate the population in St. Thomas, I calculated
17 one time that STFA members land about 97 percent of all the
18 lobsters caught and so our membership is basically port
19 sampling, in terms of tags, the entire catch and so I'm fairly
20 comfortable that we're seeing almost all the lobsters that are
21 caught.

22
23 The average percentage caught year-round is in this first column
24 and we used the 2010 landings, because I personally believe the
25 2011 landings aren't complete yet. It's lower than I would
26 expect and so we used the 2010 landings, which in St. Thomas was
27 129,000 and in St. Croix, it was 134,000.

28
29 That gives us what the landings were for each month. We know
30 what the average size was and so we know how many lobsters were
31 caught. We know how many were tagged, the cumulative number
32 tagged, and so we're tagging -- We've got tags out in the water
33 that make up almost half of the lobsters being caught.

34
35 These are the ones that are recaptured. These are the numbers
36 and these are the percent and that gives us an estimated
37 population size of somewhere between 284 and 564. This last
38 number, March, isn't finished yet and we don't have the data and
39 so it's inflated.

40
41 I don't know what percent of the lobster our project people are
42 landing and so I'm not confident in St. Croix about making the
43 same assumptions, but if you do the same exercise, you end up
44 with numbers that I don't think have any meaning and, again,
45 unless we can solve this problem with St. Croix -- I don't want
46 to stand in front of you again and say this.

47
48 If you take lobster landings, this is approximately where all

1 the ACLs are, right in this region here. You can see that in
2 both St. Croix and St. Thomas that lobster landings have been
3 increasing significantly over the period when the ACLs were
4 calculated. This means that these averages, that the SSC chose
5 in its wisdom to implement, include a lot of low years, which
6 have dragged down the ACL.

7
8 The ACL is way below what -- This is starting to look, at least
9 in St. Thomas, like semi-stable and maybe St. Croix is semi-
10 stable, but next year, the 2011, ACLs come into play and next
11 year, you've got massive overruns in the case of lobster and I
12 suspect a lot of other things.

13
14 In the case of lobster -- In St. Thomas, most of our fisheries
15 have been fairly stable and so we're probably dealing only
16 within the range of variability around the mean, but in the case
17 of lobster, where the catches have been increasing
18 significantly, guys are really going to be punished and you
19 don't have any idea, except for the study that we're doing now,
20 what the actual impact of these landings are.

21
22 There is an argument that what you should do is just let
23 fishermen fish and analyze the impacts of their fishing on the
24 size frequency distributions, the catch per unit effort, and
25 analyze the impacts of it and, following that, work with the
26 fishermen to adjust the landings down to sustainable levels.

27
28 The trouble with that is that here we're talking about red hind
29 SEDARs in 2013 and there's no way to hook up the analytical
30 process to the landings process in a realistic manner and so I
31 hope that I'm living in Ireland when you all have to deal with
32 this next year.

33
34 Anyway, you have a difference. We have discussed the
35 differences between St. Thomas and St. Croix. There's a
36 centimeter difference in the average sized lobster and so we've
37 had Josh, within the limits of the data that have been made
38 available to us, analyzing basically exactly what Bonnie was
39 saying yesterday, based on the size frequency distributions
40 analyzing the stuff.

41
42 We've looked at catch by gear and we've developed catch per unit
43 effort abundance indices and analyzed the size distribution of
44 the catches. It provides information about the population size,
45 the recruitment, the fishing mortality rates, and it provides
46 some indication of what the status of the stocks are.

47
48 In this mystery called stock assessment, and I'm going to kind

1 of skate around the edges of it, because I don't claim to be
2 really knowledgeable about it, it gives a variety of pictures of
3 mortality rates and recruitment strength and there's a conflict
4 between the different datasets, the incomplete dataset that we
5 have from 2006 and on and the pre-2006 one.
6
7 He didn't make any attempt at fitting the stock recruitment
8 thing and if we can ever sort out this data issue, we can do
9 that afterwards.
10
11 Here's the St. Thomas. You're seeing a pretty good fit. Even
12 when it starts to depart, it's kind of maintaining the pattern.
13 The catch per unit index is running right along with his
14 predictions, even when we took the data supplied by the Science
15 Center and adjusted it for our fishermen interviews. We are
16 seeing a very close fit to that.
17
18 The diver landings, diving contributes less than 10 percent of
19 the St. Thomas fishery and it's not highly significant. Again,
20 it doesn't really fit very well.
21
22 On the other hand, in St. Croix, you're getting a really good
23 fit with the trap landings and again, this catch per unit effort
24 index is just climbing all out of whack with the data that we
25 got that I said has a query problem.
26
27 The diving index is -- The landings part of the model is fitting
28 pretty good and the catch per unit effort index is really not
29 fitting, except this collection of points where you've basically
30 got half of the effort that actually is taking place.
31
32 What would you look for if you were going to analyze it? You
33 would look for changes in the size frequency distribution and
34 changes in the catch per unit effort index. In St. Thomas,
35 despite this really massive increase in the landings, the size
36 frequency distribution has continued to grow, increase.
37
38 This is what it was in 1971 when I started and this is what it
39 is in the study and basically, there's been a continuous
40 increase in the average size of lobster being caught in St.
41 Thomas.
42
43 That is simply not true in St. Croix. There has been a
44 continuous decrease in the average size of lobster and so what
45 you're seeing in St. Croix is an indication that there are
46 issues within the fishery that should be addressed.
47
48 There's a conflict between the two sources of information and

1 that really causes some problems in this analysis. Increasing
2 catches without any signs of decrease in CPUE or average size,
3 it's hard for the model to resolve that.

4
5 It provides increasing recruitment, but this conflicts with the
6 relatively stable size frequency distribution in St. Thomas. In
7 St. Croix, there's a similar data conflict with the increasing
8 CPUE and we think that's a data problem, particularly in recent
9 years, and so we're not convinced that we've got firm footing
10 for making recommendations.

11
12 However, there's a big difference, there's an obvious
13 difference, between St. Thomas and St. Croix. One, St. Thomas
14 is on this big shelf with the BVI and Puerto Rico and there's a
15 lot of possibilities of recruitment and everything.

16
17 In St. Croix, there's an isolated seamount and the shelf is
18 approximately one-tenth the size of the area which you designate
19 as the St. Thomas fishing area.

20
21 He suggested current fishing pressure is sustainable. There's
22 no effort of a declining CPUE or average size on St. Thomas, but
23 there is a decrease in the average size observed on St. Croix.
24 This National Standard says that you can get away with using
25 average landings, but I would maintain it simply does not apply
26 when the fishery is undergoing significant changes and in the
27 case of the lobster fishery, both St. Thomas and St. Croix are
28 probably still in the process of reaching some new equilibrium
29 landings.

30
31 St. Croix has been as high as 150,000 pounds and St. Thomas has
32 been as high as 140,000 pounds and it's gone, during the period
33 when the ACLs were calculated, from 78,000 pounds and so it's
34 almost doubled and those earlier years are dragging down the ACL
35 estimate.

36
37 Basically what we've done is very similar to what Bonnie
38 described yesterday, to the point where I think there's been
39 some idea borrowing.

40
41 I know that my initial calculation of how to calculate
42 mortalities from the size frequency distribution, I know Ron
43 Hill gave that to someone in the Science Center who was very
44 interested in it.

45
46 We need to get the recent data. Somebody needs to decide what's
47 important. Bonnie made a plea for cooperation in the red hind
48 assessment yesterday, but cooperation means it has to go both

1 ways. Even if the assessment results are uncertain, if we can
2 get a little bit further down the line, we think we can get
3 management advice, but clearly St. Thomas and St. Croix are very
4 different fisheries and need to be addressed differently.
5 There's lobsters and here is a devil lobster with three horns.
6 That's it and I'm done.

7

8 **CARLOS FARCHETTE:** Any questions?

9

10 **EDWARD SCHUSTER:** Can you go back to a couple of these slides
11 here, the one that's all -- As David and I discussed before,
12 there is a problem with collecting the data. First, when the
13 market lobsters were supposed to be collected, we had no problem
14 there and then for the berries and shorts, to be honest, I don't
15 know what really happened.

16

17 The fishermen are saying there's data there for us to collect it
18 and they haven't done it, I must say to that. I just want to
19 say with this that you have, Dave, to take into consideration
20 the biggest -- You have more trap haulers that harvest lobster
21 by trap.

22

23 **DAVID OLSEN:** Yes.

24

25 **EDWARD SCHUSTER:** In St. Croix, they're divers and so they are
26 hand-picked. The divers don't pick the big lobsters up, because
27 the restaurants don't want big lobsters. It's harder to sell
28 and the meat, compared to the shell size, is not comparable.
29 It's not proportioned exactly and so they actually pick a
30 lobster size of maybe like two-and-a-half or three pounds to
31 three-and-a-half pounds, once it's within legal size.

32

33 There was one part where you said there was a peak season during
34 the summer months. We're more divers here than traps. You've
35 got Daley and you've got Gerson that are the biggest trappers.

36

37 During the summer months, where the guys go for Lang Bank,
38 remember we don't fish big vessels like you guys do. I think
39 the biggest fishing vessel that we have commercially for lobster
40 is Daley, which is like forty-two foot. The other guys are like
41 eighteen footers or twenty footers or twenty-two or twenty-five
42 footers.

43

44 When the weather is rolling on the Bank, they are not going up
45 there and so in those summer months, when you've got calmer
46 weather and stuff like that and the Christmas winds are gone,
47 that's why you probably saw this increase, where you're going to
48 get more landings during the summer because you've got calmer

1 weather. The weather is coming out of the south and up in the
2 Bank it's more flatter days.
3
4 **DAVID OLSEN:** You see a big scatter in this. This red line is
5 an average of all these years.
6
7 **EDWARD SCHUSTER:** Right and so I just wanted to bring those
8 things out.
9
10 **DAVID OLSEN:** I was curious why there was -- I just suspected
11 that it was more of the resource or weather or something, where
12 our guys are totally market-driven.
13
14 **BONNIE PONWITH:** That's a really valuable observation coming
15 from the folks that are fishing and I guess my question is,
16 based on that conversation, is it possible, David, to stratify
17 the data for both St. Thomas and St. Croix by fishing gear and
18 do a simple t-test with the hypothesis that the length frequency
19 is identical and determine whether you reject that hypothesis?
20 If so, that would be justification for stratifying the analysis
21 because there's different selectivity of those two gears.
22
23 **DAVID OLSEN:** -- stratified by gear. As far as comparing the
24 average size with the t-test, that's easy enough to do. The
25 problem is that we start getting sample size issues then,
26 because we're dealing with the total trip things and Gerson was
27 a fairly significant part of the total trips and he's primarily
28 traps, but that's not hard to do. That's not an issue.
29
30 **TONY BLANCHARD:** Good morning, folks. I am just curious, what
31 year was the first year that that study started in?
32
33 **DAVID OLSEN:** Which part of the study, Tony?
34
35 **TONY BLANCHARD:** The first part of the study, where the
36 information started coming from, when you first started.
37
38 **DAVID OLSEN:** The size data comes from the port sampling data
39 that started in 1980.
40
41 **TONY BLANCHARD:** Okay and so you have information that is on the
42 board before 1980?
43
44 **DAVID OLSEN:** The port sampling didn't start before -- Well, we
45 have the study I did in 1971.
46
47 **TONY BLANCHARD:** That's included in this?
48

1 **DAVID OLSEN:** Yes.

2
3 **TONY BLANCHARD:** I will give you a little history on the lobster
4 fishery in St. Thomas. The lobster fishery was actually started
5 by two guys and both came from the states and I'm sure Mr. Ledee
6 would be able to verify this with me, because we're the same
7 age.

8
9 There was two guys and one of the guys was Buster that came down
10 from the states and he brought a boat and he started fishing --
11 I think he brought two boats, but I could stand to be corrected.
12 They started the real lobster fishery in the Virgin Islands,
13 because at that time, there was no way of selling the lobsters.

14
15 If I used to come in with a lobster at that time, sometimes you
16 give the lobster away, because nobody -- Even giving it away,
17 people didn't want it. It only became a commodity when the
18 tourists starting moving to the islands and they made a market
19 for this, selling it to the restaurants and so, but really,
20 lobsters was not a target species.

21
22 Where you see the increase that has gone up, it's because, once
23 again, the market is there and so the market is there and we
24 will catch it, but at that time, like I said, it was only really
25 started by two guys, the lobster fishery, and they had the
26 market on the lobsters and that's why you see the jump in data
27 from one to the next and a steady increase.

28
29 **BONNIE PONWITH:** That's really interesting as well in terms of
30 understanding what year represents potential virgin stock. What
31 year was it that those two vessels began?

32
33 **TONY BLANCHARD:** I would say it was probably in the mid to late
34 1970s and I'm sure Mr. Ledee could probably verify that for me.
35 To back Ed on what he just said, he made a very good point. Ed
36 said that the divers in St. Croix only target a certain size
37 lobster and I would have to back him on this, because I've got
38 certain customers that, just like fish, if the lobster is not a
39 size that they could market and make a profitable amount of
40 money off of, they don't want it.

41
42 It don't make no sense if you don't have a customer to take a
43 seven-pound lobster to to bring it in and so that, I could
44 understand the reason behind that, especially on a diver. A
45 diver targets exactly what he wants. He goes down there and he
46 sees it and he takes it up. A guy has it in a trap, whatever
47 comes up in that trap is in the trap. That's basically my
48 statement for the lobsters.

1
2 **CARLOS FARCHETTE:** Thank you, Tony.

3
4 **EUGENIO PIÑEIRO:** Briefly, Bonnie, as a historical note in
5 Puerto Rico, we had the same thing. Lobster was not harvested.
6 People would say it's poisonous or feed it to the pigs, but
7 actually, when it began in Puerto Rico, it was earlier, because
8 of the Navy bases.

9
10 We started earlier, but in here, the 1970s is a good time table,
11 a good starting line. That's where it started, but no one even
12 thought it was going to be harvested and people would just throw
13 it out. It was like a lionfish kind of thing now and it's hard
14 to believe, but that's what it was.

15
16 **EDWARD SCHUSTER:** I just wanted to say a couple of things here.
17 I'm not doubting Dave's expertise and I'm not a scientist and I
18 don't have a PhD and all of that other stuff, but I have gone
19 out with Gerson, who has got an equivalent amount of traps as
20 Daley.

21
22 I've never gone fishing with Tom Daley. He has his superstition
23 and all of that stuff and I wish he was here to defend himself,
24 both of them, but it's Easter season and everybody is trying to
25 make that dollar for the holy week and Lent season and all of
26 that stuff.

27
28 Gerson, when I have gone out with him, and, Carlos, you could
29 probably say the same thing too, because I know you've gone
30 several times with him in rough weather and good weather and all
31 that stuff and I know when you're in rough weather that you come
32 back all shaken up, but I have gone with him and he has pulled
33 thirty or thirty-five traps or almost forty traps and he catches
34 150 pounds of lobster and he's done for the day.

35
36 He's got, I think, about a hundred traps or maybe ninety-
37 something traps. Tom, with his samplers and stuff, I know he
38 catches good lobster and I've seen him when he's pulled maybe
39 all of his traps, because he's a one -- He goes out on Fridays
40 and maybe sometimes twice a week and he's got, I know for sure,
41 over 150 pounds of lobster also.

42
43 I don't know how much traps he has pulled, because I'm not
44 there, but I just wanted to know -- I mean if somebody is
45 pulling less traps and catching equivalent or almost close to
46 somebody that has a hundred traps, is it because he's placing
47 them in the right place or is he tracking the lobster, where
48 they move? I mean what does that tell us?

1
2 Because I don't think it's fair to say that our fishery is on a
3 decline when the effort is less. It's the same trap. He
4 doesn't have a special trap or anything. Is it the bait? What
5 could it be? That's just my question in my mind.

6
7 If you have less traps catching the same amount of fish using
8 the same type of wire, I mean lobsters don't swim through mesh
9 if they're legal and so I don't know if you want to answer that.

10
11 **DAVID OLSEN:** Clearly the fishery is not on a decline. It's
12 been increasing for the last ten years. You have up to 150,000
13 pounds. What is decreasing though is the average sized lobster.

14
15 Now, I can look at the difference between trap-caught lobsters
16 in that. As far as these legendary trips, they need to show up
17 in the data from the study and I haven't seen those trips in the
18 study. When those trips show up in the study, then I believe --
19 I am stuck. I only believe what's in front of me.

20
21 If I had a nickel for every time I heard a fish story, I would
22 probably be somewhere else. That's a feature of fishing, is
23 that people always remember the good days and they don't
24 remember the bad days.

25
26 I myself, as a lobster fisherman in California, I only remember
27 the good days. I don't remember a single day when I spent ten
28 hours underwater for ten-dollars and so that's what I'm saying.

29
30 The TIP data have been going on for thirty years now and those
31 trends are showing up in the TIP data. The fishery has been
32 increasing rapidly in the last few years. The amount of lobster
33 being landed in both islands has been increasing rapidly and the
34 SSC -- I have said this for years now, that the SSC needed to
35 treat those fisheries in transition different from the stable
36 fisheries and they have not. They have ignored that and we're
37 ending up in these -- You're ending up having to talk about
38 closures.

39
40 **WINSTON LEDEE:** I just wanted to concur with Tony. In the late
41 1970s is when a guy named Buster Crab came down with a boat
42 named the Lady Lee and introduced lobster traps to St. Thomas.
43 We never fished those before and he introduced the wooden
44 lobster trap from Florida and it gradually progressed over the
45 years, until I would say the 1990s that they changed to plastic
46 traps and all the fishermen started using them.

47
48 **DAVID OLSEN:** I have a question, Winston. If you look at the

1 monthly landings information from all of it that's available,
2 you don't see this pattern emerging until 1989. It's just a big
3 jumble until 1989 and I was just -- I've been curious. Was it
4 that the fishery was evolving more toward supplying the hotels
5 and everything and before then it was still just kind of by the
6 resource?

7
8 **WINSTON LEDEE:** Absolutely. The hotels and the restaurants were
9 being built and there was a demand for lobster.

10
11 **ROY PEMBERTON:** Just in the spirit of cooperation, I saw the
12 email, but, Dr. Olsen, that email was generated from the Science
13 Center to me to kind of get in consistency with the requests.
14 It was not saying that you can't put in a request or you can't
15 get the data. You just run the request through my group and
16 then we'll forward it on to them.

17
18 The first thing is that we have to see if the request is
19 something that we can supply, because their group is very busy
20 with a lot of other assessments and not that this assessment is
21 not important and once that is not the case, then we forward the
22 request on to Steve and company and you get all the data that
23 you receive. We have never been anything but supportive for
24 your organization, as well as all other fishing organizations in
25 the territory.

26
27 I have an open-door policy, as you well know. You come into my
28 office anytime and nobody has told you no and nobody has told
29 you to leave, in some cases, when you were less than stellar for
30 that particular day and so don't hesitate to ask.

31
32 **DAVID OLSEN:** I sent an email in on the 12th of February and it
33 hasn't even been acknowledged.

34
35 **ROY PEMBERTON:** I believe I acknowledged that to you in person,
36 that I received your email in person.

37
38 **CARLOS FARCHETTE:** Thank you, David. We have more questions.

39
40 **BILL ARNOLD:** David, I had a couple of questions. One is about
41 your annual landings plots and can you put that one back up
42 there? You say the fishery is increasing, but it looks to me
43 like since 2006 or so that it's been going down and is that a
44 concern?

45
46 **DAVID OLSEN:** You have, for St. Thomas -- I think these last few
47 years are incomplete data from the Science Center, 2012 and
48 2011. I think that we're getting to this point and if you want

1 to make a comment about two years worth of decline, as opposed
2 to fourteen years of increase -- In the model, in Josh's
3 modeling, it's not showing up as being significant.

4
5 Again, I think that if we were managing by letting the fishermen
6 fish and then analyzing the impacts of their fishery, I think
7 that we could manage that way. However, that's not in the book.
8 It's not in the Magnuson Act to manage that way.

9
10 St. Croix is basically -- From the point at which divers came on
11 the scene, there's been a huge increase in the amount of lobster
12 being caught and, again, these are two questionable years.
13 Again, all the fisheries down here are very weather sensitive,
14 particularly over here on St. Croix, where they use a lot more
15 smaller boats.

16
17 What Ed was saying is we have that annual cycle of peak landings
18 of lobster right in the worst weather of the year. These guys
19 are all in bigger boats and they're all slugging it out and
20 they're equipped to go out in that condition. Over here, the
21 boats are much smaller and they're much more constrained by the
22 weather.

23
24 You can have a couple of years of bad weather and you can see it
25 in the fishery. I did a bycatch study in 2006 and we basically
26 didn't have a winter. I totally overwhelmed my projected sample
27 size by November and had to get guys to supply data without
28 being paid for it, just in order to complete an annual cycle.
29 They did, but we just happened to pick a year when there was
30 basically no winter.

31
32 There can be long -- Was it last year when we started the
33 Christmas winds in October, basically, and you had a lot of wind
34 all the way through? I agree that we could look at that, but
35 you have to get the analytical mechanisms in place to look at it
36 that way.

37
38 **BILL ARNOLD:** Okay and so the bubble plots, can we put those up
39 there? David, on both of them, you've got -- You don't have
40 significance and are those endpoints really significantly
41 different? I would imagine it could be on St. Thomas, but I
42 would think on St. Croix it isn't.

43
44 **DAVID OLSEN:** On St. Croix, there's not the big data gap that
45 there is on St. Thomas. There is good sample size all the way
46 through. Keep in mind that this is 400 lobsters. This is from
47 our study and so these are all much larger sample sizes.
48 There's more continuity.

1
2 What I'm saying though is if you want to just test that, you can
3 go ahead and test that. However, if you're just looking for
4 indication at this point, what you're not seeing is you're not
5 seeing an increase.

6
7 **BILL ARNOLD:** I agree, but that's like a three-millimeter
8 difference and I don't know how strong of a conclusion I would
9 want to draw from that, in spite of the large sample size, but
10 my main question would be is it significant and okay.

11
12 Then my third quick question is just regarding your study and
13 where are you with the tag testing at Coral World? Are you
14 going to do that and if so, where are you?

15
16 **DAVID OLSEN:** We got the EFP and Coral World had some timing
17 issues and we're going to start that pretty quick. It's
18 interesting though that we've got a tag recapture at 190 days
19 out and we have a lot of them and so there's clearly some fairly
20 significant retention of tags, yes.

21
22 **BARBARA KOJIS:** Just a question. David, were you referring to
23 the lobster fishery as a fishery in transition? The SSC, when
24 they looked at the data, they looked at the -- I think the based
25 the ACL on the 1999 to 2005 data. Is there any reason that
26 there's a fishery in transition that other data should have been
27 looked at?

28
29 **DAVID OLSEN:** Here you have the 1999 data that you were just
30 talking about and catches were much lower. They have
31 consistently increased in both islands and yet these low figures
32 here, 80,000 in both islands, you're talking about -- In St.
33 Croix, you're talking about 60,000 and this is 78,000 in St.
34 Thomas.

35
36 Those low figures bring down the average and by using a straight
37 average -- This is the average right through here for both
38 islands and you can see all of that above the average. That's
39 basically, in the case of St. Croix, it's 50,000 pounds over the
40 ACL and St. Thomas is almost 40,000 pounds over the ACL. The
41 ACL is an artifact of using these earlier years in the
42 averaging.

43
44 **BILL ARNOLD:** Just a quick reminder that lobster were part of
45 the 2011 annual catch limit analyses and for those, we used 1999
46 and 2000, up to 2008 or something like that. We didn't cut
47 those off at 2005, if I recall correctly.

48

1 **DAVID OLSEN:** If you cut them off at 2005, you're dealing with
2 ACLs, in the case of St. Thomas, above 120,000 and in St. Croix,
3 probably in the 130,000. Those ACLs would be 20,000 to 30,000
4 pounds different than the ones that you have.

5
6 **TONY BLANCHARD:** I just have a question or it's actually a
7 statement and not a question. The last meeting we had on the
8 trap reduction that Miguel was there as well as Carlos, we
9 discussed the lobsters and Miguel told us that the lobster is a
10 totally, completely different animal than a fish.

11
12 My question is this. Why should it not also be addressed
13 completely different than a fish? Like Dr. Olsen mentioned,
14 maybe we need to let them fish and then figure out where it's
15 going from there. That would be a suggestion. That would be my
16 suggestion.

17
18 Question number two is can the timeframe be changed to the
19 highest -- The year with the most poundage and come off of that
20 with the ACL? That would be my second question.

21
22 **MIGUEL ROLON:** That's the crux of the matter with this report.
23 David, when is this survey finished? When do you think?

24
25 **DAVID OLSEN:** January.

26
27 **MIGUEL ROLON:** You said September.

28
29 **DAVID OLSEN:** We're going to continue tagging. Like I said,
30 we've got -- We said we were going to tag 4,000 and then you
31 went and bought those extra lobsters and so I think we probably
32 -- I have probably bought tags for 6,000 lobsters and we wanted
33 to get the tags in the water, but if we don't get the tags in
34 the water within the next two or three months, we're not going
35 to have long recaptures.

36
37 After the yellowtail study, we've got 150 recaptures and we're
38 still seeing lobsters and if Ed can sort out St. Croix, we
39 should get more recaptures. We budgeted for 500 recaptures and
40 it would be nice to get all of that. I am not going to bring
41 Josh back unless we make some really significant headway on this
42 data thing. He and I are talking about we're going to Gulf and
43 Caribbean and present some version of this.

44
45 **MIGUEL ROLON:** So you think that by the end of the year that we
46 will have a final report?

47
48 **DAVID OLSEN:** Yes. If we're targeting to go to Gulf and

1 Caribbean, we'll have a final report, probably a finalized
2 already presented at Gulf and Caribbean report, by the December
3 meeting.

4
5 In my mind, you had said I had a year to spend this money and I
6 was going to be done in September. You gave it to me in
7 September and I was going to be done in September, but every
8 project we've done, I've gotten an extension on, which is nice
9 to get extensions, but when you get extensions without money,
10 all of a sudden you're working for free.

11
12 **MIGUEL ROLON:** That's why they set the dates there. Anyway, my
13 question is to Bill and to the group, the scientists here. Is
14 there anything in this survey so far, this study so far, that
15 merits reviewing or revisiting the ACLs or ABCs for the spiny
16 lobster? Bill, do you have anything? This is what Tony is
17 looking at.

18
19 **BONNIE PONWITH:** From a process standpoint, we would view this
20 as scientific input that merits consideration and I would think
21 that the proper process for evaluating that would be to send
22 those results and have them presented to the SSC to enable them
23 to do a peer review of the study methodology and the results and
24 then make a determination as the SSC whether the results are
25 satisfactory to adjust the advice that they're giving to the
26 council on the setting of ABC.

27
28 **DAVID OLSEN:** Miguel, really the issue on the ACL number comes
29 down to which years were used to calculate the thing. That, as
30 I recall, was a council decision.

31
32 **MARA LEVY:** Just for the record, in the 2011 ACL Amendment, the
33 council did determine a year sequence for average annual
34 landings for Caribbean spiny lobster and at the time that was
35 being developed, that was based on the longest time series
36 available.

37
38 For Puerto Rico, it was 1988 to 2009, for St. Croix it was 1999
39 to 2008, and for St. Thomas/St. John it was 2000 to 2008. Then,
40 ultimately, the SSC developed their ABC recommendation and et
41 cetera.

42
43 **MIGUEL ROLON:** That's what I'm getting at. The process for
44 doing this is just what Dr. Ponwith explained and that's why I
45 asked David when he will have this project finished, because
46 then we can schedule a meeting of the SSC in the first half of
47 December, if they are available, and then they will take a look
48 at this information and review it and then they can give the

1 advice to the council if any changes are needed.
2
3 Then we will have the meeting of the council in the second week
4 of December and we can look at that report and decide whether it
5 will be something doable.
6
7 I believe that, to me, personally, the importance of this kind
8 of survey is that we are always asking for better information
9 and more information and this is a good example of getting
10 information that we didn't have before and the process can
11 accommodate this new information.
12
13 It doesn't mean that it will change necessarily, but at least we
14 have the process that will allow us to review it and as they say
15 back home, prima facie, if you look at the numbers here, it
16 seems that we might need to review, at least in the case of St.
17 Thomas and St. John and St. Croix, the numbers that we have.
18
19 The other statement that I would like to make is if you look at
20 these numbers, you don't see what is going to happen on the side
21 that you don't see. What happens if all of a sudden you have a
22 bunch deeper than the first year that you have? That might
23 happen.
24
25 It doesn't mean that it will happen, but the thing is that we
26 need to go back to the SSC and get David's report to them and
27 review all the information that we have now for the spiny
28 lobster and that's what I meant, Tony, when I said that this is
29 a different animal.
30
31 The lobster behaves differently and also, it's mostly directed
32 towards the trap reduction program versus a trap project, spiny
33 lobster project, because people tend to think that when we have
34 a trap reduction program that when we jump into the lobster
35 fishery that we are going to do the same, reduce the number of
36 traps, and that's why we want to keep it separate.
37
38 The other concept that David addressed is increasing fishery
39 versus the trend in the population. Sometimes you have an
40 increasing fishery, but the trend in the population is reducing
41 the average size of the lobster and you tend to fish at the
42 legal size and then that's not a good buffer for the fishery,
43 because you may have a bad year and all of a sudden your lobster
44 fishery drops or the fishery drops.
45
46 In the case of the spiny lobster in Florida, where Tony Iarocci
47 has been living all his life, we tried to -- A team of
48 scientists from the Science Center and the Gulf Council and the

1 South Atlantic and the Caribbean, we met a long time ago and I
2 remember some of the scientists in Florida and some of the
3 managers wanted to increase the minimum size of the lobster to
4 in between 3.25 that you have to 3.5.

5
6 There was an uproar. There was an immediate big no from
7 everybody and even the scientists said if it ain't broke then
8 don't fix it. The point is that our fishery behaves a little
9 bit different, even if you go from Puerto Rico to -- For some
10 reason why you drive from the west to the east, the lobster get
11 bigger.

12
13 Anyway, I believe that if the council so desires, then we can
14 set the path to, during this year, ask the SSC to review David's
15 project and see how it pans out.

16
17 **ROY PEMBERTON:** There's a couple of things that need to be in
18 defense of Olsen's study and Edward Schuster brought them up.
19 There's definitely a selectivity issue that's going on between
20 the two districts, St. Thomas and St. Croix.

21
22 You're not going to see those larger lobsters, even if they were
23 there, because there's just that selectivity issue and one of
24 the cautionary things I'm worried about -- It may not be a
25 necessary drop, but it may be a reporting aberration, because
26 the ACLs are now in place and now they may be governed by a
27 certain level of caution or maybe not reporting as well because
28 of the ACLs.

29
30 Because I find it kind of funny how both districts have that
31 same characteristic drop and it probably looks like it's about
32 the same slope.

33
34 The other issue too that I would like to look at, particularly
35 on the statistical side -- I noticed the R-squared values were
36 kind of low. Statistically, that might mean something and it
37 could be another aberration, but definitely there could be
38 something more important going on and so it still merits a
39 further look by the SSC.

40
41 **WINSTON LEDEE:** I am just going to add to what he said. There's
42 only about ten or twelve guys that fish heavy for lobster in St.
43 Thomas and so it's very easy to look at the trend of what
44 happened over the years and how they reported and that type of
45 stuff.

46
47 You may have engine problems one month and a guy wouldn't fish
48 for a couple of weeks or, like me, I destroyed my boat, but it's

1 -- You can easily follow the trend, because there's only ten or
2 twelve guys that catch the majority of the lobster in St. Thomas
3 and so it's easy to go and watch what's been happening every
4 year and how individuals have been reporting and see where the
5 difference is.

6
7 **BONNIE PONWITH:** This is probably going to be the most important
8 thing I will say all week long and so this is a good time.
9 We've had discussions this week and some of them have been hard
10 discussions. There are things we agree on and there are
11 definitely a stack of things we disagree on.

12
13 This is a time. Look at the shape of those curves. We see
14 lines going up and we see lines going down and the question is
15 what's happening with those lines going down?

16
17 This is a classic example of the benefits of the industry
18 working with the scientists and working with the managers to
19 answer that question. If industry gets frustrated with the
20 government and they show that frustration by withholding data or
21 by sending data in that may be factually challenged, it can
22 create lines that are of an odd shape and then it becomes the
23 scientists' job to try and interpret why is that curve shaped
24 like that.

25
26 We can control for those types of anomalies in the data by
27 making a pact with one another that if you become frustrated in
28 the discussions, we have a way to deal with those frustrations
29 other than using the data as the stick, because using the data
30 as a stick can create very bad outcomes.

31
32 It can create bad outcomes for the industry and it creates bad
33 outcomes for the scientists, because there is uncertainty and
34 when there's uncertainty, it forces the managers to bigger
35 measures than any of us want to take.

36
37 All of that is to say there are, I'm sure, a combination of
38 things that are contributing to the shapes of those curves and
39 let's work together to make sure that one of those things isn't
40 reporting issues. Let's work together to get the reports as
41 tight as possible so that we understand then that it's biology
42 or economics that is causing that and not a problem with
43 reporting.

44
45 The second thing that I want to raise is the fact that I'm
46 concerned about lobster. Lobster are different from fish. You
47 raise a good point and that point is exactly true.

48

1 They're a living creature and so a lot of mathematics we use to
2 understand those populations are the same, but their life
3 history is -- It's just dramatically different. They have a
4 larval stage that's longer than the typical fish, which means
5 that those eggs drift at sea for a very, very long time
6 sometimes before they settle down into the habitat that those
7 animals will eventually call their home.

8
9 Because of that, it requires special analyses and for that
10 reason, I've had discussions with colleagues in D.C., in our
11 international shop. One of the things I'm interested in is
12 recruitment and that very, very long larval stage of these
13 animals. It could be a very important thing to know what's
14 happening to lobster downstream from us or upstream from us that
15 are ultimately populating our reefs.

16
17 It's conceivable, very easily conceivable, that the animals that
18 populate our reef are spawn from lobster that were quite a long
19 ways away, depending upon where you are in the current pattern.

20
21 It becomes an interesting part of the equation to know what's
22 happening in those places where the lobster are spawning and
23 populating our reefs from and for that reason, a colleague
24 helped to put together a proposal to do kind of a basin scale
25 analysis of the status of lobster data and the status of lobster
26 stock assessments in the wider Caribbean area.

27
28 This year, they actually were funded and we believe that with
29 that funding that a large basin scale stock assessment will be
30 formed and pull together data from across the wider Caribbean on
31 the status of lobster and the analysis will be participated in
32 by entities within the wider Caribbean and led by WCAFC, which
33 is the Western Central Atlantic Fisheries Commission, and by
34 CRFM, the Caribbean Regional Fisheries Mechanism, and OSPESCA,
35 which is sort of the Spanish countries version of WCAFC.

36
37 I am excited about this, because it helps us answer some of
38 those questions of what's happening on the islands that might be
39 actually contributing to the recruitment and these types of
40 analyses and the data that we've got will be really valuable in
41 contributing to those discussions.

42
43 **MIGUEL ROLON:** Before I forget, we also participate with OSPESCA
44 on the spiny lobster. It's just that this year when they
45 requested the money, we are uncertain of it, but if we go
46 forward with WCAFC -- By the way, OSPESCA is not a UN. It is
47 the six countries in Central America that get together.

48

1 Since the beginning, when we recognized this issue, that's when
2 we had the Pan-Caribbean management of the species as an
3 objective in every plan that we prepare.

4
5 This question that we are addressing here is being addressed, as
6 Bonnie said, in every country, because in the case of, for
7 example, Brazil, they lost the high rollers. They lost the high
8 industry of lobster and that created a problem. That's another
9 story, but anyway, the point is that what we are having here is
10 occurring in other areas.

11
12 The fishermen are saying we don't care about other areas and
13 let's see what's happening here, but going back to here, the
14 question is for David. The memo that you have in your
15 presentation called for some coordination between the Center,
16 the government, and your office, the local government and your
17 office. The information that you're lacking, will that have any
18 impact on the last part of your graph?

19
20 **DAVID OLSEN:** On this figure, this -- These are clearly
21 incomplete years and this does not -- It shouldn't be taken, but
22 Bill is right that we've got five along a decreasing line in St.
23 Thomas and four in St. Croix.

24
25 There's been four years in which the catches were lower and now,
26 the data that we're asking really is to resolve this effort
27 issue.

28
29 We also asked for data as part of the yellowtail snapper project
30 and for data on the groupers, because we wanted to do something
31 to deal with this proposed closure of groupers, but -- We
32 already had a shot of data from Steve and David that covered
33 almost everything, but had this bad query in it that needed to
34 be resolved and we were in the process of working through that.

35
36 Then we also discovered, and we discovered it as part of the
37 trap reduction committee, that the effort data in the CCRs has
38 got total number of traps rather than daily traps and it's being
39 treated as daily traps. Everything was running really smoothly.

40
41 **GRACIELA GARCIA-MOLINER:** I think that just by looking at that
42 graph, the very big dips that you have in that graph coincide
43 with the very big hurricanes that you've had here and the one or
44 two years that it took for the fishery, for the whole island, to
45 recover.

46
47 That's 1989 for St. Croix and it doesn't show up in St. Thomas,
48 because St. Croix was the one who got hit. It's 1998 for

1 Georges and Marilyn in the 1990s and so it shows a very specific
2 need for metadata to be included when you're looking at the
3 catch statistics and not only the hurricanes, but you have, in
4 the Virgin Islands, probably one of the best sets of keeping
5 track of tourists as they come in from the vessels and from the
6 hotel occupancy, which we used for the paper back in the early
7 2000s or something.

8
9 It's a very big database and it really tracked very well with
10 the amount of fishing activity that was taking place at the time
11 and so there are databases out there that really will have an
12 impact and reflect on the kind of landings data that you are
13 collecting and so underreporting is one problem, but you also
14 have real issues with the environment and the recovery of the
15 fisheries from the hit of the hurricanes and the storms, et
16 cetera, that need to be included when you're looking at these
17 landings reports.

18
19 **MIGUEL ROLON:** Graciela, that's okay, but sometimes when you
20 have a hurricane, you have an increase in the landings, because
21 the lobster and the fish don't know where to go and you get more
22 and so tying this to hurricanes is okay, but I really worry
23 about the ACLs and the possibility of changing the ACL one way
24 or the other.

25
26 That's why I want to stress two points. One is that -- I
27 mentioned it before, but we have to rate what we need to do and
28 it's to get this survey published or finished by David and
29 submit it to the SSC and see how it goes. We can include -- If
30 Graciela can find some way of including the metadata, that's
31 fine.

32
33 The lawyers don't like metadata that much. They just like the
34 numbers and this is what we have here. I am blaming it on the
35 lawyers and so anyway, council guys, do you think that if we
36 have this path that it will be okay and so we will have it for
37 the December meeting and then the local government, there's no
38 barrier in providing that information?

39
40 If that information is critical, it's one thing, but if
41 information is just part of the completion of the document,
42 fine, but we need to resolve those two points.

43
44 **GRACIELA GARCIA-MOLINER:** I have to raise one more issue. When
45 we looked at the data, at the years that we were going to
46 consider for the ACLs, one of the issues had to do with the fact
47 that fish were reported as groups since 1998 and 1999, but
48 lobster, however, does have a much longer time series that was

1 looked at during one of the SEDARs, but, again, during that part
2 of the evaluation, there was a paper put together looking at the
3 metadata, looking at the hurricanes and the changes in
4 regulations and things that have to be brought in, because the
5 environment, neither the local environment nor the regulatory
6 environment, remained the same over all this time.

7
8 That really is something that we need to bring in when we do the
9 next evaluation, because otherwise we'll be exactly back in the
10 same spot.

11
12 **EDWARD SCHUSTER:** A sigh of relief on my behalf. I'm on top of
13 the mountain and I pass there every day and I pass this little
14 house and I'm sitting on top of the hill now and finally the
15 light has come on and somebody is home in the little house.

16
17 To answer some of Bonnie's questions, the way we're going to
18 cover this is through outreach and education and you're going to
19 have to build a gap where the bridge has been blown apart
20 through the government, scientists, and the fishermen. That's
21 the only way you're going to do it and that's part of our
22 problem right now with the lobster study.

23
24 There are misleaders within the industry that just mislead the
25 fishermen that want to participate, but they tell them they're
26 foolish to do this and you're giving up your livelihood and all
27 of this stuff.

28
29 To answer Graciela's question, hurricanes, yes, but then the
30 people that were trap fishermen in 1989, because they took such
31 a loss and there was no government assistance, they went into a
32 different method of fishing, which was the gill and trammel
33 nets. You don't catch lobster. You don't catch lobster in the
34 gill and trammel nets.

35
36 They were more focusing and getting back on income at a rapid
37 rate and not looking at what the harm was and all of that other
38 stuff. The lobster was discontinued and there were restaurants
39 destroyed and people were looking at whatever was caught that
40 day and they bought it and they cooked it for their families and
41 all of that stuff throughout that period.

42
43 Also, don't forget it was not just 1989, but it was like seven
44 years of hurricanes that we got plagued for, up until Georges
45 and all of this stuff. It was Hugo and then Marilyn and a
46 number of storms and then the construction industry picked up.

47
48 Fishermen left it because the reefs were destroyed and grass

1 beds were tumbled over and reefs were to rubble and so they went
2 into the construction phase and so you didn't have the data
3 collected.

4
5 To get this information and to get the people on the thing is
6 not to invite them because they're a fisherman, but invite the
7 people that has the history that are interested in rebuilding
8 the fishery that's going to give you the valuable information
9 needed to get this bridge rebuilt between scientists and
10 fishermen again and not have somebody there invited just because
11 they're a fisherman and they're just going to come there and
12 give you the information based on their personal opinion or
13 their personal interest.

14
15 I think you need to be very selective with the people that you
16 choose to communicate with and have that communication bridge
17 built back, but those are some of the things that we're missing
18 and also, another thing that just came to my mind, is if you
19 follow the history and document when the Sargasso grass comes
20 into our area, it brings a lot of lobster recruitment.

21
22 You're regulating what's in the U.S. territory, but what happens
23 in the eastern Caribbean islands, which I have visited before?
24 They harvest undersized lobster even before they reach the age
25 to spawn and maybe Bonnie is right that that's where our
26 recruitment is coming from.

27
28 If you don't manage what happens upstream, then we're screwed
29 downstream and maybe because we have -- Again, because a
30 fisherman attended, when they wanted to change our carapace size
31 to Florida's carapace size and we told them no, that we stand
32 firm and we all got together and we said our three-and-a-half is
33 working for us and we want to stick to three-and-a-half.

34
35 They wanted to bring us to two-and-three-quarter or something
36 like that or three inches and we told them, no way. If it works
37 for us -- Maybe that's why Florida, according to one study, if
38 my memory serves me right, they put some sort of whatever device
39 into the currents and showed that our currents end up in the
40 Cayman Islands and the Florida Keys and all that stuff and then
41 it ends up right into Key West and all that stuff. Maybe that's
42 why they're so healthy with their recruitment of juveniles and
43 so those are things to consider.

44
45 **BARBARA KOJIS:** I would just like to mention -- I think I made
46 this recommendation a long time ago, but again that some of the
47 councils, from SSC meetings I've been at, have annual AP
48 meetings where the AP actually sits down and puts out all the

1 things that affected the fishery that year.

2
3 Then that comes out as a document that's available for people to
4 look at, scientists to look at, to see how a decline in fish and
5 lobster catches or something like that might be affected by
6 weather or economics, et cetera. That may be a good idea for
7 the council here as well.

8
9 **MIGUEL ROLON:** We do that. We ask the AP, every time that we
10 have something like this -- We forget, but we ask them these
11 kind of questions. The problem I see with all this discussion
12 is we have to be careful not to give the impression that you're
13 going to change this because you think it was something over
14 here or something over there or people didn't know about it.

15
16 The law doesn't care about this. Actually, they don't even give
17 you the money to get the information that you need or the
18 personnel that you need and so they have this best available
19 data thing and probably the best available data now is the worst
20 data that you can think of, but that's what you are forced to
21 use.

22
23 Some of this discussion that we have here, philosophically it
24 might be good, but we need to focus, again, on what we can do at
25 this time and what we can do is to take this information to the
26 SSC and see how the SSC will receive this information and peer
27 review this study.

28
29 All the other stuff, we can think about it or dream about it and
30 maybe put some money into it and we can play with it, but as we
31 speak now, there are people thinking about suing us because we
32 are not doing this and that with the fisheries, with the queen
33 conch and others.

34
35 This idea that people are not fishing in the Caribbean and then
36 we have problems here and it has been documented that the lack
37 of lobster in this area is habitat. We have a constant rain of
38 larvae here and Jim Beets proved that and so we have an
39 advantage in this part of the Caribbean, because our lobster are
40 bigger. We have a 3.5 carapace length and it's sustainable, but
41 that doesn't mean that the fishery is a virgin fishery that we
42 can do whatever we want to the fishery and that's what we're
43 talking about now.

44
45 I personally like what the council has done to allow the
46 fishermen and David to work towards a common goal, which is to
47 get better data and get information that we have here, but also
48 - This information can be used for outreach and education, to

1 give feedback to the fishermen, because one of the issues with
2 outreach and education is the fishermen give you information,
3 but they never get any feedback.

4
5 The feedback that they get is a clobber in the head and then
6 this is probably one way of using this as an example for other
7 things that we have.

8
9 Right now, the senators are trying to tell NMFS what to do with
10 stock assessment. If we think we have problems, let a
11 politician do a stock assessment for you, but anyway, guys, if
12 we can close this, does the council agree with the path that we
13 are thinking of reviewing this with the SSC?

14
15 We will take into consideration Graciela's comment and see if we
16 can get metadata somehow. Again, metadata will help you explain
17 what is happening. It's not going to be an excuse. You will
18 still have to comply with the ACLs and all the things that we
19 have here, but, as Graciela said, there is documentation out
20 there that can at least explain what is happening with the
21 fishery and maybe can help in the decision making process of the
22 council of what to do and how can we best manage this fishery.

23
24 The other part that I am concerned is the data between the two
25 local -- Within the local government and you guys and, again, I
26 will leave that out of this council, to you and Mr. Pemberton to
27 resolve, because there are issues about confidentiality and
28 there are issues about who gets the information and what to do
29 with the information, if we get it in the aggregate or we can
30 identify -- We don't know these issues that are out there.

31
32 SEDAR, again, I believe that we are not going to look at the
33 lobster in some time, but we can work with the SSC and examine
34 the lobster, as you mentioned before.

35
36 **EUGENIO PIÑEIRO:** First, Ed, there's a paper that Miguel and I
37 attended a conference in Mexico, a spiny lobster commission, and
38 there's some great works in there by not only the U.S., but Cuba
39 and other nations who attended and so you might want to look
40 into that. It's the spiny lobster commission document.

41
42 Then, Miguel, in essence, what would the council need to do? Do
43 you need a motion from us or just the Chair could just move the
44 ball?

45
46 **MIGUEL ROLON:** I believe that if you agree with what we have
47 said, it's something that is part of the process. We just meet
48 with the SSC in December or whenever is appropriate and get the

1 information through them and as we get the recommendation from
2 the SSC, which will be no action, do something, or do nothing,
3 and so don't get this preconceived idea that when we go to the
4 SSC that everything is going to change.

5
6 What they are going to do is to review the documents and peer
7 review it and then provide the council with a specific
8 recommendation of what will be the next step with the spiny
9 lobster.

10
11 **DAVID OLSEN:** I have another topic that I would like to take up.

12
13 **CARLOS FARCHETTE:** If you have a different topic, then hold on.

14
15 **MARA LEVY:** Just to clarify, you're not asking the SSC to
16 specifically go back and relook at their OFL and ABC
17 recommendation. I am just trying to get a clear idea as to what
18 you want them to do, so that whatever they do and bring back to
19 you is useful for what you want to do.

20
21 **MIGUEL ROLON:** You can get a whole ball of wax in the December
22 meeting or you can do it in two stages. Let them review the
23 document and see whether it has merits or you can tell them if
24 the document merits changes, we need a new set of time series or
25 whatever is needed, a new ABC, and, as Dr. Roy Crabtree is
26 asking, even a control rule from the SSC or whatever is
27 necessary.

28
29 Barbara, do you think that's a doable thing in the next meeting,
30 to do both, review the documents and come up with some
31 recommendation specifics to the ABC of lobster and the ACLs?

32
33 **BARBARA KOJIS:** Yes and as long as we have the data and we've
34 got somebody sitting there that can manipulate the data as
35 requested by the SSC, because obviously if you're going to
36 revise the OFL and you're going to base it -- Assuming you're
37 still basing it on average catch, you need to have the catch for
38 the other years, et cetera, and then you can maybe adjust the
39 years that you use or what have you, based on whatever
40 parameters come up in this study from David as well as any other
41 metadata that we might have on the landings data.

42
43 **MIGUEL ROLON:** What do you mean by a person that will do the
44 number crunching?

45
46 **BARBARA KOJIS:** We usually have somebody from the Southeast
47 Fisheries Science Center that comes to the meeting and they have
48 available all the data on their computer and when we ask for an

1 analysis, they can do that or they can also call in to the
2 Southeast Fisheries Science office and have them do the analysis
3 and send it over.

4
5 That just needs to be there, because sometimes they do the
6 analyses, but they haven't done everything and what also would
7 be probably helpful is making sure these reports are to the SSC
8 several weeks before the meeting and then the SSC members can
9 ask ahead of time can we have this analysis or that analysis,
10 which might not have been available with the reports.

11
12 **MIGUEL ROLON:** In that case, Barbara, we will need to discuss
13 with Bonnie later the availability of that person. Then I said
14 December just to have a month there, but if the SSC needs more
15 time and the Center and David to finish what we need to finish,
16 then we will work accordingly.

17
18 Remember, we have to publish the SSC in the Federal Register or
19 any meeting thirty days before and so if you want to have this
20 meeting the 10th of December, by November the 10th you have to
21 have all the documentation ready.

22
23 I believe David said that they are going to prepare the report
24 for the GCFI, as a presentation there, and the report will
25 almost be finished.

26
27 **DAVID OLSEN:** I would like to take this opportunity to introduce
28 our new STFA President, Thierry Ledee. He's not Winston's
29 brother. He is known around the island as Cheep Cheep and so
30 maybe you can --

31
32 **THIERRY LEDEE:** Good morning. My name is Thierry Ledee and I
33 was recently elected President of the STFA. I am looking
34 forward to working with you all and understanding the process of
35 the policy that we're making here.

36
37 It will take me a little while to understand how it works, but
38 hopefully with a little luck and patience, which I don't have
39 much of, it will work out and I thank you all and have a blessed
40 Easter.

41
42 **CARLOS FARCHETTE:** Thank you.

43
44 **MIGUEL ROLON:** I will offer this, in order to get to another
45 topic. Let Dr. Ponwith and David and Barbara and I talk to the
46 Chair and we'll schedule the SSC when appropriate and that way,
47 the SSC will meet and going to Mara's comment, we will address
48 two specific issues.

1
2 The spiny lobster survey, we want to review that at the SSC
3 level and then if that review calls for a revision of the ABC
4 and OFL level levels for the spiny lobster, then the SSC should
5 provide the council with those levels. If everybody agrees with
6 that, we can move on.

7
8 **CARLOS FARCHETTE:** I so order.

9
10 **BILL ARNOLD:** Miguel asked me a question and Bonnie
11 appropriately answered it, but I would like to answer it from a
12 management perspective. It's not just lobster that we need to
13 keep in mind in this process, but it's all of the fish that we
14 manage and have established ACLs for.

15
16 These ACLs are going to get rotten. The 2010 ACLs of snapper
17 grouper, parrotfish, and conch are based on data only through
18 2005 and so that data is getting old. We need to have some
19 mechanism in place, I feel, that would establish a process for
20 updating our annual catch limits as long as Congress dictates
21 that these annual catch limits will be used to manage these
22 fisheries.

23
24 Mike Sissenwine, a member of the SSC, has pointed out if you've
25 got accountability measures that shorten your season, so that
26 you have a shorter season to adapt to that allowable catch, but
27 your allowable catch is designed to increase the abundance of
28 these fish, then these fishermen are going to continue to catch
29 more fish in your allotted time and you're going to be forced to
30 continue to shorten your season to adapt to these increasing
31 population abundances.

32
33 He called it a pathological, and that's his word, death spiral
34 and if we're not updating these ACLs, that's exactly what's
35 going to happen and I would mention that red hind are a very
36 good example of that.

37
38 Here you've got a fish that we've worked very hard to rebuild
39 and it's getting rebuilt and they're catching more of them and
40 it's pushing their catch rates above an ACL that was established
41 essentially in a different era and it's creating problems for
42 us.

43
44 That's why I personally am very pleased and excited about what
45 Bonnie has brought to the table regarding multispecies
46 adjustments, because that's what we're going to need. Obviously
47 the SEDAR process, doing two species a year -- Not to be
48 critical of the SEDAR process, because it works great in the

1 other regions, but they have fewer -- Alaska has fewer species,
2 but generally they don't face the same issues we face.

3
4 I think that looking with a broad-minded approach at different
5 ways of getting to the same end are badly needed and I think the
6 council needs to keep that in mind and maybe start thinking
7 about establishing a formal process for updating these ACLs
8 through the SSC and through the Science Center.

9
10 **MIGUEL ROLON:** That's exactly what I said the last time and we
11 ended up here and I am glad that you brought this up, because we
12 need to allow the space this year for the Center to finish what
13 Bonnie mentioned, which is this methodology for assessing the
14 data-poor species that we have, but also maybe, after the
15 meeting or in between meetings, we need to sit down with you and
16 come up with some strategy of how can develop a mechanism for
17 addressing just what you just said.

18
19 I mentioned the lobster because it's probably the first step and
20 it will be followed, I'm certain, by other species, where we
21 have information, better information, that we can follow.

22
23 **ROY PEMBERTON:** I concur with Bill. We're going to get in a
24 problem here real quick, if not already, in trying to deal with
25 these upcoming issues with the ACLs or now an issue with the
26 ACLs, but we also have to keep in mind -- I will go back to what
27 Barbara was saying earlier.

28
29 There still needs to be some of these classical assessments done
30 on these species. Bill just pointed out that in most of these
31 other regions they don't have -- They may have the same amount
32 of species, if not more, but they also have a lot more of the
33 classical studies done, when it comes to age and growth and
34 fecundity and those things.

35
36 In line with that, whether we can do partnership with the
37 fishermen, the different fishermen councils, but also look at
38 the different colleges that may have masters and PhD students
39 that can do these studies on a rapid basis, because you could
40 have several students doing many different aspects of what that
41 age and growth parameter is and then you could get that data for
42 it.

43
44 **PHIL STEELE:** The mechanism for updating the ACLs is not
45 complicated. It's fairly straightforward. It's the
46 information, the data stream inputs that we need, that make it
47 difficult.

48

1 If you had all the data you needed and all the data was there,
2 all that you needed, you would take this data through a stock
3 assessment to the SSC and the SSC recommends a new ABC and the
4 council goes with a new ACL.

5
6 That is basically the mechanism that's used nationwide. Every
7 council out there uses basically the same approach. Where we
8 are lacking is in the information to feed into that mechanism
9 and so it's not anything new or how to do it, but it's the data
10 that feeds it that gets us the new ACLs.

11
12 **TONY BLANCHARD:** I have a statement first to make and then I
13 have a question, because I need some clarification on something.
14 Just like Bill stated, the hind is a perfect example of
15 something that was not being properly monitored.

16
17 For example, in Florida, you have the same problem with the
18 Goliath grouper. They have become a nuisance, according to the
19 Florida fishermen, and so there's a big difference between
20 undermanaging something and overprotecting something. It has to
21 happen for everything to fall in balance, because, in fact, by
22 overprotecting something, you are completely out of the balance,
23 because you have nothing to keep the Goliath groupers in check
24 now and so they're feeding off of the other species of fish and
25 lobster.

26
27 On the other hand, the question is this to Bill. I need some
28 clarification on how the ACLs work. In other words, yesterday
29 you gave an example that the hind would be shut off for ten days
30 for 2013.

31
32 Now, 2014, is it going to be kicked back up to the full year,
33 the full twelve months, or does it stay at that time period?
34 That's question number one and question number two is how does
35 it get kicked back up to the twelve months?

36
37 **BILL ARNOLD:** That's a good question, Tony. The answer is that
38 the ACL is a set number and it doesn't change from year to year.
39 We established ACLs based upon, for grouper in St. Thomas, 2000
40 to 2005 average landings. Until somebody goes back and
41 reestablishes a new ACL, that's what the ACL is.

42
43 Now, we compare landings against that ACL to determine if the
44 ACL is being exceeded. If that ACL is being exceeded, we have
45 to apply accountability measures to deal with that overage and
46 in the case of the Caribbean, reduce the length of the fishing
47 season so that the fishermen are allowed to fish for the period
48 of time required to achieve that ACL, but not exceed it.

1
2 For grouper in St. Thomas, we are required to use the average of
3 2010 and 2011 landings to determine where we are relative to
4 that ACL and what we should do and how we should manage the
5 fishery, the fishing season, in 2013 and that's what we will do
6 in 2013.

7
8 Unless new information comes in and re-guides our approach, we
9 will shorten that season for grouper in St. Thomas and not for
10 red hind in St. Thomas, but for the collection of grouper that
11 are federally-managed in St. Thomas. We will shorten that
12 season and close it on December 20.

13
14 Next year, for 2014, the slate will essentially be wiped clean.
15 You will have a 365-day season, but we will then take the 2010,
16 2011, and 2012 data and we will take the average of those data
17 and compare it against the ACL and that will determine if and to
18 what degree the season has to be shortened in 2014.

19
20 That will have no necessary direct relation with 2013, except
21 that the two years that decided the 2013 shortening, 2010 and
22 2011, will also be used to affect the 2014 shortening. Now,
23 that 2012 data that's added in may bring that average down so
24 that we don't have to. It also may bring that average way up,
25 so that we have to shorten it even more, but we don't start from
26 December 20 and reduce back from there. We start from December
27 31 and make the determination as to what shortening is required.

28
29 **MARA LEVY:** Just to add, you asked how it resets itself and so
30 it doesn't reset itself. It's just that the notice that the
31 Fisheries Service publishes states that the fishing year for
32 2013 ends on December 20, but that doesn't affect what the
33 fishing year is for the next year, which begins on January 1.
34 It says that in the notice, too.

35
36 **CARLOS FARCHETTE:** Thank you. We will take a quick break.
37
38 (Whereupon, a brief recess was taken.)

39
40 **CARLOS FARCHETTE:** We are going to get started again if you'll
41 all have a seat. We are going to move forward now. Next on the
42 agenda is the Trap Reduction Project Report and Tony Iarocci.

43
44 **TRAP REDUCTION PROJECT REPORT**

45
46 **TONY IAROCCI:** Thank you, Mr. Chairman. This will be an update
47 on the ongoing process and just to refresh everybody's memory,
48 we did come up with two committees, one on St. Thomas and one on

1 St. Croix, and this is a trap reduction limited entry program,
2 compared to what we will be dealing with with spiny lobster,
3 which will be a management plan.

4
5 On Monday, March 4, we did have a joint meeting on St. Thomas
6 that Miguel, Diana, and the Chairman did attend and we addressed
7 issues on both the St. Thomas plan and the St. Croix plan and I
8 will get into details on that when the chairmen do read their
9 statements into the record, but I do want to address two things
10 to start with.

11
12 One is the importance of the fishermen's input not only into
13 this plan, but just the testimony at today's meetings. I sit
14 back and listen and today I was very impressed with some of the
15 testimony that the fishermen did come up with and the agreement
16 within the council, the scientists, and the fishermen and I look
17 forward to a lot of that coming out of the process.

18
19 Too, I want to thank especially the staff of the Caribbean.
20 Angie, you, in particular, keep me straight on a lot of my
21 travel and my records and stuff like that, but also the
22 fishermen for taking the time and coming in, even if they're
23 late to these meetings after fishing all day and giving their
24 input.

25
26 Also to Bill Arnold and Heather and the staff of NMFS and DPNR
27 for helping with this. With that said, I would like, Carlos, if
28 you could cover some of the St. Croix issues with the statement
29 from the chairman, please.

30
31 **CARLOS FARCHETTE:** This letter comes from Thomas Daley, who is
32 the Chairman of the St. Croix Fish Trap Reduction Committee. As
33 the Chairman of the Fish Trap Reduction Committee, I would like
34 to thank the Caribbean Council; Roy Pemberton, Director of Fish
35 and Wildlife; and the St. Croix Fishery Advisory Committee for
36 working with the Commercial Fishermen Trap Reduction Committee
37 of the U.S. Virgin Islands in developing a fish trap reduction
38 plan for St. Croix.

39
40 Following numerous meetings and discussions designed to ensure
41 that we develop a plan that would preserve and protect the
42 historical and cultural St. Croix fish trap fishery in a
43 sustainable manner for the present and future generations, we
44 have finalized the St. Croix trap reduction plan and await the
45 approval and final action from the council and the Commissioner
46 of Planning and Natural Resources for implementation of this
47 plan in both federal and territorial waters of the U.S. Virgin
48 Islands.

1
2 The plan includes goals and objectives, criteria, estimated
3 effect, control dates of February of 2008 to February of 2011,
4 allocation, reduction strategy, enforcement, the appeals
5 process, to include members of the appeals board, and
6 transferability.

7
8 The transferability rules and regulations as to how the
9 licenses, traps, and tag endorsements can be transferred would
10 be determined and developed by the Commissioner of Planning and
11 Natural Resources. Again, I would like to thank you for all the
12 assistance with the process.

13
14 The committee would like to express our appreciation for the
15 hard work of Heather Blough, NOAA Fisheries, and Bill Arnold and
16 a special thank-you to Tony Iarocci for his participation and
17 hard work in helping us with coordinating the development of
18 this plan. Thanking you in advance, Tom Daley, Chairman, St.
19 Croix Fish Trap Reduction Committee.

20
21 **MARA LEVY:** I briefly heard mention of a control date. What did
22 you say again, because I thought that the USVI control date was
23 February 10, 2011, but I heard 2008 and so I was just not sure.

24
25 **CARLOS FARCHETTE:** The control date is February of 2011. The
26 years that we're going to use to find out if the fellows fall
27 within the category is a three-year period of 2008 to 2011, but
28 the control date is 2011. Anyone who has not participated in
29 the fishery may not be allowed into the fishery. The appeals
30 process is what will handle all concerns and questions for
31 anybody who wants to appeal.

32
33 **TONY IAROCCI:** To that point, Carlos, we are working right now
34 and the plan is -- Both plans are pretty much finalized and we
35 are working through and the appeals board is pretty much
36 structured. We're working on the criteria of that and
37 scheduling and also for transferability, which we've left out
38 until after the plan does get approved.

39
40 If there are no more questions about St. Croix, we can move into
41 St. Thomas. I would like to introduce the Chairman, Tony
42 Blanchard.

43
44 **TONY BLANCHARD:** Good afternoon, folks. I have sitting in front
45 of me here a letter that is directed to the Director of Fish and
46 Wildlife, Mr. Pemberton. This ain't really my style. This is
47 the information I would like to bring forward, but I'm not a
48 letter reader and so I'm going to deliver it in my words, but we

1 have it in writing.

2
3 I am going to be quite frank. Every time I went to Mr.
4 Pemberton, he gave me the support that I needed. Sometimes it
5 wasn't exactly what I wanted to hear, but he gave me what I
6 wanted. Do you understand?

7
8 With the help of the council, with their funding, we were able
9 to get this thing together. It was a bumpy road. There was a
10 lot of head-butting and some people didn't agree and some did
11 agree. We had meetings with the FAC to hear their concerns to
12 get this through the process.

13
14 There was some head-butting there as to basically some
15 misunderstanding as to what was actually in the plan and what
16 was not in the plan.

17
18 I think we have a plan in front of us, and I think the Director
19 would back me on this, that is a pretty fair plan. I think this
20 is as fair as it could be and I'm asking him to push this plan
21 forward, through the channels that it needs to go through to get
22 it passed. That's what I'm asking him right now.

23
24 I promised Miguel to wear my glasses, but guess what, Miguel?
25 I've got my glasses, but I ain't wearing them and like I say, I
26 appreciate the help from the council, the backing with the
27 monetary funds as well as the support that we needed with Bill.
28 Bill helped write up this and Julian helped write up this, but
29 like I said, this ain't Tony Blanchard and so I will deliver the
30 message where the message needs to get delivered.

31
32 Right after this, like I said, we have an appeals board that is
33 going to deal with the guys outside of the box, like you might
34 refer to them as, on an individual basis. It's going to be made
35 up of the Director, a lawyer, the Commissioner, hopefully I'm
36 going to get her there, along with a couple of other fishermen
37 and whoever else we feel that would come into play that would
38 give a good understanding of what's going on and how to move
39 forward with it as they are giving a fair show, a fair say, once
40 they meet the criteria.

41
42 Basically, Roy, I ask you to pass this thing and send it where
43 you need to go and like I said, I appreciate the help that we
44 got from the council and I appreciate the help from DPNR,
45 because I call them -- I call them and I get information.

46
47 Like I said, it is what it is and this is the best that we could
48 have come up with. This is a plan from the fishermen, the main

1 fishermen and the main stakeholders with the biggest numbers and
2 so it's really in the Commissioner's hands and whoever else
3 needs to take a look at this to decide where we're going.

4
5 After this, the lobster project is going to come into play.
6 Dave gave his presentation earlier and after we see what he has
7 to work with, then we will come with something after that.
8 Thanks.

9
10 **CARLOS FARCHETTE:** I was remiss to say that the St. Croix
11 District is also ready to start working on the spiny lobster
12 management plan. I'm the secretary for both of those committees
13 and so I will be heavily involved with them.

14
15 **TONY IAROCCHI:** Thank you, Mr. Chairman, and I just want to back
16 up what Tony did say. This is a formal letter and it could be
17 read into the record, but I think he made all the main points on
18 it and I think, Roy, you do have the formal letter and I think
19 the council does also. It was sent to everybody.

20
21 One thing, and I stated it earlier, is this is a trap reduction
22 limited entry program and not everybody is going to be happy,
23 especially the fishermen that were not participating in the
24 control date time.

25
26 There's people that are being considered through the appeals
27 process and that is a very fair and open process that's going to
28 deal with a lot of the questions that guys do have coming into
29 this and we are structuring, as you know, Director Pemberton,
30 trying to put that process, once this plan goes through, to try
31 to do it in a timely manner.

32
33 We are addressing some of the concerns through some of the FAC
34 members who were fishermen that did fall through the cracks, as
35 Chairman Blanchard did say, and we are trying to address those
36 concerns timely and trying to get this done. The ball is in
37 your court now. We do hope that we can move this through and
38 get the support of both DPNR and the council to move forward.

39
40 We do have scheduling conflicts with Chairman Farchette and
41 different meetings coming up and so we are looking to put our
42 next meetings together to address and hopefully move into spiny
43 lobster on May 14 and 15, both on St. Thomas and St. Croix, for
44 the steering committee meetings and address any concerns.

45
46 Hopefully between now and then, we can communicate and address
47 any concerns from some of the FAC members or anybody else who
48 has anything. With that said, if there are any questions from

1 the council members or fishermen -- Thierry, if you would like
2 to say something on behalf of St. Thomas or Eddie on behalf of
3 St. Croix or Bill Arnold, who has been a great asset to this
4 whole process, please. Now is your time.

5
6 **BILL ARNOLD:** Mara may want to comment on this, but the reason
7 she was questioning the control date is because we are moving
8 forward with establishing an identical control date for the
9 federal side of things and I think that has cleared our
10 Southeast Region General Counsel Office and so we're making good
11 progress with it.

12
13 **CARLOS FARCHETTE:** Thank you, Bill.

14
15 **EDWARD SCHUSTER:** This lobster, I was not a member of it, the
16 lobster trap committee. I was just there as an advisor. It's
17 been a learning process for me and, as Tony is here, with his
18 experience and stuff, and he brought us to a point where we made
19 a proactive step as fishermen into this industry and to stop the
20 excessive amount of traps within a small shelf and so forth.

21
22 I am looking forward, now that I've been nominated as a member
23 on the lobster trap management plan. I am looking forward to
24 still working with him. It's always been a pleasure, especially
25 now. Every restaurant we go to now, we're known to make sure
26 he's got the hottest hot sauce and so he's on fire in St. Croix,
27 too.

28
29 **PHIL STEELE:** I was just discussing this with Mara right now and
30 once we begin to initiate federal action on this thing -- We
31 haven't really discussed this a lot and it's kind of off the top
32 of my head, but I guess we would -- I think the idea at one time
33 was to work in parallel with the territories and to get it all
34 up and running at one time. I don't know if that's still the
35 direction we're looking at going.

36
37 For the federal actions, this will require a full amendment to
38 the Reef Fish and/or Spiny Lobster FMPs, because it's
39 establishing a limited access privilege program. It's nothing
40 we can do for a framework, but I was just curious, what's our
41 next step here, as far as council action with regards to this
42 trap reduction program?

43
44 **CARLOS FARCHETTE:** I believe that if we can get our Honorable
45 Director of Fish and Wildlife to on the record state that these
46 plans are now to move forward to the council for consideration
47 and final action, because we do want to work in tandem, to have
48 everything approved at the same time.

1
2 **MARA LEVY:** The council just can't approve the plan submitted to
3 the territory. You have to develop an FMP amendment that's
4 going to establish a limited access system for federal waters
5 off of wherever.

6
7 I think what we were waiting for was that the territorial plan
8 be sufficiently developed and final, at least with certain
9 aspects, so that we could start looking at what the plan was and
10 how to incorporate the federal requirements and how to meet
11 that.

12
13 It sounds like you pretty much have final plans that you've, I
14 guess, submitted to the territory and so maybe this is the time
15 for staff to look at those plans and start developing some sort
16 of document or options paper or something having to do with
17 moving that piece forward with the council. Am I correct that
18 your plans are pretty much final at this point?

19
20 **ROY PEMBERTON:** The territory has a process with these different
21 plans that come through. They have to go through the FAC, which
22 is the fishery advisory council, that's on both islands. Once
23 they have passed it with whatever issue or not issues that they
24 have, it goes to the Commissioner from the advice of the FAC as
25 to pass as such, pass with this recommendation, or no
26 recommendation.

27
28 The Commissioner then bases that decision from them on what she
29 or he decides and then from there, it can get written directly
30 into law or rules. Then, from there, I guess we would give it
31 to you or you would like to see it before that point?

32
33 **MARA LEVY:** Where in that process are you now? Are you still at
34 the FAC review?

35
36 **ROY PEMBERTON:** The FAC right now. I would think they're almost
37 done with this plan. They went through it and they've had their
38 concerns. They had their concerns discussed with the trap
39 committee and there was some changes made, particularly for
40 certain situations, and so now they're just meeting to kind of
41 wrap it all up and get it pushed forward.

42
43 The overriding concern that the Commissioner or any commissioner
44 has had, that's in the back of my mind, is that they want to
45 make sure that these plans are properly vetted by the local
46 FACs, so that when the Commissioner finalizes it, it's not that
47 it has not been looked at by various sectors of the industry and
48 the government.

1
2 At that point, then I guess we could pass it on to you guys, at
3 that point that it's finalized from her, and then you can start
4 doing the papers at that point.

5
6 **MARA LEVY:** Maybe it needs to wait until you finish that process
7 and then at the next council meeting, if you're finished then,
8 we can say that and the council can then provide direction to
9 staff to start working on something that would be compatible, to
10 the extent possible.

11
12 **ROY PEMBERTON:** Now, you mentioned the formalized process of
13 creating the FMP for the federal waters and would that need to
14 be attached to the plan? Our plan is solely for territorial.

15
16 **MARA LEVY:** No, they're completely separate. You're
17 establishing your plan and our goal is to establish a federal
18 companion that's consistent to the extent that we can be
19 consistent. Yes, it would be a totally separate process.

20
21 **MIGUEL ROLON:** The whole idea behind this was four years ago,
22 there was a petition to close the EEZ to all trap fishing. Dr.
23 Roy Crabtree thought that such a drastic measure without, number
24 one, information and, number two, taking into consideration the
25 socioeconomics and the heritage of the Virgin Islands, in that
26 particular case.

27
28 We worked with the Regional Office and we hired Mr. Iarocci and
29 he has been working with the local fishers since then. The idea
30 was that the local government would work with the local fishers
31 and come up with the plan.

32
33 The plan for the local government could be a letter or two or
34 just a regulation, the way they are going to do this at the
35 local level, and then request the -- A request from the local
36 government will come to the council to follow suit in the EEZ to
37 implement in both areas the trap reduction program for reef
38 fish. That's where we were.

39
40 Last year, we were advised that it was almost ready for the
41 Commissioner to work on it and now there are some wrinkles to
42 work with, but this is the scenario in the case of the EEZ. If
43 the plan is not enough to satisfy the needs to manage the
44 fishery in the EEZ under the Magnuson Act, then the council has
45 to move to other management measures in the EEZ.

46
47 One would be no action, leave it as is, and the other one is
48 total closure of the EEZ to any trap fishing. That was

1 requested four or five years ago and so those are the two
2 bookends and in between, in the EEZ, you may have other
3 alternatives that you may copy directly from the local
4 government or modify somehow, but until we get that information,
5 the council cannot move, unless somebody comes with data that
6 shows that drastic measures have to be taken in the EEZ, which I
7 do not foresee that in the near future. That's where we are at
8 this time.

9
10 The question, Roy, and I don't know whether you can say this on
11 the record or not, but do you have any idea of the schedule, if
12 that will happen in 2013 or are we looking into 2014?

13
14 **ROY PEMBERTON:** No, it definitely won't be 2014. Right now,
15 like I said, they met and we have two representatives from the
16 FAC, myself and Mr. Berry. Like I said, the council is a
17 different entity.

18
19 They are trying to do this based on what they have in front of
20 them and now there are a couple more additions, possibly a --
21 Not necessarily a different control date, but an issue with some
22 of the fishers that were left out and in the cracks, which Mr.
23 Blanchard pointed out.

24
25 They now have taken that into consideration with the plan and
26 it's moved forward a little more favorably on that end, but
27 according to a couple of the members that I've talked to about
28 this in the last couple of days, they don't see a problem with
29 it being done by the next council meeting.

30
31 It's just that they wanted to make sure that they looked at
32 everybody. It's not just a trap plan just for the major trap
33 fishers. The trap fishers are a major part of the plan, yes,
34 but there are other considerations that they have to look at
35 when they turn to the public, who they represent, as to why
36 things were made the way they were.

37
38 The plan itself, the term of bookends, you want to look at the
39 different parts of the plan. They do accept the 250 cap, in
40 terms of the numbers. They don't have a problem with those
41 numbers. They just wanted to make sure all sectors were
42 considered and all the different questions were asked.

43
44 In terms of the process, Mr. Blanchard, I worked very well with
45 him in the last couple of months, in the last couple of hours,
46 really, in trying to get a lot of things done, but I would be
47 remiss to say that I'm the sole person involved in this. There
48 are a whole lot of other people that came before me that got

1 this ball rolling long before I got here and they also need to
2 be mentioned in the thank-you's.

3
4 For lack of anything else, they tried to do their best to put
5 forth something, which, in all honesty, has been tried long
6 before, but no result. To be honest, a lot of these people got
7 together and made it happen.

8
9 There was a lot of head-butting and there was a lot of things
10 done in that room and a lot of words stated and still people
11 came out walking. Nobody was carried out. I would like to make
12 sure that I thank particularly the STFA, the St. Croix
13 Commercial Fishermen's Association as well, Jed Brown, who is my
14 predecessor, Dr. Olsen. I could mention a lot of the folks that
15 I heard on tape, because I wasn't there, but I listened to the
16 tapes of the meetings.

17
18 There were some very loud, contentious people in the crowd,
19 particularly in St. Thomas, Chicken Chest being one that was
20 very interesting in the way he was asking Jed Brown to come to
21 the mic to give some explanations.

22
23 A lot of it was comical, but then some of it was very serious
24 and it was very hard. A lot of major and hard decisions were
25 made. Trap fishing is quintessential to this community. It's a
26 part of our fishing culture and now that we've designated a
27 fishing community, it's hard to now not have trap fishing as a
28 major part and so that's one of the major issues that a lot of
29 these guys were trying to make sure that was not occurring, but,
30 again, I would like to thank them, as well as the other
31 fishermen, for their due diligence and their part in this
32 process.

33
34 **MIGUEL ROLON:** Roy, if I recall at that meeting, there were two
35 contentious issues and one was to make sure that anybody who is
36 not in the plan at this time has an opportunity to apply for it
37 or also to have an opportunity to present their case.

38
39 Then they approved the appeals board and they explained that in
40 the case of the appeals board, the appeals board is going to use
41 the ten-year period to assess whether the fisher number is the
42 correct one, on the average. If those two have been already
43 somehow approved or supported by the FAC, is there any other
44 issue that the FAC needs to clarify?

45
46 **ROY PEMBERTON:** No, not to my knowledge. I mean those were the
47 two major issues that you just hit upon that they were concerned
48 about most. I don't foresee any other issue. In terms of the

1 last meeting that we had, those were the two things that were
2 brought to the floor for them to decide upon and make sure that
3 was included.

4
5 Basically, we took the minutes from the meeting and various
6 council members listened to the minutes to kind of get a better
7 understanding of what took place and the different concessions
8 that were made, if any, and from there, they're just going to go
9 forward with what they have and add that to the current plan, as
10 part of the plan.

11
12 **MIGUEL ROLON:** Mr. Chairman, the reason I ask you is because
13 with all the workload that the staff and the SERO has, we need
14 to preplan the next step and put some milestones in the path of
15 this project.

16
17 Whenever the Virgin Islands is ready, you should send us a
18 letter, a formal letter to the council, with an attachment of
19 the plan as it is or the regulations that you are going to
20 implement in the local area of jurisdiction so we can start a
21 process of examining it at the federal level.

22
23 If you do it this year, then we are talking about 2014 for the
24 council to start working on -- We have to have an options paper
25 and the whole scoping and all that and then in 2014, if
26 everything goes smoothly, we might have in the EEZ a similar, if
27 not identical, management regime for the traps.

28
29 The caveat is that we have to follow what the law says and
30 there, for the management plan, you have to take into
31 consideration the biology and the socioeconomics of the fishery
32 in order to make a final decision.

33
34 In other words, there is no guarantee that in the federal
35 government there will be an identical trap reduction program as
36 in the local waters, but just with that -- That's just to let
37 you know that that's schedule that we are envisioning that could
38 happen.

39
40 In 2013, we will get your letter or early in 2014 and then the
41 council will move forward with whatever is necessary to
42 undertake the amendment or have a different management tool to
43 implement the trap reduction program in the EEZ.

44
45 By the way, now that we're talking about it, the lobster, again,
46 is a management plan for the local waters, in the Virgin
47 Islands, and that one doesn't have to even be considered in the
48 EEZ if it's not necessary.

1
2 However, it will be nice to have a set of agreements, via
3 regulations in the local waters, compatible with what we have in
4 the EEZ and in the case of the EEZ, we are really concerned with
5 the ACLs, ABCs, and the OFLs and the accountability measures.

6
7 In that management plan, you have to also discuss those
8 scenarios in the local waters, similar to what we did with the
9 queen conch in the St. Croix area, where the 50,000-pound quota
10 came up and all that.

11
12 **CARLOS FARCHETTE:** Thank you, Miguel. From what I'm hearing --
13 I know the St. Croix FAC has already endorsed this plan and
14 whatever recommendations they have, they would have forwarded to
15 the Commissioner and she can say yea or nay or change the plan
16 as she wishes.

17
18 I am hoping that -- I know the FACs meet every month and so I'm
19 hoping that by the next FAC meeting that the St. Thomas guys are
20 ready to endorse this plan, because the appeals board will be
21 able to answer their questions that they have and hopefully we
22 can get the Commissioner to prepare something for our next
23 council meeting.

24
25 Miguel just reminded me that the bylaws for the appeals board --
26 I think we drafted bylaws and I don't remember forwarding it to
27 them, but our committee has -- We have a draft bylaws and so
28 they can take a look at both of them and we'll go from there.
29 The bylaws are not difficult and they're not different from the
30 FAC and so the FAC should not question the bylaws, because it's
31 coming directly from what their bylaws are.

32
33 **TONY IAROCCHI:** I just want to address two things. One is the
34 makeup of the committee and a lot of the contention that came
35 out of this was the smalltime fishermen thought they weren't
36 being considered or were being left out of the process.

37
38 We did have one of the members of the FAC that was one of the
39 guys that was left out, because he did not have landings within
40 the time. Miguel was the one who brought it up when we started
41 talking at the last meeting, about going back ten years for
42 consideration.

43
44 That's one thing, Director Pemberton, we're going to need when
45 we do have -- It won't be for everybody, but we'll need to go
46 through and we'll need to have ten years of back data on
47 fishermen that are applying through the appeals process, so
48 we'll have that beforehand. We will definitely need that.

1
2 Through this whole committee, we did have from the people that
3 weren't considered to the big-time fishermen, but we did have
4 the majority of the fish trap fishermen, who were coming up with
5 this plan for themselves and their fishery, but I don't want to
6 have anybody believe that anybody was left out. People were
7 invited.

8
9 Julian did a hell of a job emailing and texting and calling and
10 trying to get people to go. We called a lot of people and a lot
11 of times fishermen don't like to go to meetings or were fishing
12 and couldn't go to meetings, but they were there.

13
14 Also, the appeals process, that is going to be a very open
15 process. It's similar to how we did it in Florida and like I
16 stated earlier, just remember limited entry -- When you put a
17 limited entry in and you put down a reduction, nobody is happy
18 and I don't care who it is. Nobody is happy, but the majority
19 of these fishermen came to the table and are willing to take the
20 reduction and to work toward this.

21
22 The guys that were not a part of this fishery that feel that
23 they should be a part of this fishery have to fall into that
24 appeals process and that's the way this process works.

25
26 There were the two issues that Miguel stated on the record and
27 Roy addressed and hopefully right now -- We addressed those at
28 the last meeting and hopefully these couple of people that have
29 issues at the next FAC meeting will approve this plan so we can
30 get this to us and by the next council meeting, this thing will
31 be over and done with.

32
33 Like you said, we will be working in May, the 14th and 15th, on
34 the lobster trap committee and we will be addressing this and
35 hopefully by then, Miguel, this thing will all be worked out, I
36 hope. Any other questions or statements about the plan?

37
38 **MIGUEL ROLON:** Not a question, but Roy and I were talking about
39 assisting the local government with a steno typist for these
40 meetings. I receive calls from people every week about
41 different things. Some people like me and some people hate me
42 and they just call me names and all that, but the majority tell
43 me what is happening here and there and I keep telling all the
44 fishers that we do not deal with hearsay.

45
46 I like to deal with minutes and copies of the minutes and Roy
47 will do that. We will have a steno typist and we will provide
48 for liaison funds for that. That way, you will have a clear

1 record of everything that is said at each meeting and that way,
2 we will have a better understanding. Even if you are not there,
3 you can have an audio or you can have the verbatim transcription
4 or you can have the steno typist's report.

5
6 I mention this because if we are going to get into the EEZ
7 somehow, we have to document everything to move forward. It's
8 something that we need to keep in mind for the record that we
9 have to develop in 2014 or whenever you are ready.

10
11 **ROY PEMBERTON:** Does that mean that Carlos is going to have to
12 give up his secretary job?

13
14 **CARLOS FARCHETTE:** Are you finished? Okay. Thank you, Tony.
15 We are going to move to Enforcement Reports that were not
16 completed yesterday and so we have Puerto Rico first and after
17 that, we will have the U.S. Coast Guard.

18
19 **ENFORCEMENT REPORTS**
20 **PUERTO RICO DNER**

21
22 **MIGUEL GARCIA:** Good morning, Mr. Chairman. Since we are in a
23 transitional person from the DNER Ranger officers, when I asked
24 for the intervention reports, they gave me the hard copies
25 before coming here to the meeting and so I tried to summarize
26 them the best that I was able to in the short period of time.

27
28 From these hard data, most of the interventions were related to
29 fishing during -- Fishing species during spawning aggregations,
30 specifically for queen conch and red hind. Even one of the
31 fishermen that caught with red hind out of the season caught
32 ninety-six individuals.

33
34 There were five fishermen exceeding the queen conch of 150 per
35 day and five fishermen fishing on closed areas and a few -- Not
36 even a few, but six more fishing with an expired commercial
37 fishing license and that's the Puerto Rico summary for now.

38
39 **CARLOS FARCHETTE:** Thank you, Dr. Garcia.

40
41 **BILL ARNOLD:** I had a couple of questions for Miguel. There's
42 two agenda items on here that we kind of wanted to discuss and
43 one of them is this issue of commercial and recreational fishing
44 license permits.

45
46 You know you've got the recreational guys going out there and
47 getting commercial licenses so that they can access these
48 fisheries in a way that has not historically been the case and

1 I'm just wondering how Puerto Rico is dealing with that. Then
2 we had this letter from Victor Padilla regarding trap poaching
3 and I wanted to know if you wanted to touch on that at all.

4
5 **MIGUEL GARCIA:** Thanks for the reminder. We had some
6 conversation this morning about this. During the last
7 regulations, when the new regulations were approved in 2010, a
8 major change was the option for commercial fishermen to, instead
9 of submitting their income tax forms as evidence that they were
10 making a living out of fishing, that requirement was replaced by
11 an affidavit by a lawyer and that opened the window for many
12 recreational fishermen to enter within the commercial
13 fishermen's sector and that has provoked many difficult
14 situations and this has been discussed and I believe with the
15 new secretary -- I believe once she has been confirmed -- The
16 new secretary hasn't been confirmed in the position yet, but
17 once she gets that confirmation, we will be working towards
18 amending this request to go back to the previous one of the tax
19 form to stop the recreational fishermen as legal commercial
20 fishermen in Puerto Rico.

21
22 About the letter that Victor Padilla sent, maybe I couldn't
23 expand more. I know that it's been happening for many years,
24 but I am not on the water and maybe somebody else, Nelson or
25 Genio or other fishermen from Puerto Rico, would like to talk
26 about it.

27
28 **GRACIELA GARCIA-MOLINER:** The reason why I raised my hand is
29 because this is also a federal concern, because he is stating
30 that he fishes both in the state and in the federal waters and
31 that his traps are being moved around and his catch being stolen
32 from the federal waters and so it's an enforcement issue that
33 goes across the jurisdictions. That was a letter to the council
34 also.

35
36 **MIGUEL GARCIA:** The conversations that I had with Aida Rosario
37 and Daniel Matos for quite some time already is that this has
38 been happening in both waters, in territorial and federal
39 waters, for quite some time and that's why a lot of fishermen
40 have turned from using traps to other ways of fishing, because
41 this has been a major problem for many years.

42
43 **CARLOS FARCHETTE:** Yes, that happens in the Virgin Islands, too.
44 They lose a lot of traps from being stolen and so they have to
45 direct their fishing to different gear.

46
47 **GRACIELA GARCIA-MOLINER:** In speaking with Mr. Victor Padilla,
48 one of the things that -- He has taken officials out to see, to

1 check on his traps, and have seen them moved from one place to
2 the other. He keeps his identification on the buoys at all
3 times and he has involved both NOAA Enforcement, DNER, and even
4 I think he went to the police to actually make a report, because
5 now, with the new law, anything that gets stolen from the
6 agricultural sector is penalized by law. He is already working
7 on that also, to protect his catch.

8
9 **ROY PEMBERTON:** We are trying to move towards that direction as
10 well, to get some type of stiffer penalty or some means to kind
11 of dissuade folks. It's one of the reasons why a lot of my trap
12 fishers in the territory have gone buoy-less, because it's just
13 a signal to somebody that there's a dinner plate right
14 underneath this line and let me haul it up.

15
16 That's why the traps have gotten bigger and more robust and
17 harder to haul up unless you've got a trap hauler and those type
18 of things. Enforcement is a very important part of this process
19 and we understand they can't be there all the time, but they
20 need to get an ability to put down stiffer penalties.

21
22 A lot of hard work and effort goes into these traps and with
23 trap reduction looming here as a distinct possibility in the
24 near future, the amount of gear that they're going to lose might
25 be particularly unsustainable for them to keep into the business
26 and so that's very important that we kind of get a handle on
27 that.

28
29 **CARLOS FARCHETTE:** That's a good point and I think that's why
30 our St. Croix Fish Trap Reduction Committee recommended a
31 \$50,000 fine for violations and we'll see if that goes through.
32 Next is the U.S. Coast Guard.

33 34 **U.S. COAST GUARD**

35
36 **ADAM SKORDINSKI:** For this last period, we had one case that
37 occurred south of St. Thomas. The Coast Guard Cutter Reef Shark
38 discovered a charterboat operator fishing in the Hind Bank
39 Marine Conservation District south of St. Thomas with two
40 skipjack tunas onboard. He also had paying customers.

41
42 The master believed the area was open to pelagic species and the
43 BO issued the master a fishing violation. Also, he did consult
44 with Len Rios and he was in concurrence with that and the master
45 voluntarily abandoned the catch.

46
47 We had a two-day operation targeting the red hind aggregation
48 areas west of Puerto Rico. We did seven LMR boardings in the

1 area and there was no violations noted.

2
3 On January 26, one of our air pilots reported to our command
4 center that there were several fishing vessels operating in
5 close proximity to the Tourmaline Bank. The Coast Guard Cutter
6 Martinicus arrived on scene and intercepted a fishing vessel
7 within the EEZ with 145 de-shelled queen conch onboard and the
8 master's commercial fishing license for Puerto Rico was expired.

9
10 The boarding officer issued the master a fishing violation and
11 the vessel was on its way back to port. DNRA seized the conch
12 and issued a state violation for the commercial fishing license
13 being expired.

14
15 On March 5, a Coast Guard small boat boarded a vessel near Saba,
16 Puerto Rico to conduct a safety inspection. The master had
17 onboard approximately 150 pounds of snapper. The boarding team
18 saw that that was kind of suspicious and so they notified the
19 local DNRA office and escorted the vessel back to the pier.
20 DNRA located twenty-seven undersized yellowtail snapper and
21 seized the catch and issued the master a fishing violation.

22
23 For the month of January, we did thirty LMR boardings and in
24 February, we did seventeen and then this month, we're still to
25 be determined. Does anybody have any other questions?

26
27 **BILL ARNOLD:** Adam, do you follow these through to prosecution?
28 Are they just fine-able violations or do they go through the
29 court system? What's the process and does anybody track it, so
30 you know how your interventions are turning out?

31
32 **ADAM SKORDINSKI:** We issue the fishing violation and then that's
33 cleared by the training center within the Coast Guard. That's
34 just an extra level of review. From there, it's submitted to
35 NOAA's General Counsel for a decision whether they want to
36 prosecute the case or not.

37
38 My understanding is that there's like a two-year backlog for
39 these cases and I haven't heard of the final outcome of recent
40 case packages.

41
42 **CARLOS FARCHETTE:** Any more questions for the Coast Guard? If
43 not, thank you. As I mention at every council meeting after the
44 Coast Guard report, I really appreciate the hard work that you
45 guys do out there. I know you're overwhelmed with a lot of
46 high-seas action and so thank you for looking out for fisheries
47 also. Thanks. Next we're going to do Outreach and Education
48 with Alida Ortiz.

1
2 **OUTREACH AND EDUCATION AP REPORT**
3

4 **ALIDA ORTIZ:** As in the last meeting of the council, the O&E AP
5 received a special assignment to work with the education and
6 outreach issue from the education point of view and so we have
7 developed -- We have taken some action into it and a plan will
8 be presented, at least the draft of the plan will be presented
9 by Helena in just a moment.

10
11 I would like to say that the panel, the Outreach and Education
12 Panel, has changed in composition. We have three new members,
13 one from the Department of Natural Resources, a new one, and
14 then we have one from the Virgin Islands and we also have a
15 teacher from Puerto Rico and so we have a different panel in the
16 composition that we had at the beginning and we hope that this
17 will be a very heterogeneous and a very compromised group for
18 the panel.

19
20 In terms of the activities that we have proposed in the
21 strategic plan, I will say that probably most of them are in
22 place. Most of them are funded and many of them are right on
23 track.

24
25 We are working with the newsletter and the newsletter and the
26 brochure for the council that we needed badly, because there are
27 many activities where we are presented that we don't have
28 anything specific on the council to tell the participants or the
29 visitors what the council is all about and how it works.

30
31 We will be doing that as an outsourced project for the text and
32 the design and the printing will be done in house with the
33 council staff.

34
35 We are working on the website, taking in information and taking
36 your comments and the recommendations that people are giving.
37 We had a previous meeting of the O&E AP on March 18 and the
38 website was presented and there is a big, big demand from Livia,
39 who is in charge of the website, to please send in materials and
40 send in photographs and things that we can use on the website.

41
42 There will be a high priority for education. We refer to
43 teachers and kids, because those are many of the clients that
44 call the council or visit the webpage looking for information.

45
46 In other activities, we will also give you a very short summary
47 that Helena is going to do also on the Puerto Rico commercial
48 fisheries project. A lot of activity has been going on there,

1 because Helena is council staff half-time with the council and
2 the other part of her tasks is with DNER and so she's the
3 perfect liaison between the fishermen in the field and the
4 government and the council, but she will talk a little bit about
5 that.

6
7 We participated in the St. Croix agricultural fair. It was a
8 very, very attractive activity. There were a lot of people
9 there and I am told that about 10,000 people visited the fair.
10 We have many lessons learned from our participation and one of
11 the best ones is to get better outdoor exhibits that can be used
12 and not just the exhibit that we have for indoors, because it's
13 windy and because it's difficult to set up, but we enjoyed it
14 and we distributed a lot of information and many people visited
15 the table that we had.

16
17 After that activity, the O&E AP decided that the council is
18 going to participate in this type of fair and in Puerto Rico,
19 there is so many different fairs along the coast and probably
20 two or three of them, those more associated with the commercial
21 fisheries and the fisheries in general, will be attended by the
22 council and there will be a presentation there.

23
24 We can go now to the enforcement as education and outreach and I
25 think that the most important part of our effort there is that
26 it is going to be education. It will be helping the people
27 understand why this regulation -- What is the importance of
28 complying with regulations before giving a fine.

29
30 People that have to do with fisheries in the field understand
31 how the regulations came about and what they can do and what are
32 the results of not complying with the regulations and so I will
33 ask Helena to take care of that part and then, Helena, probably
34 we can go after that with the Puerto Rico commercial fisheries
35 project.

36
37 From the USVI, we still need information on the projects that
38 were presented in the marine education USVI-style, especially
39 the "Don't Stop Talking Fish", because we have not received any
40 more reports on what's the status of that and so if anyone can
41 give us information, I would be grateful.

42
43 **HELENA ANTOUN:** Good afternoon. I am just going to give
44 everybody a little background, a quick summary, of a couple of
45 things that we discussed in the last O&E AP meeting regarding
46 law enforcement.

47
48 Last year, myself and a couple of other colleagues that have

1 been collaborating on the fisheries project with me, Alejandro
2 Torres-Abreu, who is with the NOAA CRCP Outreach Support
3 Specialist; and Manuel Valdés Pizzini from Sea Grant. They have
4 been helping me and collaborating with me in regards to
5 commercial fisheries and issues.

6
7 We held a couple of focus group interviews with fishermen and
8 also like another type of focus group interview with fishery
9 managers and the fishery managers was a type of a workshop sort
10 of setup.

11
12 In regards to law enforcement, on this slide I just quickly
13 summarized the priority concerns and if you see on the left-hand
14 side, you have the commercial fisher focus group interviews,
15 their priority concerns regarding law enforcement, and you have
16 lack of enforcement, Multar versus Orientar, and in other words,
17 educational enforcement and instead of penalizing, educating.

18
19 Recreational fishers, in the sense that there's a lot of
20 recreational fisheries going on and there's no law enforcement
21 regarding recreational fishers.

22
23 Repetitive interventions from DNER, FURA, and the U.S. Coast
24 Guard and all the other law enforcement groups that are in the
25 area and species identification in terms of they sometimes have
26 a hard time indentifying the species and intervention protocols.

27
28 There's a lot of discrepancy between how the intervention
29 procedures go on regarding the different areas of the island and
30 if you look at the fisheries manager workshop, there were
31 priority issues that were identified by the fishery managers and
32 it pretty much mirrors the same thing that the commercial
33 fishers were saying and so there's a lot of consensus in terms
34 of what are the priority concerns and what are the issues that
35 need to be addressed.

36
37 In our last meeting that we had, there was Alida Ortiz, Miguel
38 Rolon, Diana, and Manuel Valdés Pizzini and we sat down and we
39 decided that as part of one of the tasks of O&E AP is to try to
40 establish a better collaboration between the law enforcement
41 agencies that are working in the marine zones.

42
43 What I have right here, these are action plans that were
44 recommended during the workshop, the fishery managers workshop,
45 and so they recommended establishing collaborative efforts
46 between FURA, DNER Rangers, and the municipality police, for
47 example, and then train a select group of Rangers so that you
48 have a more concentrated group on fishers and fisheries

1 management and then practice more interpretative enforcement.

2
3 Based on this, now we go to the O&E AP follow-up plan. We would
4 like to first schedule a meeting with the DNER and the Secretary
5 and discuss these priority issues that were identified and then
6 following that meeting with the Secretary, with the DNER
7 Secretary, we would like to have a joint discussion or a joint
8 meeting with law enforcement officials and we would like to
9 invite representatives from the DNER Ranger Corps, FURA, NOAA,
10 U.S. Coast Guard, U.S. Customs, and also we would like to bring
11 in a couple of commercial fishers, because we would like to have
12 the commercial fishery perspective in that meeting also.

13
14 What we would like to do is out of that meeting, what we hope to
15 accomplish is have everybody on the same page and make sure that
16 everybody is aware of what the issues are, what the priority
17 issues are, and see how maybe we could work out some sort of
18 collaborative effort so that we could all work together and try
19 to avoid redundancy and repetition of efforts.

20
21 The meeting coordinators, the ones that will be in charge of
22 organizing this, will be Alida from the O&E AP, Miguel Rolon,
23 Diana Martino, Miguel Garcia from the DNER, Manuel Valdés
24 Pizzini from Sea Grant, Alejandro, and myself.

25
26 On the 29th of May, we're set for that date so far, as of now,
27 with the Secretary and then the second one, with a joint
28 discussion with law enforcement officials, will follow and so
29 that is law enforcement.

30
31 Then going a little bit into the Puerto Rico Commercial
32 Fisheries Project, what Alida mentioned -- Once again, from the
33 focus group interviews that we held last year, we brought up a
34 lot of issues and so what we are hoping to do by June is sit
35 down and have a joint discussion with a couple of leaders from
36 the commercial fisheries sector.

37
38 We're using two areas as pilot projects. We are using Naguabo
39 on the west coast and Puerto Real for the west coast and we will
40 sit down with representatives of the fisheries communities, with
41 fishery management leaders. We will have DNER, the Caribbean
42 Council, and others that will be identified.

43
44 We will be sitting down with the fishers and we'll be having a
45 face-to-face discussion about issues and concerns and problems
46 in fisheries management and try to identify ways that the
47 fishers and fishery managers can work together and collaborate
48 and try to identify some solid projects that we can work with

1 between 2013 to 2015.

2
3 **ALIDA ORTIZ:** Thank you, Helena. I hope that with this approach
4 that we will be filling in the gap that Schuster was mentioning
5 before, that big gap between the fishers, the government, and
6 the scientists.

7
8 At some place, we either have to translate, to interpret the
9 information that the fishermen have that they are right in the
10 field and they are the ones who live the resource every day and
11 that to the scientists and to the government and get the
12 information back to the fishermen also, because we get a lot of
13 information from them, but very few times we go back to them
14 with this is what we got out and do you agree with this and so
15 this is what we are trying.

16
17 The other activity is the orientation for the legislators and I
18 understand that there is a date set already for the USVI in
19 April in St. Thomas and then after that, we will go with the
20 Puerto Rico legislation. We also have to do St. Croix and then
21 Puerto Rico.

22
23 I think it is important that these new officers that go into the
24 legislature understand the regulations that exist already and
25 also the relationship between the council and the local
26 government and so we will do our best to present what's needed
27 in that area.

28
29 I think that's all that we have. We need to get from the USVI
30 some information on the status of those projects that were
31 presented to the council and we presented them here and we
32 haven't heard anything more and then we are going to go forward
33 with the preparation of teaching materials for schools and that
34 will be between July and December.

35
36 We already have a working group that will have teachers, that
37 will have fishermen, and will have people who can put the
38 information not just in the fisheries biologists or in the
39 statistics vocabulary, but we need to shift from social studies,
40 from art, from humanities, anything that we get the message that
41 fisheries is an important resource and that we are all
42 responsible, the teachers on one side and the fishermen on
43 another, and then all of us are consumers.

44
45 Consumers need to know as well on the fishing regulations and
46 our fisheries management as the fishers themselves and so I
47 think that completes our report. Are there questions?
48

1 **CARLOS FARCHETTE:** Thank you, Alida and Helena. Any questions
2 for outreach? I do want to comment that the outreach to the
3 legislature was a request by them to get a better grip on our
4 fisheries regulations and what's happening to the fisheries,
5 because get a lot of -- Of course, their constituents are voters
6 and they come to them and complain and they want to get a better
7 handle on what's going on and I think that's really important.

8
9 We do have Lia Ortiz, the NOAA Fisheries liaison, here in St.
10 Croix, who has already started doing education at the boat
11 registration and fishing license registration period, where they
12 have to -- Fishermen and boaters have to come to enforcement to
13 register and renew and what she has done was do a one-stop shop,
14 where she has a Coast Guard member, DPNR, Fish and Wildlife, and
15 they get all that education there and I think it's really
16 important.

17
18 I did thirty years of enforcement and my motto has always been
19 education first and enforcement after and I think that's the way
20 to go and this is a really important project that we're working
21 on with outreach and education, because I think that's the top
22 priority. Educate them so they don't have any questions after
23 and then you can issue them citations.

24
25 I noticed on the screen, because some of us saw that acronym of
26 FURA, which is supposed to be a rapid action unit from the
27 police department in Puerto Rico, whose main job is drug and
28 illegal immigrant interdiction, but all this education of all
29 these enforcement agencies that are around us helps us in every
30 way and thanks.

31
32 **ROY PEMBERTON:** Also, we do have an initiative going on with the
33 National Parks Service that's going to start up soon. They're
34 one of the other partners that's here in the Virgin Islands on
35 the enforcement side of things.

36
37 Particularly, we are working with Buck Island Reef National
38 Monument enforcement officers for St. Croix and most
39 importantly, the fisheries identification aspect, so that they
40 understand what fish species is what and part of the problem is
41 they have been enforcing certain rules and regulations and not
42 understanding the complexities or the reasons behind it.

43
44 They want to have some understanding as to what is the
45 importance of this. It's not just about putting somebody in
46 handcuffs and giving them a citation only. They want to do also
47 the outreach and education aspect with the fishers or,
48 particularly in this case with Buck Island, a lot of the

1 tourists that are involved.

2
3 They are understanding of the resources and particularly the
4 particular resources of importance, like your grouper and
5 snappers and all our regulated species.

6
7 That's of high importance to them and they wanted to extend an
8 arm out to us and ask for assistance and so that's coming up in
9 the next couple of weeks and we plan to do both live fish that
10 are in situ and so forth and even filets, just in case. It's
11 going to be an effort not just amongst us, their partners, but a
12 lot of the other federal partners as well.

13
14 **CARLOS FARCHETTE:** Thank you, Roy. Next is the Administrative
15 Committee Recommendations.

16
17 **ADMINISTRATIVE COMMITTEE RECOMMENDATIONS**

18
19 **DIANA MARTINO:** The Administrative Committee recommended to the
20 council to reappoint to the SSC Dr. Walter Keithly, Vance
21 Vicente, Jim Berkson, Mike Sissenwine, Richard Appeldoorn, and
22 Barbara Kojis.

23
24 **CARLOS FARCHETTE:** Does somebody want to make a motion?

25
26 **EUGENIO PIÑEIRO:** I move that we reappoint the above mentioned
27 SSC members.

28
29 **MIGUEL GARCIA:** Second.

30
31 **CARLOS FARCHETTE:** All in favor say aye; anyone against.
32 Hearing none, the motion carries.

33
34 **DIANA MARTINO:** They also recommended to reappoint to the
35 Advisory Panel Gerson Martinez, Jens P. Skov, and Edward
36 Schuster and Greg Engstrom.

37
38 **EUGENIO PIÑEIRO:** I move that we reappoint the mentioned AP
39 members.

40
41 **ROY PEMBERTON:** I second it.

42
43 **CARLOS FARCHETTE:** All in favor say aye; anyone against.
44 Hearing none, the motion carries. While we're on the subject of
45 AP members, since all these actions have been going on today,
46 are we going to have an AP meeting together with the SSC?

47
48 **OTHER BUSINESS**

1
2 **MIGUEL ROLON:** Whenever we have something for the AP, then yes,
3 we're going to meet with them and the staff will work with Bill
4 and Graciela and Barbara and when we get this project from Dr.
5 David Olsen finished, we can meet the AP and get their feeling
6 about all of this and any recommendations to the council.

7
8 Under Other Business, I have a minor point. All the meetings of
9 the SSC and AP will be at the council headquarters now that we
10 have the facilities and so we can save some money there, but
11 more importantly than that, at the meeting of the CCC, it was
12 brought to the attention of all the councils and the Regional
13 Offices a lawsuit regarding FOIA and the emails.

14
15 My recommendation to the council members is that -- Any email
16 that you receive that pertains to council business could be
17 FOIA-able and at the discussion there, Sam Rausch stated -- Sam
18 Rausch is the National Marine Fisheries Service Director. He
19 said the interpretation is that any document that you bring to
20 the attention of the council in your email is FOIA-able.

21
22 Other people, however, believe still that any document that you
23 have in your computer that has to do with council business is
24 FOIA-able. I leave it at that, but I recommend that -- I sent
25 an email to the council members. You may want to separate your
26 official emails dealing with the council from your personal
27 ones.

28
29 I suggested that you can adopt the same thing that we have in
30 the staff and so-and-so at yahoo and that way, you can use that
31 for any communication between the council or your constituents
32 and you and I believe that already Genio has a new one that I'm
33 using and Carlos and so that's the advice from the lawyers who
34 were at the meeting.

35
36 Believe me, don't take FOIA, the law, lightly. They can really
37 do a number on your schedule if you are requested to bring
38 everything, because this lawsuit in some other part of the
39 nation -- Fishermen who belonged to the council were requested
40 to bring their computer and all the files that they have there
41 and it's kind of an embarrassing situation for some members. I
42 am talking about business and not what you're thinking now, but
43 that's it.

44
45 **CARLOS FARCHETTE:** Is there any other business?

46
47 **TONY IAROCCI:** This is directed to the Director. Roy, we've all
48 been working really close together on this and I know how hard

1 you've worked. I call you sometimes at seven o'clock in the
2 morning, or three o'clock in the morning once, to talk about a
3 lot of stuff, but, Roy, is there any -- We've talked about this,
4 not having the port samplers and being understaffed.

5
6 Is there anything that the council can do or that we can do as a
7 group to support and try to get you more help? If I'm not
8 mistaken, I know there's funding there to hire staff and how can
9 we move that process forward to get port samplers?

10
11 I did call Willie and asked him if he would be interested in
12 working on the lobster trap project and he's willing to come
13 back onboard and so I'm hoping to get him on with the project
14 we're going to be working on in the future, hopefully -- I'm not
15 saying hire Willie, but I'm just saying is there anything that
16 we can do to move that, to get port samplers and get you more
17 staff so you're not so overworked?

18
19 **ROY PEMBERTON:** As Ed pointed out yesterday, it's internal to
20 the government. For me, I think one of the things that has
21 helped, and a lot of the fishers have recognized it, is they
22 come to the office. They bring their catch to the office and we
23 ice it down for them and we give them all the ice they want.

24
25 Right now, it's going to have to occur on the commissioner level
26 to kind of get those things rapidly pushed. I have done all I
27 can do and I keep doing more. Sometimes I kid Carlos a lot that
28 I might be looking for a job soon, because I push really hard.

29
30 I don't care. I don't do the politics and I don't do the power
31 tricks. I say that a lot, but the importance is the industry
32 and the resources that are applicable to that industry and it's
33 not something that I take lightly and I just make sure that I
34 get in everybody's ear that I can and the Commissioner is well
35 behind it and we push as hard as we can push at the issue of
36 losing jobs or getting somebody really pissed off, but that's
37 what we have to do.

38
39 **CARLOS FARCHETTE:** Thank you, Roy. There is a five-minute open
40 comment period. It's open for five minutes for anybody who
41 wants to speak from the public. It's five minutes for each
42 person who may want to speak from the public. If there is no
43 one, then --

44
45 **MIGUEL ROLON:** The next council meeting will depend on the
46 meeting with the SSC and remember we were trying to look at the
47 issue of the queen snapper September deadline and so we were
48 thinking about June, but it has to do with the schedule of the

1 SSC.

2
3 Bill and I were talking before and exchanging emails and what we
4 are trying to do is -- How can we lock at least three meetings a
5 year, so people will be able to accommodate our meetings in
6 their schedule?

7
8 The only one that we have that is really -- If you go back to
9 the history of our meetings, we have one in March, usually,
10 another one in August and another one in December and in
11 between, whenever we have a special meeting, like this one in
12 June, we may have a one-day meeting.

13
14 If you want, we can lock the third week of March, the second
15 week of August, and the second week of December for our meetings
16 and any deviation from that, then you can justify it somehow
17 with the workload, but at least if you leave here with those
18 three dates, you might be able to then accommodate your schedule
19 better.

20
21 We don't want to run into Roy Crabtree -- He thought that spring
22 break was some other time and then he called me when he went
23 home and his wife said, are you crazy, it's spring break and the
24 kids are coming home and you should be here. That way, we will
25 -- In March, probably we will try to stay away from spring break
26 and so maybe the second week of March.

27
28 That's the proposal, but the problem is that they keep moving
29 it. Anyway, let's see if we can have the second week of March,
30 the second week of August, and the second week of December. If
31 that's agreeable, then --

32
33 **PHIL STEELE:** We really need to look at that, because you have
34 two other councils that meet in March and in June and so we need
35 to work around it and I think their times are fairly standard,
36 but I wouldn't guarantee it and so let's just work on this.

37
38 I would love to have a locked-in time to help everybody with
39 their travel, but, again, to keep the boss's sanity level where
40 it needs to be, we need to make sure that we can work with our
41 other council partners on establishing these council dates and
42 meeting times, but I really would recommend that we do firm
43 something up, as best we can. I think it's possible.

44
45 **BILL ARNOLD:** I would certainly agree with Phil. I would
46 mention that if we could get things scheduled farther out, then
47 the other councils could have a better idea of what we're up to
48 instead of us always having to react to their schedules, which

1 sometimes puts us in kind of weird scheduling conflicts and
2 we're down here the week before Christmas or we're down here
3 during Holy Week and it really creates complications for
4 everybody, including really important external member attendees
5 like the fishermen, et cetera, et cetera.

6
7 I just feel like the farther out we can schedule these things,
8 the fewer problems we're going to have with conflicts of any
9 sort, other councils, vacations, hangovers, whatever it may be.

10
11 **MIGUEL ROLON:** That's the reason why this council has never been
12 able to schedule the meetings year-round, because we have
13 conflicts with the other two big councils there. Every time
14 that we do this, we have excuses for changing it and so the
15 proposal is to have one in March, one in August, and one in
16 December and see if we can look at the other two councils and
17 how it works, as Phil suggested.

18
19 That way, at least we have a month and then if that month is too
20 heavy, then we can move to February or April. If that's
21 agreeable, then the staff and I can touch base with Doug Gregory
22 and Bob Mahood and they have their schedule there or it's even
23 on the internet, but at least March, August and December, we
24 will shoot at that, at least for this council. The specific
25 dates we will play with, with those two.

26
27 **EUGENIO PIÑEIRO:** The August one will be hurricane dependent.

28
29 **MIGUEL ROLON:** Yes and actually, we always have one in August.
30 September is the heavy one and sometimes we scare the hell out
31 of the Regional Office people when we have a hurricane coming
32 over or they cannot come because they have one in Florida, but
33 the reason for August is that's the anniversary of the -- August
34 10 and August 11, if you have a new member and an old member
35 out, that's why we usually schedule the meeting during August,
36 but yes, we need to be mindful of the hurricane season.

37
38 **CARLOS FARCHETTE:** Okay. I know for the Virgin Islands if you
39 want to schedule it just before carnival, so you can stay a few
40 extra days and enjoy the carnival time. Anything further?
41 Hearing none, this 145th Caribbean Fishery Management Council is
42 adjourned. Thank you all very much.

43
44 (Whereupon, the meeting adjourned on March 27, 2013.)

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