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2 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**  
3 **147<sup>TH</sup> REGULAR COUNCIL MEETING**  
4 **Hilton Ponce Golf and Casino Resort**  
5 **Ponce, Puerto Rico**  
6

7 AUGUST 13-14, 2013

8  
9 AUGUST 13, 2013

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11 The Caribbean Fishery Management Council convened at the Hilton  
12 Ponce Golf and Casino Resort, Ponce, Puerto Rico, Tuesday  
13 morning, August 13, 2013, and was called to order at 9:00  
14 o'clock a.m. by Chairman Carlos Farchette.

15  
16 **CARLOS FARCHETTE:** Welcome to the 147<sup>th</sup> Caribbean Council Meeting  
17 held at the Ponce Hilton, Puerto Rico. It is August 13, 2013.  
18 We will call to order and it's 9:15 a.m. We're going to do a  
19 roll call and I will start on my left.

20  
21 **NATALIA PERDOMO:** Natalia Perdomo, CFMC staff.

22  
23 **LT. MORGAN FOWLER:** Lieutenant Morgan Fowler, U.S. Coast Guard.

24  
25 **ADMIRAL JAKE KORN:** Admiral Jake Korn, U.S. Coast Guard.

26  
27 **TONY BLANCHARD:** Tony Blanchard.

28  
29 **ROY PEMBERTON:** Roy Pemberton, DPNR.

30  
31 **MIGUEL GARCIA:** Miguel Garcia, council member, Puerto Rico DNER.

32  
33 **EUGENIO PIÑEIRO:** Good morning. Genio Piñeiro, council member,  
34 Puerto Rico.

35  
36 **CARLOS FARCHETTE:** Carlos Farchette, council chair.

37  
38 **MIGUEL ROLON:** Miguel Rolon, council staff.

39  
40 **DIANA MARTINO:** Diana Martino, council staff.

41  
42 **SHEPHERD GRIMES:** Shepherd Grimes, NOAA Office of General  
43 Counsel, Southeast Section.

44  
45 **ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

46  
47 **DR. BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.  
48

1 **NELSON CRESPO:** Nelson Crespo, council member, Puerto Rico.  
2  
3 **BILL ARNOLD:** Bill Arnold, NOAA Fisheries.  
4  
5 **GRACIELA GARCIA-MOLINER:** Graciela Garcia-Moliner, council  
6 staff.  
7  
8 **MARIA DE LOS IRIZARRY:** María de los Irizarry, council staff.  
9  
10 **ALIDA ORTIZ:** Alida Ortiz, Outreach and Education Panel.  
11  
12 **EDWARD SCHUSTER:** Edward Schuster, AP Chair.  
13  
14 **BARBARA KOJIS:** Barbara Kojis, SSC Chair.  
15  
16 **CAPTAIN DREW PEARSON:** Captain Drew Pearson, Coast Guard Sector  
17 San Juan.  
18  
19 **KATE QUIGLEY:** Kate Quigley, council staff.  
20  
21 **DAVID OLSEN:** David Olsen, STFA.  
22  
23 **CHARLES STEINBACK:** Charles Steinback, Ecotrust.  
24  
25 **MIKE MASTRIANNI:** Mike Mastrianni, Coast Guard Training Center.  
26  
27 **CARLOS VELAZQUEZ:** Carlos Velazquez.  
28  
29 **MICHELLE SCHARER:** Michelle Scharer, University of Puerto Rico.  
30  
31 **HOWARD FORBES:** Howard Forbes, Director of DPNR Enforcement,  
32 U.S. Virgin Islands.  
33  
34 **DARYL BRYAN:** Daryl Bryan, STFA.  
35  
36 **JULIAN MAGRAS:** Julian Magras, St. Thomas Fishermen's  
37 Association, Chairman.  
38  
39 **THIERRY LEDEE:** Thierry Ledee, STFA.  
40  
41 **HELENA ANTOUN:** Helena Antoun, independent contractor.  
42  
43 **LIA ORTIZ:** Lia Ortiz, contractor.  
44  
45 **LT. ROB FOOS:** Lieutenant Rob Foos, U.S. Coast Guard.  
46  
47 **SEAN CASHELL:** Sean Cashell, Sector San Juan, Coast Guard.  
48

1 **TONY IAROCCI:** Tony Iarocci, commercial fisherman.  
2  
3 **LEDA DUNMIRE:** Leda Dunmire, Pew Charitable Trusts.  
4  
5 **OTHA EASLEY:** Otha Easley, NOAA Office of Law Enforcement.  
6  
7 **PHIL STEELE:** Phil Steele, NOAA Fisheries.  
8  
9 **EMILY HELMICK:** Emily Helmick, Pew Charitable Trusts.  
10  
11 **CARLOS FARCHETTE:** Thank you and I would respectfully request  
12 that everybody put their cell phones on vibrate or silent.  
13 Thank you. I would also like to take this opportunity to  
14 acknowledge and welcome Rear Admiral Korn to the Caribbean  
15 Council. Would you like to say a few words?  
16  
17 **ADMIRAL JAKE KORN:** Good morning, everyone. I appreciate the  
18 opportunity to come here. I have been on the job as the new  
19 Commander for the 7<sup>th</sup> Coast Guard District for about two months  
20 now and so I took the opportunity to come to the fisheries  
21 council meeting today. We are visiting some units in Puerto  
22 Rico and the Islands and so I appreciate the opportunity to come  
23 and listen to the issues and learn about how things are going.  
24 Thank you.  
25  
26 **CARLOS FARCHETTE:** Thank you. It's good to have you here and I  
27 would also like to welcome our new council member, Tony  
28 Blanchard, from the St. Thomas/St. John District.

29  
30 (Whereupon, new council members were sworn into office.)  
31

### 32 **ELECTION OF OFFICERS**

33  
34 **MIGUEL ROLON:** Now we go to Election of Officers and it's  
35 customary that the U.S. Coast Guard has the floor, first to open  
36 the floor for nominations for Chair. If you have one, you can  
37 vote by acclamation and if you have more than one, you can have  
38 the ballots and we are ready for that. Then the second will be  
39 for the Vice Chair and the same will be followed. If you only  
40 have one, then you can vote by acclamation or you can vote one-  
41 by-one with yes, no, or abstentions. With that, we give the  
42 floor to the Coast Guard.  
43

44 **LT. MORGAN FOWLER:** Do we have any nominations for Chairperson?  
45

46 **TONY BLANCHARD:** I would like to nominate Carlos Farchette.  
47

48 **MIGUEL GARCIA:** I nominate Genio Piñeiro.

1  
2 **LT. MORGAN FOWLER:** Are there any more nominations? We will go  
3 to a ballot.

4  
5 **DIANA MARTINO:** The votes for Chairman are as follows. There  
6 are two for Genio Piñeiro and three for Carlos Farchette and two  
7 abstentions. The Chairman is Carlos Farchette.

8  
9 **LT. MORGAN FOWLER:** Are there any nominations for Vice Chairman?

10  
11 **MIGUEL GARCIA:** I nominate Genio Piñeiro.

12  
13 **LT. MORGAN FOWLER:** Are there any other nominations? We will  
14 move to acclamation.

15  
16 **MIGUEL ROLON:** Thank you. You have served your country very  
17 well. We will have a round of applause for the Chair and Vice  
18 Chair.

19  
20 **ADOPTION OF AGENDA**

21  
22 **CARLOS FARCHETTE:** Thank you and I want to thank everyone for  
23 the vote of confidence and now we move forward on the agenda to  
24 Adoption of the Agenda.

25  
26 **MIGUEL ROLON:** Bill, were there some things that you wanted to  
27 include under Other Business for tomorrow? Do you want to do it  
28 now or tomorrow morning?

29  
30 **BILL ARNOLD:** Miguel, which aspect of Other Business?

31  
32 **MIGUEL ROLON:** You sent us a note to include other items in  
33 Other Business.

34  
35 **BILL ARNOLD:** Yes, we have a bunch of them.

36  
37 **MIGUEL ROLON:** Just to put it on the record.

38  
39 **BILL ARNOLD:** We have the buffer reduction adjustments. We  
40 spoke of this at the special meeting, reducing from 15 percent  
41 to 10 percent because species are no longer undergoing  
42 overfishing.

43  
44 A second item is Abrir/Bajo/Tourmaline compatibility. That's an  
45 issue that's been sitting out there for a while and we want to  
46 address it. We would also like to discuss the preliminary  
47 landings averages that will be applied against the ACL to  
48 determine the 2014 season lengths. These will be preliminary

1 landings, but we certainly want to make the council aware of  
2 where we are on that.

3  
4 We had a topic of illegal longlining come up during the scoping  
5 hearings and I think that's something that should be mentioned.  
6 There's a subject of third-party stock assessments and how  
7 they're handled, et cetera, et cetera. We need to talk about  
8 that and an item that was inadvertently omitted from the agenda,  
9 but should always be on there is exempted fishing permits. I  
10 don't think we have any applications and so we probably won't  
11 really have much to discuss there, but that's something that the  
12 council chose to always include on the agenda and so those are  
13 the items I'm aware of for other business.

14  
15 **BONNIE PONWITH:** If I may add just a brief discussion about the  
16 outcome from Southeast Fisheries Science Center's data peer  
17 review and the prominent focus that was put on work in the  
18 Caribbean and also an opportunity to discuss the Saltonstall-  
19 Kennedy call for proposals, which also has a focus on science in  
20 the USVI and Puerto Rico that plays into some of our data  
21 requirements. Thank you.

22  
23 **EUGENIO PIÑEIRO:** Roy, I have a question. At some point, we're  
24 going to discuss the Snapper Unit 2 and the proposal,  
25 Administrative Order, from the Secretary regarding this issue?  
26 Would you like to discuss that in Other Business or are you  
27 going to discuss it somewhere else?

28  
29 **ROY CRABTREE:** I would think Other Business, to add that to the  
30 agenda under Other Business.

31  
32 **MIGUEL GARCIA:** Mr. Chairman, I would like to discuss, during  
33 the scoping meetings, about the Administrative Order produced by  
34 Puerto Rico DNER in collaboration with the Puerto Rican  
35 fishermen in relation to Snapper Unit 2.

36  
37 **CARLOS FARCHETTE:** Thank you, Miguel.

38  
39 **EUGENIO PIÑEIRO:** Dr. Arnold, were we going to talk about  
40 permits in Other Business?

41  
42 **BILL ARNOLD:** We certainly can if you wish.

43  
44 **EUGENIO PIÑEIRO:** I understand that was something that you  
45 wanted to -- You had some interest in that?

46  
47 **BILL ARNOLD:** Yes and we were going to follow the lead of the  
48 state and see where they went on that, but I think we could

1 probably dovetail right off of that if we needed to when you  
2 discuss the status of the west coast deepwater snapper.

3  
4 **CARLOS FARCHETTE:** Anything further for consideration under the  
5 agenda? Hearing none, we will move forward. All in favor of  
6 the adoption of the agenda with additions say aye; anyone  
7 against. Hearing none. Let me pass the mic to Miguel Rolon.

8  
9 **MIGUEL ROLON:** Before we continue, we wanted to do something  
10 special today. Our staff really works very hard and putting all  
11 these meetings together and most of you know Natalia and Diana,  
12 they received an award because of the work they did, especially  
13 Diana, on putting together the Capitol Hill Ocean Week. They  
14 have presentations and then in the middle of the week, we have  
15 what they call the Fish Fry.

16  
17 At the Fish Fry, you have people from all over the states  
18 bringing seafood and you have a lot of people attending from  
19 staff, staff from Congress, agencies, government officials.  
20 This year we had something like 1,500 people there and thank you  
21 for the work by Diana and the crew that we took there and  
22 Natalia took all the pictures.

23  
24 We were successful again, so much so that they want us next year  
25 to participate, but today, I also wanted to introduce a face  
26 that you know by phone. She is really lost, because she doesn't  
27 know what she came here for and she is always working and so if  
28 she is not working, she feels like something is wrong.

29  
30 This is Iris Oliveras from our staff and when I am at a meeting  
31 and she is at home, at my office, I feel secure. If anything  
32 goes through that office, she calls me immediately and so-and-so  
33 is looking for you and he is really angry at you and so be aware  
34 that he will be visiting you and all the papers and everything  
35 go somewhere and not only that, but she is also a busy bee. If  
36 we need to change a light bulb, she is there. If we are working  
37 in the conference room, she is there.

38  
39 Sometimes I believe she is the boss. She, through all these  
40 years, has done excellent work and usually she is the one who  
41 gets the cash award at the end of year, but that's a little  
42 ceremony that only the Chair and us know about it, but today, I  
43 brought her here and she didn't know what it was and I told her  
44 to bring the little box and nobody can bring that box to that  
45 meeting besides you. Today, we want to honor you directly in  
46 front of everybody and here is your cash award. The money is  
47 not the issue here, but it's the presentation to you. Thank you  
48 very much for your service.

1  
2 **CARLOS FARCHETTE:** I would like to also thank Iris for  
3 everything that she's done for me. She is my savior. I live  
4 nineteen miles away from Puerto Rico and she calls me for any  
5 information and I call her quite often and actually, it's great  
6 working with her and it's great working with all the staff at  
7 the council.

8  
9 **EUGENIO PIÑEIRO:** Thank you for getting me out of Morocco like  
10 five years ago.

11  
12 **IRIS OLIVERAS:** You know that I will be there for you whenever  
13 you need me. Thank you.

14  
15 **CONSIDERATION OF 146<sup>TH</sup> COUNCIL MEETING VERBATIM TRANSCRIPTION**

16  
17 **CARLOS FARCHETTE:** I would move forward on the agenda to  
18 Consideration of the 146<sup>th</sup> Council Meeting Verbatim Minutes.  
19 Hearing no changes --

20  
21 **ROY CRABTREE:** Move we approve.

22  
23 **CARLOS FARCHETTE:** We will vote on the motion from Dr. Crabtree.  
24 All in favor say aye; any abstentions or no. Hearing none, the  
25 motion carries. Now we will move forward to the Executive  
26 Director's Report.

27  
28 **EXECUTIVE DIRECTOR'S REPORT**

29  
30 **MIGUEL ROLON:** Thank you, Mr. Chairman. I don't have much to  
31 add, except for that this afternoon we are going to be talking  
32 about outreach and education and some of the projects that we  
33 have and during the meeting, you will hear a presentation by Dr.  
34 Alida Ortiz.

35  
36 We have also a few projects that you might be interested in. In  
37 the case of Puerto Rico, Dr. Gonzalez gave us a presentation  
38 about an idea he has. He's an engineer, but also a statistical  
39 expert and so he gave us a presentation at the council office of  
40 an idea that he has that will speed up the process of collecting  
41 the information in Puerto Rico from each fishing village and  
42 processing that information.

43  
44 This is not going to give us a full presentation, but later we  
45 are going to meet with Miguel on a sidebar and continue this  
46 process, but today, what I wanted to do is to introduce the  
47 topic to the council and we will be working on this between here  
48 and December.

1  
2 If this is adopted by the government of Puerto Rico, the council  
3 has some money, with liaison funds and others, that we can help  
4 them implement it. Very briefly, can you introduce yourself and  
5 who you are and where you come from?  
6

7 **DAVID GONZALEZ:** My name is David Gonzalez and I work at the  
8 Industrial Engineering Department at the University of Puerto  
9 Rico Mayaguez. I work basically on multivariate statistical  
10 analysis and I have some ideas on how to help in working with  
11 the information that is gathered in the fisheries and so I  
12 presented a proposal three weeks back and they invited me here  
13 to interact with some people and check if the proposal is  
14 reasonable and is helpful. That's it, I guess, for now.  
15

16 **MIGUEL ROLON:** Dr. Gonzalez, I believe that there's a lot of  
17 interest by the government of Puerto Rico to work on the  
18 possibility of this proposal. There is no guarantees that they  
19 will adopt the system, but certainly the council will be able to  
20 help you any way we can.  
21

22 The other item regarding statistics is we know that Ecotrust has  
23 been working on a pilot project for helping with the data  
24 collection system in the U.S. Virgin Islands and they also  
25 intend to do it in Puerto Rico.  
26

27 Today, probably during the five-minute comment period or  
28 tomorrow in Other Business, they will give us a presentation of  
29 what they are doing so far. We have the possibility of also  
30 working with Dr. David Olsen on a pilot project by which we will  
31 develop the software that will be hooked up with Ecotrust and  
32 the selection of fishermen who will use that software to  
33 introduce it for data entry.  
34

35 The project that we have in Puerto Rico with Ecotrust, one of  
36 the ideas is that any fisherman who participates, he can  
37 withdraw or download the information of his landings and so he  
38 or she will have a record of what has been happening.  
39

40 At this time, what we will do is that Miguel, Dr. Gonzalez and I  
41 will meet sometime, and Graciela, during the course of the day,  
42 so we can set aside some meeting in the future at the Department  
43 of Natural Resources. Again, it doesn't mean that we are going  
44 to adopt this as proposed, but we are starting the conversations  
45 to see if the government of Puerto Rico is interested and we  
46 will support them.  
47

48 In the past, when we were working on the catch share project,



1 there was an interest by Daniel Matos to have a special form to  
2 collect the information from the deepwater snapper grouper  
3 complex around Puerto Rico and so we thank you for your interest  
4 and I hope that this will be the beginning of a project that  
5 will provide some insight as to what the fishery is.

6  
7 **EUGENIO PIÑEIRO:** Good morning, Dr. Gonzalez. Do you have  
8 experience regarding fisheries or with the fishermen of Puerto  
9 Rico?

10  
11 **DAVID GONZALEZ:** Yes, I have observed some of the data that is -  
12 -

13  
14 **EUGENIO PIÑEIRO:** But do you have experience hands on with  
15 fishermen?

16  
17 **DAVID GONZALEZ:** Definitely. I grew up in a fishermen site here  
18 and so my experience is not catching, but I grew up with them,  
19 basically. I don't know if I am getting your question right.

20  
21 **EUGENIO PIÑEIRO:** Are you aware of the latest developments with  
22 the crisis in data collection at the lab in Puerto Rico?

23  
24 **DAVID GONZALEZ:** Yes, I am.

25  
26 **EUGENIO PIÑEIRO:** Do you have an opinion about that?

27  
28 **DAVID GONZALEZ:** I propose several things, but I think it's a  
29 matter of discussing it probably. I have ideas, but I am not  
30 the expert. I am just trying to help and I am an outsider,  
31 basically. I come from the engineering side, but I think that  
32 the method that I know could definitely help, but I am not aware  
33 of the crisis and I don't know what the crisis is.

34  
35 **EUGENIO PIÑEIRO:** There is one and do you have previous works  
36 that we can see at one point and not now, but --

37  
38 **CARLOS FARCHETTE:** I think we will be discussing that on a  
39 sidebar.

40  
41 **MIGUEL ROLON:** The idea is we're not here to address Dr.  
42 Gonzalez's merits or not, but he is really working on is  
43 software that will allow us to get the information in. It  
44 doesn't have anything to do with data gathering or how people  
45 collect information or anything, but just the presentation he  
46 gave to us is he took all the information from Puerto Rico and  
47 he was able to identify key species, twenty-six to twenty-eight,  
48 in all the fishing landings in Puerto Rico.

1  
2 For example, in the case of Rincon, he will be able to, by  
3 downloading the information, all the fishermen in Rincon and how  
4 much they catch and how much they have per year, per month, and  
5 that's the idea. The beauty of this is he is not contaminated  
6 with what we know and that's the idea, because I know Genio's  
7 concern.

8  
9 We went through a lot of issues with the data collection and  
10 that affects people's lives and that's what we really are  
11 concerned with and in this case, what Dr. Gonzalez is proposing  
12 is a tool to collect information and analyze the information  
13 that is outside from any considerations other than just the  
14 development of the software.

15  
16 **EUGENIO PIÑEIRO:** Do you have a timetable for that?

17  
18 **MIGUEL ROLON:** It all depends on what the Department of Natural  
19 Resources time schedule is. He gave the presentation to us at  
20 our office and present were people from Sea Grant and Daniel  
21 Matos representing the DNER. Miguel was on vacation. Daniel  
22 Matos is the Director of the Fisheries Statistics Project in the  
23 laboratory of Puerto Rico and he believes it's something that is  
24 worth pursuing.

25  
26 He didn't know how far we can go with the project and that's why  
27 he has suggested that we bring this to the attention of the  
28 council and Dr. Garcia and Dr. Gonzalez can discuss it further.

29  
30 This also could be applied to other areas in the Virgin Islands  
31 if need be. The government of Puerto Rico is trying to get the  
32 best way to collect the information that we have and also to  
33 make it in a way that the fishermen will not have to have an  
34 extra burden in providing the information and at the same time,  
35 the DNER will have the tool to collect the information on time  
36 and send it to the Center, as they are supposed to, on a timely  
37 basis, especially now that we are under the gun with the ACLs  
38 and the issue of possible closures, depending on how the  
39 statistics go.

40  
41 They want to have the best information available and the best  
42 methodology to get that information and process the information  
43 and that's what we have here. Maybe this project will pan out  
44 and maybe not, but they will continue searching for the best way  
45 to collect the information and use it.

46  
47 Another particularity of this project is that it will have an  
48 immediate feedback to the fishers. The fishermen always are

1 asking for feedback, because they keep giving information and  
2 information and for them, it's very easy to get something out of  
3 it and this project will provide them an immediate response,  
4 because they can download the information they need by the unit  
5 they want.

6  
7 That's what we have today. We have other issues with the  
8 budget, but I don't think that people are too much interested,  
9 but after the sequestration, all the councils received some  
10 money back and so we are okay until December the 31<sup>st</sup> and there  
11 will be some cuts next year, in 2014, but this council is okay.

12  
13 We have enough funding to undertake our work and closing  
14 December 31, closing the 2013, we'll be okay and as I said,  
15 there are other projects that you will see tomorrow regarding  
16 outreach and education, both for Puerto Rico and the U.S. Virgin  
17 Islands. I am very sure that you will be interested in hearing  
18 about them. Thank you, Dr. Gonzalez, for showing up and I hope  
19 that you stay around during the day so we can meet with Miguel.

20  
21 **CARLOS FARCHETTE:** We are going to move forward to the Scoping  
22 Meeting Report on the Development of Island-Based Fishery  
23 Management Plans in the U.S. Caribbean. That will be the  
24 transition from species-based FMPs to island-based FMPs. I  
25 think that will probably be Graciela and Bill Arnold.

26  
27 **GRACIELA GRACIELA-MOLINER:** Please give me a second. We're  
28 trying to reconnect to the Go-To Meeting so that everyone at the  
29 Region and at the Science Center can follow us.

30  
31 **CARLOS FARCHETTE:** Okay.

32  
33 **SCOPING MEETINGS REPORT ON THE DEVELOPMENT OF ISLAND-BASED**  
34 **FISHERY MANAGEMENT PLANS IN THE U.S. CARIBBEAN**

35  
36 **MIGUEL ROLON:** While she's does that, we can tell you that we  
37 went around Puerto Rico and the Virgin Islands with scoping  
38 meetings. Due to Chantal, the storm that never came, we had to  
39 postpone three of the meetings, but we were held in due time.  
40 We went to St. Thomas and Ponce and Mayaguez after Chantal.

41  
42 What you will have today is a presentation, a summary, of all  
43 the comments that we received. In general, almost 99 percent of  
44 the people endorsed it and everybody who went to the scoping  
45 meeting had a chance to address the group.

46  
47 Because they were not public hearings, we were able to exchange  
48 ideas with the group. We had a good session of question and

1 answers with the group. We had Dr. Bill Arnold who gave the  
2 presentation in St. Thomas and Graciela did the ones in Puerto  
3 Rico and also he did the presentation in St. Croix.

4  
5 In St. Croix, we had a meeting near Frederiksted and  
6 unfortunately, nobody showed up and so we had another meeting  
7 the evening the same day in St. Croix and we had a good turnout  
8 of people.

9  
10 As I said, you will hear the comments received and also, we  
11 received what we call ancillary comments, comments that don't  
12 have anything to do with the three-island plan, the proposal  
13 that we took to scoping, but the people took the opportunity to  
14 vent out their frustrations and at the same time, some of them  
15 did have a recommendation for both Puerto Rico and the U.S.  
16 Virgin Islands local governments.

17  
18 I asked Graciela to have a list of those ancillary comments that  
19 we can -- We promised the groups that came to the scoping  
20 meetings to put them together and send a letter to the Secretary  
21 of the Department of Natural Resources in Puerto Rico and to  
22 Commissioner Barnes, if they were appropriate.

23  
24 Also, we have comments on the specifics. If we go with these  
25 three management plans, they have some ideas about what to do or  
26 what the council should do.

27  
28 We asked the Advisory Panel and we have the Chair today and I  
29 asked him to bring whatever the Advisory Panel said at the  
30 meeting that is important to this discussion. They have some  
31 recommendations to the council.

32  
33 If we adopt the three island management plans, there are certain  
34 species that they would like to keep as they are across the  
35 three units and they will present that in due time. Are you  
36 ready?

37  
38 **GRACIELA GARCIA-MOLINER:** You already gave the summary and so  
39 that's -- What we did, we're down to one computer and so I put  
40 all the actions here and so we'll be talking about the comments.  
41 I will ask you to please remember the four actions that we took  
42 to the scoping meetings.

43  
44 The four actions that we took to the scoping meetings were the  
45 following. Action 1 was to establish the fishery management  
46 units for the comprehensive fishery management plan for each of  
47 the islands, one for Puerto Rico, one for St. Thomas, and one  
48 for St. Croix.

1  
2 Action 2 was to revise the species composition. Action 1 is to  
3 set up the FMUs, to establish them, and the second one is to  
4 revise the FMUs that you have in place, the twenty-two fishery  
5 management units that you have in place.

6  
7 Remember back when we had the snappers, we separated Snapper  
8 Unit 2, which is the queen snapper and the cardinal snapper, and  
9 we have a number of snapper units and a number of grouper units  
10 and then parrotfish are altogether, et cetera, and so it's to  
11 revise those fishery management units.

12  
13 Action Number 3 has to do with whatever you decide to do  
14 regarding the fishery management units, whatever species you  
15 decide to include or delete from the management plans, then you  
16 would have to go through the process of establishing the  
17 reference points, the maximum sustainable yield, the optimum  
18 yield, the annual catch limit, the overfishing limit, et cetera.

19  
20 For anything that you add, let me just give you an example. Any  
21 of the coastal pelagics or dolphinfish, you would have to go  
22 through the process that you've done for all the other species  
23 and actually set all the biological parameters that define that  
24 unit and that would be done for the species that you decide to  
25 include in the FMP.

26  
27 Finally, we asked if anyone had any ideas regarding modifying  
28 the regulations that are in place right now and you will hear a  
29 number of modifications that were suggested or to establish  
30 additional management measures. For example, if you bring to  
31 the table the fact that you want to include the dolphinfish in  
32 the comprehensive fishery management plan, then you have to  
33 decide whether you want to include any kind of regulations  
34 regarding that.

35  
36 For example, you will have to set up an annual catch limit and  
37 that would be one of the management measures. If you decide  
38 that you want to set limits to the recreational harvest, then  
39 that would be another management measure, et cetera.

40  
41 These were the basic four actions that we took to all the  
42 scoping meetings. We held the meetings in Puerto Rico in  
43 different regions. We went to San Juan and Arecibo on the north  
44 coast and we went to Naguabo and to Vieques on the east coast  
45 and we went to Ponce and Mayaguez to cover the south and the  
46 west coast of Puerto Rico.

47  
48 We went to St. Thomas and we went to St. Croix. The scoping

1 meetings by far were very well attended. We did have a number  
2 of fishermen representing specific fishermen's associations and  
3 the summary -- What we have on the screen right now shows the  
4 number of people who actually spoke at these meetings and gave  
5 either specific comments about the fishery management plan or  
6 talked about other issues that should be either considered in  
7 the comprehensive management plan or that were directed towards  
8 the local government agencies that deal with fisheries  
9 regulations.

10  
11 The number in parentheses shows the number of people that  
12 actually came to the meeting and we've put an asterisk there  
13 because there were a number of presidents and vice-presidents  
14 representing fishing associations from around Puerto Rico and in  
15 St. Thomas and in St. Croix. It's not that one deponent  
16 represented one person, but it's that that deponent represented  
17 the fishing association as their president, et cetera.

18  
19 I have to change the first comment. Except for one person in  
20 Puerto Rico and two in St. Thomas, basically no one opposed the  
21 development of a comprehensive plan for each island separate  
22 from the others. That was very straightforward in that sense.

23  
24 There were very few people who actually addressed Actions 1, 2,  
25 3, and 4 in that order and so what we've done is that we've put  
26 together all the comments that we received from the people that  
27 addressed any of these four actions.

28  
29 There were a number of issues that were brought up and were  
30 repeated throughout the scoping meetings. One of them had to do  
31 with habitat connectivity and the species composition and  
32 dynamics, because we were talking about FMUs, fishery management  
33 units, but people wanted also to talk about the changes to the  
34 habitat that are impacting the juveniles of certain species and  
35 therefore are impacting the rest of the fishery.

36  
37 They brought in the bait or prey species that everyone  
38 considered to be very important and that definitely should be  
39 considered part of the comprehensive plan.

40  
41 One issue that was also brought out in Puerto Rico had to do  
42 with the fact that in each of the coasts we received comments  
43 that Puerto Rico should be further divided by coast and the  
44 reasons being that, number one, weather conditions are not the  
45 same in each of the coasts, the north coast being probably the  
46 most dramatically different from all of them, and that the  
47 targeted species around the island are not the same and so they  
48 wanted to further break down the fishery management plan by

1 coast.

2

3 They brought to the table also modifications to the regulations  
4 that we have in place right now. There were three that were  
5 constant everywhere and one of them was specific to the west  
6 coast and that had to do with the queen conch, that because of  
7 the information that has surfaced regarding the surveys that  
8 we've conducted in the deeper water off the west coast, the  
9 fishery appears to be healthier than it had been considered  
10 previously and therefore, we should open the federal waters.

11

12 The lobster, specifically, we got a number of requests to modify  
13 the minimum size and that it should not be 3.5 inches in  
14 carapace length, but that it should be lowered to 3.0, as it is  
15 in Florida.

16

17 The main reason that everybody was talking about this is that  
18 that's the size of lobster that is coming into the retail stores  
19 around Puerto Rico and it's considered unfair competition by the  
20 fishermen.

21

22 I am going to move into the comments. We have organized this in  
23 terms of management and data, MPAs, and the topics that people  
24 brought to the table that were relevant to the development of  
25 the comprehensive plan.

26

27 The constant everywhere was that we needed to definitely  
28 consider socioeconomic factors that impact fisheries, such as  
29 the cost of fuel and the decrease in demand. This was a topic  
30 that was repeated at every one of the scoping meetings and the  
31 reason for that is that there have been dramatic changes in the  
32 economic realm in the islands in the past few years and that  
33 since we are addressing the islands separately, the market, the  
34 demand that they have, has also varied and so they would like to  
35 see these socioeconomic factors really looked at when we're  
36 developing this plan.

37

38 There was an overall request to look at imports and what can the  
39 council or the local governments do regarding the imports of  
40 species that are already under management, such as the lobster  
41 and the queen conch or any of the reef fish, because when they  
42 are going through the seasonal closure or they have a size limit  
43 and people go to the markets and to the cash and carry, et  
44 cetera, to buy in bulk, they are buying fish that is undersized  
45 and they are buying lobster that doesn't quite meet the  
46 requirements that are local, et cetera.

47

48 The product that's available, it's a lower quality, but it's

1 available and it's less expensive and so, again, most of the  
2 comments had to do with the unfair competition that the  
3 commercial fishermen are facing when dealing with certain  
4 species.

5  
6 What was, to me at least, surprising was the fact that most  
7 people talked about marine spatial planning and that there  
8 should be specific areas that are for fishing and that there  
9 should be areas where recreational people are kept away from,  
10 for example jet-skis and the areas where the bait fish are  
11 found, because they've been noticing that the bait fish are  
12 moving away from the areas that are protected, protected in the  
13 sense of weather conditions. It's where the bait fish come in  
14 and then you have much of the recreational users using the area  
15 and so all the bait fish that used to come there is not coming  
16 there anymore.

17  
18 They are finding bait and it's not that there is no bait, but  
19 it's that bait is not coming into the usual places and so they  
20 would like to see some kind of spatial planning regarding  
21 special areas for fishing, non-fishing, et cetera.

22  
23 I should point out that in most of the scoping meetings we had  
24 representation from not only the commercial fishermen who always  
25 come to the meetings, but the recreational sector was very well  
26 represented, at least in Puerto Rico, in most of the scoping  
27 meetings. We did have divers and we had scuba instructors and  
28 other industries that somehow are impacted by the use of the  
29 marine resources and so it was well attended.

30  
31 Another issue that has to do with management and data is the  
32 commercial charter recreational issues and the main topic of  
33 discussion at that time was the selling of the fish by either  
34 the charters or the recreational fishers, when in fact the  
35 recreational fishers should not be selling the fish. If they  
36 do, the main source of contempt was the dolphinfish.

37  
38 It's mostly a recreational fishery almost everywhere. They are  
39 caught in numbers and so there is no actual bag limit in the  
40 federal waters. There are some bag limits established by the  
41 Puerto Rico government, but there are so many recreational  
42 fishers that they actually quoted numbers of vessels that are in  
43 the recreational sector and number of marinas that are in  
44 certain areas and number of people that go out fishing on the  
45 weekends and the amount of tournaments that have increased over  
46 the past few years and that there is no cap on the number of  
47 dolphinfish, for example, that can be harvested from a  
48 tournament.



1  
2 That fish makes it into the local restaurants and local markets  
3 and are sold for a dollar a pound and there is apparently recent  
4 evidence that a thousand pounds of dolphinfish were sold for a  
5 dollar a pound after a tournament and when the commercial  
6 fishermen go to sell dolphin at three or four-dollars a pound,  
7 no one is buying. That's the kind of issues that they brought  
8 in.

9  
10 They are also concerned about the recreational moving into the  
11 charter operations and charters, by default, do charge for  
12 taking you out fishing and so the commercial fishermen don't see  
13 it -- Recreational fishers, I must point out from some of the  
14 scoping meetings, don't believe that the charter operators  
15 should also be selling the catch.

16  
17 If they are charging for chartering and taking you out fishing,  
18 that's the charge that they make and that's it and so there was  
19 a recommendation to actually establish a maximum number of fish  
20 that can be boarded and landed by the charter operators and  
21 everything else would have to be sent back to sea and the same  
22 thing, they requested very strict bag limits for the  
23 recreational sector.

24  
25 Fishing licenses was an issue. The commercial, specifically,  
26 directed to the Puerto Rico Department of Natural Resources, for  
27 the recreational and the charter that there should be specific  
28 licenses. There is in Puerto Rico a specific charter license,  
29 but that the recreational need to have a license and not only a  
30 license, but they need to have a permit also.

31  
32 As I mentioned, the Puerto Rico differences between the coasts  
33 are -- Because of the target species, they do have an issue of  
34 the gears that are used and the gear also is a problem between  
35 the commercial and the recreational groups. There should be  
36 some gears that recreational should not be allowed to use, such  
37 as the reel haulers, hydraulic or electric, and they should be  
38 limited to the commercial sector.

39  
40 Weather differences was the main thing and the north coast  
41 believes to be completely different from any one of the other  
42 coasts and differences in the markets and this was very, very --  
43 This was brought up almost everywhere, but it was of significant  
44 importance in Vieques. Vieques is an island off the east coast  
45 of Puerto Rico and they explained very clearly the differences  
46 in the tourist seasons that they get.

47  
48 During the winter months, which is the time for the dolphinfish,

1 et cetera, they have the non-local tourists that prefer filet  
2 fish and lobster. They don't like to see eyes on their fish and  
3 then in the summertime, when you have the local tourists that  
4 like to have the head, the eyes, and the tail altogether and  
5 they were very, very specific about what the restaurants will  
6 buy from them. Those are differences that they brought up.

7  
8 The other huge issue that was brought up everywhere had to do  
9 with data. Of course, everyone questioned the data and this is  
10 all based in the problems that we have with Snapper Unit 2 on  
11 the annual catch limits from last year and so everyone was  
12 really concerned that if we're going to do any kind of  
13 comprehensive management that we have to have data that everyone  
14 trusts.

15  
16 It has to be timely and it has to be thoroughly -- It has to go  
17 through a thorough QA/QC, quality assessment/quality control,  
18 before any decisions are made. Everyone was questioning the  
19 data from the recreational sector. We only have data from the  
20 recreational sector in Puerto Rico.

21  
22 We explained the upcoming surveys that are going to be conducted  
23 in the Virgin Islands and the main concern with the recreational  
24 data is the take of undersized fish and so that was an issue  
25 that was of special significance, especially when they know that  
26 there are certain fisheries that are mostly recreational. That  
27 brings back the issue of flooding the markets and selling under  
28 the price. Everything was kind of tied together.

29  
30 One thing that repeated itself everywhere was, number one, there  
31 have to be more port agents out there. Everyone misses the port  
32 agents. Because the port agents knew the fishermen and they  
33 knew the history of the fishermen and they are out in the field  
34 all the time and they can both collect the landings data and the  
35 specific data for species identification, which they think it's  
36 a huge problem.

37  
38 One of the main issues that was brought in had to do with  
39 sharks, the top predators in our ecosystems, and the  
40 misidentification of these species.

41  
42 They needed to see information on the reproductive cycles and  
43 the reproductive spawning aggregation and how they are  
44 distributed through the islands and specifically, they have  
45 known, from coming to the meetings and from talking about it  
46 over and over, that you need age and growth information to know  
47 what the status and the health of your fishery is.

48

1 In terms of specifically addressing one of the actions, I think  
2 it was unanimous that they wanted to include at least the  
3 dolphinfish, if not all the coastal pelagics, to bring them  
4 under management.

5  
6 The main reason for this is that they are not managed and that  
7 there is a difference between the recreational and the  
8 commercial sector and all the issues that I've talked about  
9 before. That was definitely one that they wanted to see  
10 included, but they also talked about the tunas and they also  
11 talked about the smaller tunas that are coastal species and they  
12 talked about the mackerel and the wahoo, et cetera, the coastal  
13 pelagics in general.

14  
15 The prey species and baitfish, both of these are a little bit  
16 different. Prey species, in terms of the species that you need  
17 for your commercial species to feed on, and so they are  
18 basically talking about a healthy ecosystem. The bait fish is  
19 the species that you actually harvest to go fishing for other  
20 species. There is a little bit of a difference there.

21  
22 They were very specific in two of the scoping meetings that you  
23 needed to look at sharks and sharks are extremely important in  
24 terms of determining the health of your ecosystem and one of  
25 main issues, especially off the east coast of Puerto Rico, are  
26 the indiscriminate harvesting of smaller sharks, because there  
27 are a number of pupping areas all along the coast and people are  
28 definitely just going in and fishing for them recreationally, a  
29 problem which is also a waste of yield.

30  
31 **MIGUEL ROLON:** Graciela, of course, this is all Puerto Rico.

32  
33 **GRACIELA GARCIA-MOLINER:** Some of the issues are from both  
34 islands. There are four more slides that separate them into  
35 different sections and if I am missing something, please speak  
36 up.

37  
38 **MIGUEL ROLON:** No, it's just to follow you, because you did not  
39 have the benefit of being in St. Thomas and we didn't have the  
40 chance to go thoroughly with it, but in the case of St. Thomas,  
41 there was a question of why include the dolphinfish when you  
42 only have it in St. Thomas for maybe seven days, at the most?

43  
44 It was not really an opposition, but a question as to how you  
45 can control something that is transient and goes very fast. In  
46 the discussion, actually Bill Arnold told them that's true for  
47 St. Thomas, but if you go in the three islands, in the case of  
48 Puerto Rico, fishermen would like to see the dolphinfish

1 included in the management unit.

2  
3 The important part here is that there were not unanimous  
4 sentiments regarding inclusion or exclusion of species and when  
5 you finish, I asked the Chairman of the Advisory Panel to give  
6 us a report they have. Especially three of the motions have to  
7 do with specifics about what species should be included in the  
8 three separate FMPs and which species should be left out,  
9 meaning status quo across the board with them, like the spiny  
10 lobster. I just wanted to say that.

11  
12 In the case of St. Thomas and St. Croix, just to repeat  
13 ourselves, the great majority of people supported the three  
14 islands. We have a written statement by Dr. Olsen that was  
15 present at the St. Thomas meeting and Julian Magras and others  
16 supporting the three islands.

17  
18 There were some issues regarding also the data. In the case of  
19 Puerto Rico, one fellow who was a data expert, he endorsed the  
20 three islands, in the case of Puerto Rico and San Juan, provided  
21 that the data came from Puerto Rico and then in Ponce, he went a  
22 little bit further about the data, but he was mostly talking  
23 about data that you will never, ever be able to collect, like  
24 every fish that you have in the ocean and how much is the  
25 biomass of it.

26  
27 Here, what we're talking about is mostly landing data and data  
28 that will shed some light into the life history of the species.  
29 For example, we need to have minimum size and maximum size, size  
30 at first reproduction, all those parameters that are needed. I  
31 believe that the thrust of the recommendations were to that  
32 effect.

33  
34 **GRACIELA GARCIA-MOLINER:** In this one, the only one that I  
35 didn't have specific recommendations from was from St. Thomas,  
36 because I just saw it this morning, but Miguel, I think, covered  
37 that.

38  
39 Again, the data issue. It's a problem everywhere and in terms  
40 of dolphinfish, for example, there has been a change in the  
41 seasonality of dolphin running through the Virgin Islands  
42 specifically and so these are the kinds of things that will be  
43 brought up when we look at these new species that we haven't  
44 considered before.

45  
46 **EUGENIO PIÑEIRO:** Graciela, to the point of dolphinfish, at two  
47 venues we heard from recreational fishermen, which is good news,  
48 some conservation measures. They even spoke about catch and

1 release and bag limits and so that's a -- I was very glad to  
2 hear that in some minds that conservation is still a word.

3  
4 **MIGUEL ROLON:** Do you have anything else to add to the comments?

5  
6 **GRACIELA GARCIA-MOLINER:** One of the issues had to do with --  
7 This was everywhere and it had been testimony before the council  
8 before, but the problem with the longliners, longliners that  
9 might not be on the U.S. flag that are illegally fishing or even  
10 the U.S. flagged vessels.

11  
12 They would like to see what's the take from those that  
13 specifically deals with the coastal pelagics, the dolphinfish  
14 and the wahoo and that kind of thing, because they are not only  
15 almost run over by most of these boats, but they are also seeing  
16 some of the catches that come from these very long sets and they  
17 wanted to see that data and have it as part of the comprehensive  
18 amendment.

19  
20 **BONNIE PONWITH:** I agree. I think having a clear understanding  
21 of what's going on in those fisheries is really important. If  
22 it's IUU, if it's fishing that's going on that's unreported,  
23 this is going to be problematic, in that it becomes an  
24 enforcement question.

25  
26 If they are fishing in the area and those data are properly  
27 reported as commercial landings, wherever they end up choosing  
28 to sell those fish, then being able to compile the information  
29 and report out on the volume and the timing of this gear is very  
30 possible. The reporting would have to be done in a way that  
31 complies with the data confidentiality provisions of the  
32 Magnuson Act.

33  
34 **MIGUEL ROLON:** Let's be practical and realistic here. Those  
35 guys that are longliners do not belong to the U.S. They are  
36 Japanese and other countries and they are supposed to report to  
37 each one of their countries and in turn, those countries are  
38 supposed to report to WECAFC or in the case of the Caribbean, to  
39 the United Nations.

40  
41 Maybe we can ask them. I can send a letter to the Secretary of  
42 WECAFC and see if they have any information regarding these  
43 longliners. The issue here is international. It's beyond the  
44 EEZ and in the case of the dolphinfish, we have dealt with this  
45 before and I mentioned to people that we've been dealing with  
46 this for more than twenty years.

47  
48 If they are fishing here, it is illegal and if they are fishing

1 in the area of Puerto Rico, it's also illegal, but they are not  
2 fishing here. They are fishing outside and some fishermen told  
3 me that we can ask the Coast Guard to patrol the waters and all  
4 that and I told them that the Coast Guard sent me a bill one  
5 time. That was in the 1970s, but it was \$12,000 per hour just  
6 to check with the airplanes that they have and they didn't see  
7 any.

8  
9 Then we have issues with forty longliners were owned by a  
10 Japanese lady and those longliners were fishing in the South  
11 Atlantic and not here, but the fishermen's concern is that in  
12 the case of the dolphinfish and other species -- By the way, you  
13 need to know a little bit about how the longline operates.

14  
15 The ones who are fishing for deepwater tunas do not fish at the  
16 surface. When they catch billfish and other fish just  
17 incidental when they are either retrieving the longline or  
18 putting in the longline, because sometimes when they are putting  
19 in the longline, they are attacked by fish and then they pull it  
20 back and then it's money for the crew.

21  
22 The other is the only time that they catch dolphinfish is when  
23 they are keeping an eye on the longline and the crew has their  
24 own hand reels and they fish out of the boat. Actually, they do  
25 that.

26  
27 The issue that we discussed several years ago was the future  
28 about the fishery and where every island grabbed a little bit of  
29 the dolphinfish and there are reports by Dr. Hunt in the  
30 literature about what they did and at that time, what we wanted  
31 to recommend to everybody was through WECAFC and the different  
32 international organizations was to establish a data system, a  
33 data program, to collect that information and see if they have -  
34 - If that fishery had any impact, significant impact, on the  
35 fishery here.

36  
37 The other issue about the dolphinfish is there's very little you  
38 can do to affect the biology of it by imposing measures here.  
39 They start as little guys in the southern Caribbean and they  
40 keep coming up to this part of the Caribbean and they grow very  
41 fast, three to five years, and then we have another population  
42 that comes from the Carolinas down to Puerto Rico.

43  
44 In the case of the Virgin Islands, you mostly have one  
45 population, the one that comes from the south. Puerto Rico has  
46 both. Anyway, those are the issues regarding the dolphinfish  
47 and the data.

48

1 Graciela just reminded me and kicked me in the butt so I can  
2 send a letter to the Secretary and we can go back and ask them  
3 if they can have any information that they can share with us.  
4 There's another international organization that collects  
5 information and that's where Japan and these other countries  
6 provide information to, which is the FAO.

7  
8 The FAO in Rome can be tapped by the Secretary of WECAFC and so  
9 I will ask Raymon van Anrooy, who is the Secretary here, to  
10 maybe send a letter to Rome and see what we can get and we can  
11 report back at the December meeting. If we get anything, we  
12 should send it to the fishermen, who asked for this information.

13  
14 **TONY BLANCHARD:** I will speak for the VI on this, because I  
15 can't speak for anyplace else, but I think the problem with the  
16 dolphin fishery is the big issue is that -- Who really targets  
17 the dolphins is the guys that do the recreational fishing and  
18 the charterboats and not the commercial guys.

19  
20 The only ones that is giving information is the commercial guys  
21 and so whatever landings you have is coming off of the  
22 commercial catch and the thing is, I don't understand why you  
23 would say you're recreational, but you feel you have to go out  
24 and catch thirty dolphin because you can catch thirty dolphin.

25  
26 You can't tell me you are bringing thirty dolphin home to your  
27 family. You need to tell that to somebody else and so my take  
28 on it is there needs to be restrictions, like bag limits, on the  
29 recreational fishermen. The charter guys, they should be  
30 allowed to bring in a certain amount of fish for the clients if  
31 they so choose, but then if you allow them to do so, the problem  
32 is some of the guys that also do charter fishing and have a  
33 commercial license.

34  
35 Really, they would come under a commercial fishermen's license,  
36 if you have to press it. The thing is with the studies on the  
37 dolphin, we don't have the information on the recreational, who  
38 really target them, and what is going to happen is we are once  
39 again, because we have to, come up with an ACL with a lack of  
40 data and that's where the problem is going to come in.

41  
42 By how the standards are set, you have to set an overfishing  
43 limit as well as an ACL if you're studying the fish and so we  
44 are way on the shoot once again and who is really going to take  
45 the beating is the commercial fishermen again, because you  
46 really don't have any landings on anybody else.

47  
48 I am going to speak for St. Thomas, because I know what's going

1 on in St. Thomas and I'm pretty sure it's the same thing on St.  
2 Croix. That's just my take on it, to open your eyes as to what  
3 is going on, because a lot of these ACLs that went into play,  
4 they're well undershot because of the lack of information, in my  
5 opinion, and I don't want to see it happening again to another  
6 species of fish, because all we're going to be doing is  
7 continuing the same process that we've been going on with that  
8 we say isn't working, but we still want to go down the same  
9 road. That's just my take on it.

10  
11 **MIGUEL ROLON:** Thank you, Tony, and I was going to add that one  
12 of the questions addressed at the St. Thomas meeting also by one  
13 of the deponents is the issue of -- He was wondering where the  
14 information came from for the report on dolphinfish in St.  
15 Thomas, because he said he doesn't know where it came from,  
16 because most of the recreational landings are not reported at  
17 all and so he has a question.

18  
19 Anyway, I believe, Mr. Chairman, that we should divide this  
20 discussion. The first one is whether you have any impediment to  
21 continue with the three-island approach and from what we got  
22 from the scoping meeting, there is not. It's insignificant and  
23 so the majority of people, in writing and present there, they  
24 supported the idea.

25  
26 The other part is which species you would like to see in each  
27 one of the three areas and for that, I believe that we need to  
28 hear at least one group, the Advisory Panel. The Advisory Panel  
29 went through this and I asked the Chair to be ready to give us a  
30 report. Have you finished your presentation, Graciela?

31  
32 **GRACIELA GARCIA-MOLINER:** We did have quite a number of comments  
33 regarding the comprehensive plan and so it's four more slides.

34  
35 **MIGUEL ROLON:** That's my point. The part that is missing now is  
36 the specifics as to the species that should be or not be in each  
37 one of the units?

38  
39 **GRACIELA GARCIA-MOLINER:** They gave us information on what kind  
40 of regulations they wanted to see implemented and so I have that  
41 in the next slide.

42  
43 **MIGUEL ROLON:** Then, Mr. Chairman, I suggest that we allow  
44 Graciela to finish and then we follow with the AP and then you  
45 go into the discussion.

46  
47 **GRACIELA GARCIA-MOLINER:** There were a number of presidents and  
48 vice-presidents from recreational fishing associations also



1 present and they are very concerned about the amount of fish  
2 that are taken recreationally and not reported, but also, the  
3 main concern is that they are wasted, because there is a  
4 bragging component about how many fish you can take and because  
5 you don't have a limit, then you keep taking and taking and it's  
6 wasted at the dock. They offered information on that.

7  
8 We also had recreational fishermen from the north coast coming  
9 in and specifically talking about that and so they gave us some  
10 -- In some cases, a very specific directive in terms of the  
11 number of fish that they would like to see the recreational  
12 fishers take. For example, five dolphinfish, up to ten by boat.

13  
14 There was one suggestion even to just have five fish of any  
15 kind, reef fish or coastal pelagics of any kind, up to ten by  
16 boat, and it didn't matter what fish it was, but just ten. Ten  
17 should be enough to feed your family and give to your friends,  
18 et cetera, no matter what species they were and everything else  
19 had to be released.

20  
21 There were very specific recommendations in terms of handling  
22 the recreational catch. Of course, you would need to increase  
23 enforcement in those areas where the sale of fish by  
24 recreational fishers is prohibited and actually, there was one  
25 suggestion to intervene with the restaurants that are buying the  
26 fish from the recreational fishers instead of from the  
27 commercial fishers.

28  
29 To regulate the recreational take by size limits and they talked  
30 about specifically the dolphinfish and it would have to be above  
31 a certain size and to establish bag limits, as I mentioned, and  
32 it was very specific of five to ten regarding the dolphinfish or  
33 five and ten for all species, no matter what, and that there had  
34 to be a recreational license and permits for the species or the  
35 gears that they were going to use, the same as in the commercial  
36 harvest, and that there should be a limit on the number or on  
37 the types of gears that are used by the recreational fishers.

38  
39 There was a very specific recommendation to prohibit the use of  
40 reel haulers, electric or hydraulic, in the recreational vessels  
41 and that there should be no spearfishing while scuba diving at  
42 all.

43  
44 In terms of enforcement, one of the main issues, more than  
45 anything else, in Puerto Rico had to be the training of  
46 enforcement agents for species identification and for the  
47 regulations that are in place at the time that there is  
48 intervention.

1  
2 Of course, there was also a very strong request to have the  
3 council, the Coast Guard, the DNER, the DPNR come to meetings  
4 and actually present the regulations that are in place, where  
5 they are compatible or not, because they say that sometimes the  
6 Rangers might be talking about something that's in the federal  
7 waters while they are intervening with someone in the state  
8 waters.

9  
10 The one common concern was that there is no intervention, or at  
11 least they don't see any interventions, by the enforcement  
12 agents with the recreational fishers and there is an issue with  
13 the invasive species, but that has to do with species coming  
14 into the aquatics business.

15  
16 **EUGENIO PIÑEIRO:** Graciela, thank you, but briefly, the need to  
17 intervene with recreational fishers, it's common for all of us  
18 and if we look the other way, if our enforcement branches look  
19 the other way, and that means Coast Guard and that means NOAA  
20 Fisheries, what is going to happen is what has happened in  
21 Puerto Rico, that the price plummets and then that is going to  
22 destroy the -- It has an effect on the socioeconomic aspect of  
23 the fisheries and so that's why I believe that -- I associate  
24 myself with Tony Blanchard's words, but I would like to add that  
25 the backbreaker in here is the terrible effect on the economy  
26 that the lack of enforcement does.

27  
28 For example, right now we have -- It's illegal to use electric  
29 reels by recreational, both in state waters of Puerto Rico and  
30 in federal waters. There is thousands of them and we don't see  
31 anything, any action. We don't see anyone getting busted and so  
32 that has to improve in the outreach for all the islands. Thank  
33 you.

34  
35 **MIGUEL ROLON:** From Graciela's report, there is a lot of action  
36 that has to be at the local level and not at the EEZ level and  
37 probably what we could do, at the end of the day, is that we  
38 should address those, Graciela, that are mostly germane to the  
39 EEZ, what we can do in the federal government, because some of  
40 the discussions that we have here in your presentation are  
41 really things that the Department of Natural Resources and  
42 Planning and Natural Resources have to do.

43  
44 In the case of data collection, recreational, we are waiting for  
45 Puerto Rico to come up with a fishing license and to participate  
46 in the registry.

47  
48 I know that the Secretary wants to, in the case of Puerto Rico,

1 implement as much as possible and I don't dare to ask Miguel,  
2 because every time I ask Miguel, he says they told me by March  
3 and that was three March ago or something like that. I don't  
4 want to pursue that, but I believe that some of the issues that  
5 we have here, we have to put it together in a letter and address  
6 it as appropriate to the local government, especially to the  
7 Secretary and to the Commissioner.

8  
9 **GRACIELA GARCIA-MOLINER:** There are two enforcement issues that  
10 are very relevant to the EEZ and one has to do with the gear  
11 used by the recreational fishers in the EEZ for harvesting  
12 deepwater species and the fact that people knew, at the scoping  
13 meetings, that recreational fishers are supposed to be  
14 registering in the national registry.

15  
16 They have to have that license when they are in the EEZ, but  
17 there is no intervention with them and they believe that not  
18 many people are buying, at this time, the recreational fishing  
19 license or are registered in the national registry and so that  
20 was a point of discrepancy in terms of commercial and  
21 recreational. It's not only the local license, but it's also  
22 the national registry.

23  
24 **MIGUEL ROLON:** Graciela, are those gears prohibited in the EEZ?

25  
26 **GRACIELA GARCIA-MOLINER:** The electric haul, I believe it is in  
27 the not allowable gears.

28  
29 **EUGENIO PIÑEIRO:** That's correct.

30  
31 **GRACIELA GARCIA-MOLINER:** We need to revise the allowable gear  
32 table.

33  
34 **MIGUEL ROLON:** Yes, because I don't want to say something on the  
35 record that is not true and the lawyer here is telling me that  
36 it's not true and so let's be sure we've got that in writing.

37  
38 **MIGUEL GARCIA:** This is another piece of information that is  
39 going to help the local government to keep preaching on the  
40 recreational license and so is there any possibility that we can  
41 get like a copy of the report or the presentation and to keep  
42 putting that on the Secretary's table to expedite the process?

43  
44 **MIGUEL ROLON:** Certainly. We can draft a letter for Carlos's  
45 signature to the Secretary and I won't mention your name, so you  
46 still will have a job when you get back, but these are the kinds  
47 of things that, seriously, the Secretary asks us.

48

1 Carlos and I met and you were there and the Secretary would like  
2 to see where can she help in implementing these projects and  
3 expediting the issues. She is a little bit frustrated that  
4 after all these years the Puerto Rico fishing license is not  
5 implemented and so yes, we can send a letter after this  
6 discussion on some of those key issues.

7  
8 **GRACIELA GARCIA-MOLINER:** I know in the invasive species, one of  
9 the main issues that were brought to the table was the fact that  
10 there is lionfish everywhere and they are harvesting them from  
11 the deepwater snappers and from the shallow-water areas, the  
12 scuba divers and by hook and line and you name it. It's  
13 everywhere and so it's confounding the problem, because TSA  
14 allows it to come through, because there is a manifesto and they  
15 are species from the Pacific and so they don't want to see a  
16 repeat of the lionfish. There were a number of reports on the -

17 -

18  
19 **MIGUEL ROLON:** Graciela, can you repeat that?

20  
21 **GRACIELA GARCIA-MOLINER:** They wouldn't like to see what  
22 happened with the lionfish happen again, because there are a  
23 number of species coming in from the Pacific for the aquarium  
24 trade that might present the same kind of problem that the  
25 lionfish has created at this stage.

26  
27 The reason for keeping the complaints up about the lionfish is  
28 that they keep finding, in the stomachs of these fish, a number  
29 of juveniles from many species and the only report that was  
30 presented at one of the scoping meetings was that they actually  
31 saw a nurse shark actually eating a live lionfish and so there  
32 is hope, but the fact is that in most cases they don't have any  
33 natural enemies here and so they are voracious eaters and they  
34 are causing a problem to both the recreational and the  
35 commercial fishers. They gave us a list of species that are  
36 within the stomachs of these fish whenever they find them.

37  
38 **MIGUEL ROLON:** Of the lionfish?

39  
40 **GRACIELA GARCIA-MOLINER:** In the stomachs of the lionfish. For  
41 example, one of the areas was reporting a lot of yellowtail  
42 snapper in the stomachs of the lionfish. The issue with the  
43 lionfish is that the digestive system works very, very fast.  
44 Every four hours, they are replenishing their stomachs.

45  
46 In terms of outreach and education, they wanted to see the  
47 results. They know that there have been a lot of surveys done,  
48 but they hardly see the results coming back to them and so in

1 terms of -- They were very specific. The council conducted a  
2 number of tagging studies of the tiger grouper in Vieques and  
3 they wanted to know, after so many tags that they knew that they  
4 had put out, what had happened with that.

5  
6 There is no one fishing the tiger grouper right now off of  
7 Vieques, because it's far away. The red hind has made a  
8 tremendous comeback, due to the St. Thomas MCD, and so they do  
9 have other fisheries that they are tending to and, as I said,  
10 they have now very specific tourist demand for certain species  
11 and so everything else is left untouched.

12  
13 They did get to see a movie of all the tiger grouper off Vieques  
14 and so they are there and, again, in terms of data, the fact  
15 that they are not reported doesn't mean that they are not there.  
16 Tiger grouper are a case in point.

17  
18 **TONY BLANCHARD:** I just wanted to touch base on a statement that  
19 Graciela just made. I had to sit down here and have a chuckle  
20 to myself, because she is saying that the fishery in Puerto Rico  
21 is so good because of the red hind closure, yet in St. Thomas  
22 we're going to take a twenty-day cut after the end of this year  
23 and so which is which?

24  
25 You're telling me it's that good for Puerto Rico and we are  
26 still taking a twenty-day cutoff? That's what you're telling  
27 me? I just had to make that statement.

28  
29 **MIGUEL ROLON:** It could be that you're so nice that you're  
30 helping us, but those are the kind of issues that I am glad that  
31 you brought in, because those are the kind of issues that we  
32 need to address when we get to the red hind and the others. We  
33 want to have a clarification on the bandit. Is that prohibited  
34 or not in the EEZ?

35  
36 **SHEPHERD GRIMES:** I am looking at the allowable gear provisions  
37 of Title 50, Section 607.25, include allowable gear in the  
38 recreational fishery as rod and reel. Rod and reel means  
39 handheld, including rod holder, fishing rod with a manually or  
40 electrically operated reel attached. It all depends on the  
41 gear. I would say if it's fixed to the boat, then it's not  
42 handheld, but if it's handheld, then it has an electric reel and  
43 it's totally allowable.

44  
45 **ROY CRABTREE:** Shepherd, in terms of trying to enforce that, how  
46 do we tell who is recreational and who is commercial, because we  
47 don't have any federal permits. In almost case I know of in the  
48 Gulf of Mexico or in the South Atlantic, the way we tell

1 recreational from commercial is whether they have a commercial  
2 permit or not, which is a federal permit. I guess in this  
3 instance it would rely on the territorial permit?  
4

5 **SHEPHERD GRIMES:** Yes, I think that would be handled on a case-  
6 by-case basis with the enforcement folks, but, as you said,  
7 without any federal permit, it would be difficult to  
8 definitively establish that. I would say if you were in the EEZ  
9 and you had a commercial permit, you might still be able to make  
10 the argument that in that context you were participating in the  
11 recreational fishery. It's going to be a very fact-specific  
12 thing.  
13

14 **EUGENIO PIÑEIRO:** We're talking about that the state, the  
15 territories, would have to certify that you're a commercial  
16 fisherman and if you're not a commercial fisherman, you're a  
17 recreational, because we don't have recreational permits. Can  
18 you explain that to me, Miguel?  
19

20 **MIGUEL ROLON:** What you need to decide is whether you want an  
21 EEZ permit or not, based on an endorsement of the local  
22 government permit, rather than having a permit issued by the  
23 Regional Office directly to that person.  
24

25 The question will be whether the Puerto Rico and the U.S. Virgin  
26 Islands government do have a permit for recreational fishers  
27 that could be validated as an EEZ permit and that's what Shep is  
28 addressing at this time.  
29

30 **ROY CRABTREE:** Just to that, we talk about not wanting to allow  
31 recreational sale, but if a non-permitted fisherman goes out  
32 into the EEZ and catches fish and brings them in and sells them,  
33 I don't think there's any federal violation there. Now, he may  
34 or may not be in violation of a territorial rule, but there's  
35 not a federal violation there.  
36

37 **EUGENIO PIÑEIRO:** But they have a bag limit. They have a bag  
38 limit in the federal waters, which is five and fifteen.  
39

40 **ROY CRABTREE:** You're talking about which species?  
41

42 **EUGENIO PIÑEIRO:** All the reef species that we did for the ACLs  
43 in 2010 and 2011. We haven't gotten into the other species yet.  
44

45 **MIGUEL ROLON:** The issue is mostly addressed by the permit and  
46 not by the specifics and so the question to the council is  
47 whether you would like to pursue or not a permit for the EEZ for  
48 recreational fishing or not. If you do, then what will be the

1 mechanism?

2  
3 **EUGENIO PIÑEIRO:** My question then to you, Miguel, is should I  
4 just ask you or ask the staff to endorse it and go with the  
5 federal permit in the EEZ or would that correspond to the state?

6  
7 **MIGUEL ROLON:** No, don't ask me. You need to -- You ask the  
8 counsel what are the options you have. They are telling you  
9 that anybody who catches a fish in the EEZ recreational, he or  
10 she can sell it, because there is no restriction at this time.  
11 Even with a one-arm bandit, I can remove that from the boat and  
12 when I see the enforcement people, I can say, hey, I've got it  
13 here in my hand and so it's not any violation.

14  
15 Again, if you think this is an issue that was brought by the  
16 scoping meeting deponents and it's an issue you should pursue,  
17 then you have to decide how to pursue it and when and you don't  
18 have to wait for the three island thing to do it, because this  
19 is something that is important for both Puerto Rico and the  
20 Virgin Islands.

21  
22 **CARLOS FARCHETTE:** Tony wants to say something, but before that,  
23 once that person comes into the state waters and he lands that  
24 fish on St. Croix or St. Thomas or St. John, if he's a  
25 recreational fisher, he is not allowed to sell it. You need a  
26 commercial license to sell.

27  
28 **EUGENIO PIÑEIRO:** It's the same in Puerto Rico.

29  
30 **MIGUEL ROLON:** That's not clear cut. If that person can  
31 demonstrate that he or she caught the fish in the EEZ, you  
32 cannot stop him from selling it. You can stop your own people  
33 from there, but you have to be careful with that. That's the  
34 issue that we have in Puerto Rico, too.

35  
36 **ROY CRABTREE:** It's a debatable point, I guess, but my point  
37 would just be in that case that it's a territorial violation,  
38 but there's no federal violation involved.

39  
40 **TONY BLANCHARD:** Let me just speak for St. Thomas. I don't know  
41 how it goes in Puerto Rico, but in order for you to sell your  
42 fish in St. Thomas, you need to have a business license. If you  
43 don't have that business license, my friend, you are not selling  
44 legally. That solves that problem and so we don't have to get  
45 into the EEZ issue or the territorial issue. If you don't have  
46 a business license, you don't sell and you ain't a business.

47  
48 **MIGUEL ROLON:** That's the rule on paper. The problem we're

1 having is that recreational fishers are flooding the market and  
2 that's what we got in the scoping meetings. There is also an  
3 enforcement issue with the EEZ.

4  
5 I got a call last year by this lawyer from Mayaguez and he got  
6 questioned. He was fishing in the EEZ and he was wondering  
7 whether he could sell the catch or not. Not because he wanted  
8 to sell it, but because one of the crew members wanted to sell  
9 it. I asked the same question and said he's not in violation of  
10 the EEZ, but it's up to him to sell the catch, but you have to  
11 ask the Department of Natural Resources where you're going to  
12 sell that catch.

13  
14 He told me that they were already selling that fish every week  
15 and they sell it to a couple of restaurants in Mayaguez and a  
16 couple of people in Rincon.

17  
18 **EUGENIO PIÑEIRO:** I have a question to Shep and Roy and Miguel  
19 and everyone, the counsel. What action does this council need  
20 to take to prohibit that kind of activity in the federal waters?

21  
22 **ROY CRABTREE:** Is the question what do you have to do to create  
23 a federal violation if a recreational fisherman sells?

24  
25 **EUGENIO PIÑEIRO:** Yes.

26  
27 **ROY CRABTREE:** I think you would either have to recognize and  
28 require the territorial permit to be allowed to sell fish caught  
29 in the EEZ or you would have to create some type of federal  
30 permitting scheme. Do you agree with that, Counselor?

31  
32 **SHEPHERD GRIMES:** I mean you could always choose to prohibit the  
33 sale of recreationally-harvested fish, but then you have to  
34 identify what recreationally-harvested fish are and without a  
35 permit that identifies definitively whether you're doing one or  
36 the other, I think that's a very difficult thing to do.

37  
38 **MIGUEL ROLON:** The simple thing to do then will be to establish  
39 a permit in the EEZ for recreational fishing?

40  
41 **SHEPHERD GRIMES:** Establish a permit that was required to sell  
42 fish harvested in the EEZ.

43  
44 **CARLOS FARCHETTE:** Wait a second, because I know in VI law -- We  
45 don't care where you catch the fish. Even if it comes from a  
46 foreign country like Antigua, if you land the fish in the U.S.  
47 Virgin Islands, you must have a valid commercial fishing license  
48 and a valid Department of Licensing Consumer Business License.



1 You have to have those two documents to present to enforcement  
2 if they stop you.

3

4 If you a recreational fisherman, you just can't sell it. If you  
5 don't have a license on your person, you just can't sell it and  
6 we did agree, when it comes to commercial fishing, that a Virgin  
7 Islands commercial fishing license is accepted in the EEZ as a  
8 valid license a while back. You don't need a separate license  
9 in the EEZ for commercial fishing. I don't know about  
10 recreational. We don't have that.

11

12 **ROY CRABTREE:** We don't have any license and so I guess we could  
13 ask Shepherd to look into this a little more, but it seems like  
14 where we are right now is selling recreationally-caught fish is  
15 a territorial violation and so it's enforced by the territories  
16 right now and not really by federal agencies and so not so much  
17 by the Coast Guard.

18

19 If a Coast Guard boards a vessel in the EEZ, they're not going  
20 to have a clear-cut way of -- One, they're not going to know if  
21 they're going to sell the fish anyway and so I'm not quite sure  
22 where to go with this, because if recreationally-caught fish are  
23 being sold now, then it seems like that's a territorial issue  
24 that we could work on, but I come back to if you want to make it  
25 a federal violation, then we would need to look into more  
26 clearly requiring the territorial permits in the EEZ or create  
27 some sort of permitting structure of our own.

28

29 I guess you could ask staff to do a white paper or look at the  
30 pros and cons in different ways of getting to the problem, if  
31 there is a problem.

32

33 **EUGENIO PIÑEIRO:** I would ask the Chair and the staff to do  
34 that, because the reason is that right now, the law says that  
35 recreational have a five and fifteen bag limit and they still  
36 have to have a permit. If they don't have a permit and they  
37 have more than five and fifteen, the Coast Guard can terminate  
38 it and can send them into shore and throw the fish out.

39

40 That is not a problem. The problem is if you exceed your limit,  
41 it's illegal, because that is what this council approved for the  
42 ACLs in most of the species. I would then move that for the  
43 next meeting -- Miguel, is that what you would say?

44

45 **MIGUEL ROLON:** Whenever is appropriate, because I don't know the  
46 workload of the staff. Here, what you need is a -- As Roy  
47 Crabtree mentioned, but a white paper on the issue, whether we  
48 have an issue or not.

1  
2 Maybe we have a perception that we have an issue that is not  
3 there. The loophole is always a technical loophole. You can  
4 fish in the EEZ and sell it, but where do you sell it? That's  
5 up to you.

6  
7 If you land in Puerto Rico or in the Virgin Islands, you must  
8 have a valid license issued by the local governments in order  
9 for you to sell and then the other issue is really enforcement.  
10 You can have all the laws in the world you want, but really the  
11 enforcement is lacking here and that's why the people are  
12 complaining left and right at scoping meetings.

13  
14 When they go with their valid license with the fish that they  
15 caught -- They go to the supermarket or the restaurant where  
16 they want to sell and they say, sorry, we already have what we  
17 need and not only that, we paid less than what you are offering  
18 me now and that's the issue that the people worry about.

19  
20 My proposal is if you allow the Chair, the Chair has the  
21 authority to have that options paper for the December or the  
22 March meeting.

23  
24 **ROY CRABTREE:** We do have the bag and possession limits and I'm  
25 looking at the regulations on that and the bag limits apply to a  
26 person -- They don't apply to a person who has a valid  
27 commercial fishing license issued by Puerto Rico or the U.S.  
28 Virgin Islands, but the only restriction we have on sale or  
29 purchase says live red hind or live mutton snapper.

30  
31 A live red hind or a live mutton snapper in or from the  
32 Caribbean EEZ may not be sold or purchased and used in the  
33 marine aquarium trade and I don't know when that went in or why,  
34 but it's in there. It's been there for longer than I've been  
35 here, I'm guessing.

36  
37 Other than that, there's no restriction on sale or purchase and  
38 so we could look into could we put similar language in there  
39 that says in order for that fish caught in or from the EEZ under  
40 the bag limits defined above, it may not be sold unless you have  
41 one of these territorial commercial permits.

42  
43 We might be able to do that and that would be the simplest way  
44 to get at the problem. You would still have an enforcement  
45 problem, I would imagine, if we have it now and so I don't think  
46 there's a magic fix to this, but it would make it a federal  
47 violation, which might make a difference in terms of prosecuting  
48 cases and those kinds of things.

1  
2 **ROY PEMBERTON:** I thought the original question or the original  
3 reason why this was brought up was because there was a gear  
4 issue and that the recreational component of the fishery was  
5 utilizing the bandit reels in the EEZ.  
6  
7 Now, you can investigate that, in terms of limitations of who  
8 and what in the EEZ, but the territorial permits will take care  
9 of the landing issue. That's codified in law and so there's no  
10 need to really investigate that further.  
11  
12 **MIGUEL ROLON:** I was also going to suggest that you can have a  
13 motion to just -- Along the lines of what Dr. Crabtree said and  
14 just move it. You don't have to wait for a white paper. Just  
15 in order to close this possible loophole, we would like to see a  
16 permit in the EEZ and that permit will be -- It would be a  
17 violation to sell any recreational fish and then you will use  
18 the two local government issued license to validate it in the  
19 federal government.  
20  
21 **EUGENIO PIÑEIRO:** I move so then.  
22  
23 **MIGUEL ROLON:** I was rambling about it, but you have to really  
24 think about it. Probably we can have a coffee break and  
25 somebody can write this down and then you can present it when we  
26 come back.  
27  
28 **CARLOS FARCHETTE:** First, Tony Blanchard, did you want to finish  
29 up with something?  
30  
31 **TONY BLANCHARD:** I just wanted to echo what Roy said, the two  
32 Roy's. I think if it's on the books already, we're complicating  
33 things by just trying to go back over it again. If you're over  
34 the limit as a recreational fisherman with the amount of dolphin  
35 you have or whatever type of fish you have, you're still in  
36 violation.  
37  
38 To be able to bring it into port to sell is a business license  
39 you need in St. Thomas and so if you're bringing it in to sell,  
40 you're still in violation. No matter how you twist it or turn  
41 it, you're still in violation, because you need a business  
42 license and you're over the limit.  
43  
44 I think sometimes we try to complicate things when we don't  
45 really need to and as for the recreational fishermen, the  
46 enforcement issue is -- Every time, it comes down to  
47 enforcement. The first guys that are checked and it looks like  
48 the only guys that they come to is the commercial guys.

1  
2 The other guy down the road, they will never ask him for his  
3 license, which he probably don't have one, but they continuously  
4 come to the same guys every other week and that's where the  
5 problem comes in. You know I have my license already and so why  
6 are you harassing me again? Go to the other guy down the road  
7 and check him out.

8  
9 That is an enforcement issue that needs to be dealt with by the  
10 territories, in my opinion, but that's where the big problem  
11 comes in, because the same guys keep having to go through the  
12 same paperwork and be recorded every other week as though they  
13 don't know who he is and they didn't check our license a week  
14 ago.

15  
16 **CARLOS FARCHETTE:** Graciela, are you finished so we can take a  
17 coffee break?

18  
19 **GRACIELA GARCIA-MOLINER:** I have one more slide or do you want a  
20 break?

21  
22 **CARLOS FARCHETTE:** We will continue after our coffee break.

23  
24 (Whereupon, a brief recess was taken.)

25  
26 **CARLOS FARCHETTE:** We are going to continue with Graciela and  
27 Bill.

28  
29 **GRACIELA GARCIA-MOLINER:** The other issue that we have to look  
30 into is the fact that neither Puerto Rico nor the U.S. Virgin  
31 Islands are exempted from the national registry and so anyone  
32 who is recreationally fishing in the EEZ should be registered.

33  
34 Anyone who is in the EEZ and is fishing recreationally should be  
35 registered. We have to check the allowable gear for the  
36 recreational fisheries in the EEZ. We do have bag limits  
37 established for reef fish, et cetera, and so we should review  
38 the recreational issues in terms of the Comprehensive FMP.

39  
40 Now, we do have the issue of the selling of fish. Again, you  
41 have been discussing whether to endorse the business license  
42 that you need for the Virgin Islands or the commercial fishing  
43 license that you need for Puerto Rico and so we've taken notes  
44 of the directives and if there are any specific motions that you  
45 want to make, then once we finish, we can go to the very  
46 specific issues.

47  
48 **MIGUEL ROLON:** Before the break, somebody was writing something.

1 Between here and this afternoon, probably we will come up with  
2 something.

3  
4 **GRACIELA GARCIA-MOLINER:** There is one more slide. In terms of  
5 outreach and education, the lack of trust between fishers and  
6 the governments, both the federal and the state governments,  
7 that's an issue that they wanted to rebuild and I think that it  
8 showed good faith that so many people showed up at the meetings.

9  
10 There is a need to educate the recreational fishers in terms of  
11 changing the way that they go about fishing and fishing so much  
12 that it's actually wasted.

13  
14 They requested that the council bring the local governments and  
15 the Coast Guard and enforcement agents to meetings with the  
16 fishers so that we are all speaking the same language, so that  
17 the regulations -- Everyone knows what the regulations are and  
18 not that someone is saying something and someone else is saying  
19 a different thing for the same type of regulation.

20  
21 They were very concerned about the need for data and they  
22 requested that groups that spend a lot of time in the water,  
23 like the diving industry, be integrated into the data collection  
24 efforts, because there is reef that takes people out and people  
25 are certified to take notes, but these are divers that spend  
26 three or four days a week in the water, usually at the same  
27 sites, and so they are already aware of what has changed over  
28 time and so they would be very much interested in helping in the  
29 collection of data. In Puerto Rico specifically, they requested  
30 information in Spanish.

31  
32 Finally, there was a lot of comments about reserves or marine  
33 protected areas. It mostly had to do with the local reserves in  
34 Puerto Rico and they brought information on what species were  
35 actually being impacted by the changes in habitat that were  
36 occurring.

37  
38 The connectivity needs to be assessed between the river, the  
39 river mouth, the estuarine and lagoon areas, the near shore,  
40 and, finally, the fish that are harvested from farther away.  
41 They, in fact, supplied one or two lists of the species that  
42 they are concerned about and the species that are present within  
43 certain areas on the north coast, specifically.

44  
45 Changes in habitat were a main concern and they suggested that  
46 instead of having the seasonal closures for the whole island, to  
47 actually do the same thing that was done for the red hind, the  
48 area closures, but that they be rotated around. This idea has

1 been going on for years and they think that instead of keeping  
2 one area closed for a very long time, to keep it closed for a  
3 number of years. In fact, they suggested four to five and then  
4 reopen that area and close another one, because there are many  
5 places where fish spawn. This had specifically to do with the  
6 mutton snapper. That was a suggestion for the mutton snapper.

7  
8 From the letters that you received and the comments at the  
9 meetings, fish spawning aggregations need to be protected and  
10 continue to be protected and they also included in that the  
11 protection of the pupping grounds for sharks.

12  
13 **MIGUEL ROLON:** Graciela mentioned that they will look at the  
14 issues of the recreational fishers and put together a list of  
15 what recreational fisheries we have, what we need, and all that.  
16 That can be done for the next meeting, that list?

17  
18 **GRACIELA GARCIA-MOLINER:** Yes, we can do that for the next  
19 meeting, but let me just finish by saying you received eight  
20 written comments from the general public and from the Pew  
21 Charitable Foundation and Delegate to Congress from the U.S.  
22 Virgin Islands, the AEE, and the STFA. I have included most of  
23 the information in the briefing.

24  
25 **MIGUEL ROLON:** That's what I was going to say, is you  
26 incorporated all of the written comments into your report, but  
27 those written comments are available and actually, we have a  
28 package that we sent to all of you, but if you have the need to  
29 see that, it's available. Are you finished, Graciela?

30  
31 **GRACIELA GARCIA-MOLINER:** With the information that we have  
32 available for you in the summarized form, yes.

33  
34 **MIGUEL ROLON:** Mr. Chairman, I believe that Eddie is ready for  
35 the report.

36  
37 **CARLOS FARCHETTE:** While he is getting started, I really don't  
38 want to -- Maybe sometime in the future, but I don't want to  
39 drop this longlining issue, because I know it's a big concern  
40 forty miles south of St. Croix with longliners. I can't say  
41 interfering with the local fishermen, because the ocean is open  
42 to everyone, but they are cutting their lines and they want to  
43 get them out of there and so maybe we can work on it. That's  
44 one of my -- I am doing like Tony Iarocci with a bucket list,  
45 but to maybe restrict gear for longliners in the U.S. Caribbean  
46 EEZ, but we will discuss that later and so go ahead, Eddie.

47  
48 **EDWARD SCHUSTER:** The Advisory Panel of the CFMC, we convened at

1 the CFMC headquarters on August 7, 2013. We had a quorum, with  
2 the exception of one member that has turned in his resignation  
3 and one member that was excused due to an ailment. The meeting  
4 lasted from 10:00 a.m. to 4:00 p.m. and, of course, the meeting  
5 was chaired by me, Edward Schuster.

6  
7 The following recommendations were made by the Advisory Panel to  
8 the CFMC and the first one is that the fishery management regime  
9 plans that have been adopted for the lobster and any other  
10 species that might be appropriate, such as the Nassau grouper,  
11 be maintained throughout the council's jurisdiction.

12  
13 The second would be that we keep AP members to the council and  
14 add an ad hoc committee of a minimum of nine and no more than  
15 eleven persons for each island to discuss the federal fishery  
16 management issues.

17  
18 The third one is to include bait fish and forage fish in the  
19 three island FMP units. Additional comments or recommendations  
20 would be to investigate the impact of construction in the  
21 coastal zone of marinas and other development on fisheries and  
22 its habitats.

23  
24 Next would be to promote fishing of the underutilized species of  
25 the deepwater areas of the USVI through a management plan for  
26 these species and specifically, there's a deepwater snapper of -  
27 - It's not the queen and it's not the silk, but it's a deeper  
28 species that is unexploited at this point.

29  
30 Additional comments and notes, and this was made by Mr. Julian  
31 Magras, suggested that the fishers should be included from the  
32 very beginning in any efforts for data collection and analysis  
33 for the three island FMPs.

34  
35 Specifically, he's talking about when we're going to island-  
36 specific. He doesn't want it to be like when we're talking  
37 about species-specific or species that were excluded from the  
38 beginning.

39  
40 Another question for the council is to discuss is can we adjust  
41 the MPA management measures in these three island FMPs? Another  
42 comment that was made is there should be a paper trail for  
43 imported spiny lobster less than 3.5 carapace length, due to the  
44 fact that it's allowed that the imported species are smaller  
45 than our 3.5 and we recommended that it should have a paper  
46 trail, since that imported size is smaller than our 3.5  
47 carapace.

1 Again, Julian made another comment and he suggested to implement  
2 a trip ticket and a bag limit for the recreational-caught  
3 species. Specifically, he's talking about dolphin and other  
4 species that the recreational fishers target.

5  
6 Then a final comment, and this was made by Bill Arnold, is ask  
7 that the AP members -- Whether they would like to recommend the  
8 council to apply a Caribbean-wide ACL or an island-by-island ACL  
9 in the three island FMPs. This was something new to us. We  
10 never really thought about it and we took it home for comment  
11 and maybe throughout this presentation and the two-day council  
12 meeting, maybe we can come up with something, since some of the  
13 AP members are here and maybe make suggestions until the AP  
14 meets again.

15  
16 **BILL ARNOLD:** That comment pertained to the OFLs and not the  
17 ACLs. We have island-based annual catch limits, but right now,  
18 our overfishing limits, our overfishing levels, are Caribbean-  
19 wide and that has, as I mentioned to them, that's a two-edged  
20 sword, because it has implications that are both positive and  
21 negative, depending upon the situation.

22  
23 That's a discussion we are having at the Regional Office and  
24 with the Science Center and something that I thought the  
25 fishermen might want to at least provide their own perspective  
26 on and so that's what that comment was all about.

27  
28 **EDWARD SCHUSTER:** A correction and that's my mistaken. Yes,  
29 you're right and it's OFL and not ACL.

30  
31 **CARLOS FARCHETTE:** Thank you. Do we have any council reactions  
32 to the comments made by the AP?

33  
34 **MIGUEL ROLON:** Do you want to have the 3.5 carapace length  
35 across the three islands for spiny lobster or not or would you  
36 like to have a 3.0 for Puerto Rico and a 3.5 for St. Thomas and  
37 a 3.5 for St. Croix or whatever that number can come up to?

38  
39 What the Advisory Panel is telling you is that their  
40 recommendation is to keep the 3.5 for the three areas and also  
41 to have a paper trail for the spiny lobster that is imported  
42 into Puerto Rico and the Virgin Islands, because they are less  
43 than 3.5, but they are caught legally in the area of origin and  
44 it could be interstate or international.

45  
46 As you know, in the case of Florida, it's 3.25 or something like  
47 that and so that lobster is legally caught and therefore, it  
48 could be imported into this area without any legal impediment.



1  
2 **TONY BLANCHARD:** I have got to just touch base on the lobsters.  
3 I am not sure what the size limit is in Puerto Rico. Is it 3.5?  
4 Okay. What I am going to suggest is that it stays at 3.5, for a  
5 couple of reasons.  
6  
7 I think when you come to importing, it's going to be harder,  
8 because really, who is going to go and check on the paperwork  
9 and the imports? That's a slip in the door and I think it ain't  
10 fair to the local guys that are catching them at 3.5 and for you  
11 to be bringing them in from wherever at a smaller size, because  
12 now you're taking out of my pocket in one hand, because I have  
13 to wait longer to take the lobster, and on the other hand,  
14 you're taking it out of my pocket, because the guy who is buying  
15 it off of you is probably getting it at a better rate.  
16  
17 Now I am forced to drop on my price, but by keeping a 3.5  
18 carapace, we are going to stay in business and especially on an  
19 island like St. Thomas where we don't export anything, and I'm  
20 pretty sure St. Croix. The money is going to stay in the  
21 economy and that's, I think, a big thing right now, because of  
22 the lack of money circulating.  
23  
24 The fish sales is down. People just don't have the money to buy  
25 fish and lobster like they used to and so I think we need to  
26 look at that as to keeping it at 3.5, both for the economy and  
27 to keep those guys that are bringing it in under the table in  
28 check.  
29  
30 I would also like to touch on the bait fish, because I was the  
31 one who brought up the bait fish issue, thinking that it should  
32 be an issue with the territorial government, because really, the  
33 bait fish is caught around the shore line and so it really  
34 shouldn't even come into play with the EEZ waters, unless you're  
35 talking about fish like the flying fish.  
36  
37 I think the main issue with the bait fish right now is the  
38 runoff. Let's face facts. A guy could go and he could catch  
39 bait all week and probably don't do any kind of damage compared  
40 to runoff that would wipe out a whole thing in the blink of an  
41 eye.  
42  
43 I think the real issue here is not the guy that is catching the  
44 bait fish to go out and feed the same fish that he is catching,  
45 but the runoff that is coming off the land, which could destroy  
46 it at a much quicker rate and the same thing with the reef  
47 system along the land. We are all blaming the guy fishing  
48 around the shore line or the guy that's got traps, but really,

1 we all know that the bigger issue is the runoff and the  
2 pollution that's going into the water.

3  
4 Until we address the properly, I think really we are plugging a  
5 hole in the dike and so that's my take on the bait fish as well  
6 as the lobsters.

7  
8 **SHEPHERD GRIMES:** I would just point out to you that we went  
9 through and created a prohibition on importing spiny lobster  
10 that doesn't meet the size limit. Actually, that was years ago,  
11 back when I was advising this council. That is codified now at  
12 Title 50, Part 622.458 and you cannot lawfully import a lobster  
13 into Puerto Rico or the U.S. Virgin Islands that does not meet  
14 the 3.5-inch carapace length.

15  
16 **ROY CRABTREE:** Shepherd, that would include bringing Florida  
17 lobsters, lobsters taken in Florida, that met the three-inch?  
18 You couldn't bring them in either?

19  
20 **SHEPHERD GRIMES:** That is the way it's written, that no person  
21 may import -- There are actually two size classifications.  
22 There is a weight classification and then a carapace length  
23 classification.

24  
25 Bear with me and I will read this to you: No person may import a  
26 Caribbean spiny lobster with less than six-ounce tail weight  
27 into Puerto Rico or the USVI. Then it goes on to define that if  
28 documentation accompanying an imported Caribbean spiny lobster  
29 indicates the product does not satisfy the minimum tail weight,  
30 the person importing it has the burden to prove that it actually  
31 does.

32  
33 Then if you skip on down, there is similar language relating to  
34 the 3.5-inch carapace length requirement and so that's correct  
35 regardless of where it's imported from. There is a  
36 corresponding import prohibition for everywhere in the United  
37 States other than Puerto Rico or the USVI which is based on the  
38 three-inch carapace length, which is what we have in the Gulf of  
39 Mexico and South Atlantic.

40  
41 **CARLOS FARCHETTE:** That's interesting and so that's  
42 international or domestic imports?

43  
44 **MIGUEL ROLON:** Shep, that's the challenge that I -- Every so  
45 often, I receive calls from people who import lobster and I keep  
46 telling them that and they said that no, my people say it's  
47 against interstate commerce and international -- I am talking  
48 about big people here, big supermarkets, and a chain of

1 restaurants.

2  
3 **SHEPHERD GRIMES:** I don't know about the territories, but I know  
4 that cases have been made on this import restriction out of  
5 Miami and the mainland United States. I forget the enforcement  
6 agent's name. I think he's retired now and it might have been  
7 Paul Raymond, but we did this years ago when I was coming.

8  
9 **ROY PEMBERTON:** Shep, that question about the tails, how did  
10 that come up in terms of the justification for the tail size of  
11 six ounces? Is it based on an average count or where did they  
12 get that number from?

13  
14 **SHEPHERD GRIMES:** I don't really know. I remember when we were  
15 discussing it that we went with a carapace length and a size  
16 classification, because most of the imported lobster comes in  
17 and they are bagged based on weight and not on carapace length  
18 and that that weight was roughly correlated to the three-and-a-  
19 half-inch carapace length. That's my recollection of it anyway.

20  
21 **TONY IAROCCI:** To Roy Pemberton's issue and, Shep, you did state  
22 we did do -- When we did the importation rule into the states  
23 years ago and got it passed when I was chairman of the Spiny  
24 Lobster Committee on the South Atlantic Council, but to be fair  
25 and equitable, and I've been talking to the fishermen on this as  
26 a sidebar, they do sell and they're under a three-and-a-half-  
27 inch carapace length.

28  
29 That equals to, and I just made calls back to the states to some  
30 fish houses there, but that is anywhere from a fourteen to  
31 sixteen to eighteen-ounce tail and not a six-ounce tail and so  
32 it is three-and-a-half inches for the whole fish, but most of  
33 the imports here are tails.

34  
35 If the fishermen did want to address that, similar to what we  
36 did with the three inches, you would have to address the tail  
37 importation here, which would be an ounce weight, which would  
38 have to be raised to that. You could do a -- That could be done  
39 very easily and you could change the rule to a tail, three-and-  
40 a-half-inch whole fish, or say a sixteen or whatever ounce tail,  
41 tail weight. That's how that would have to be addressed and  
42 that could be done, like I said, pretty easily, but not six  
43 ounce.

44  
45 **TONY BLANCHARD:** I just need some clarification. Is it legal  
46 for them to bring in under three-and-a-half inches or illegal?  
47 That's just a straightforward question.

48

1 **SHEPHERD GRIMES:** Illegal.  
2  
3 **CARLOS FARCHETTE:** That's good news, because I can't make a  
4 motion as the Chair, but to add to my bucket list, I would also  
5 like to include the importation of conch during the closed  
6 season, which is something that we've been fighting for for a  
7 long time and it's something to discuss later.  
8  
9 **GRACIELA GARCIA-MOLINER:** Having been to the scoping meetings,  
10 if you want to take this information back, who is in charge of  
11 making sure that the regulations are met and that the lobster  
12 that are imported are the size that they are supposed to be? Is  
13 that TSA or is that -- What can we tell the fishermen about it?  
14 Is it Customs or who is --  
15  
16 **CARLOS FARCHETTE:** I didn't get that. I'm sorry. Could you  
17 repeat that? I didn't get it.  
18  
19 **GRACIELA GARCIA-MOLINER:** There should be manifestos in terms of  
20 the lobsters that are being imported into Puerto Rico and the  
21 Virgin Islands, but who is in charge of making sure that the  
22 regulations are met? Who is enforcing that issue so that we can  
23 tell the fishermen who to call when they see that happening?  
24  
25 **CARLOS FARCHETTE:** That would be Otto.  
26  
27 **ROY PEMBERTON:** My question was kind of along those lines, but  
28 it seems like mostly the wholesalers are bringing in the lobster  
29 tails, like Costco and so forth, and I was actually in Costco  
30 last weekend looking at that exact same thing and it was nothing  
31 but boxes and boxes and boxes of lobster tails, but they don't  
32 necessarily have the per ounce for each of those tails.  
33  
34 They just have a general poundage for how much is in the box and  
35 so that's why I asked you that question as to where that six  
36 ounces comes in. Six ounces is very small, comparatively  
37 speaking, for a regular three-and-a-half-inch lobster tail.  
38  
39 **OTHA EASLEY:** If there's illegal lobster coming in less than  
40 three-and-a-half inches imported, call the local NOAA law  
41 enforcement office and I can give you that number. It's not  
42 private and you can get access to that number on the internet  
43 also.  
44  
45 We work with Customs, what used to be Customs, ICE, and any  
46 products that are imported through their systems, they will have  
47 an alert. We have an agreement with them and so they let us  
48 know and then they can hold it for us and we can come down there

1 and seize it, et cetera. We have various processes and  
2 agreements that we work together on.

3  
4 **CARLOS FARCHETTE:** Thank you. I think that Roy Pemberton  
5 brought up a good point about how do you divide the case per  
6 pound to ounces and what is that ounce measurement of a three-  
7 and-a-half-inch carapace weight ratio to tail. That's something  
8 we've got to look at.

9  
10 **EDWARD SCHUSTER:** I think my memory is more or less in line with  
11 Shep's memory. The issue that we had with the 3.5 carapace is  
12 it varied in terms of a female and a male tail, because  
13 everybody knows, who is a fisher, that the female tails are  
14 wider and the meat is more dense and the male tails are more  
15 narrow and they're less dense of a meat.

16  
17 I was discussing it with the SSC Chair too, Barbara Kojis, and  
18 try to keep it as simple as we can keep it and maybe come up to  
19 a close average, because then it would vary so much if you had a  
20 box all full of females as opposed to more males than females.  
21 Then the ounces would not add up to what it's supposed to be,  
22 but we could probably discuss it after lunch or something.

23  
24 **CARLOS FARCHETTE:** We have to break for lunch. We have a  
25 meeting coming up and so this meeting is in recess until 1:30.

26  
27 (Whereupon, the meeting recessed for lunch on August 13, 2013.)

28  
29 - - -

30  
31 August 13, 2013

32  
33 TUESDAY AFTERNOON SESSION

34  
35 - - -

36  
37 The Caribbean Fishery Management Council reconvened at the  
38 Hilton Ponce Golf and Casino Resort, Ponce, Puerto Rico, Tuesday  
39 afternoon, August 13, 2013, and was called to order at 1:30  
40 o'clock p.m. by Chairman Carlos Farchette.

41  
42 **CARLOS FARCHETTE:** Good afternoon, everybody. We are going to  
43 continue the 147<sup>th</sup> Caribbean Fishery Management Council meeting.

44  
45 **MIGUEL ROLON:** Eddie, can you tell us which items -- When we  
46 discussed the three items that the AP has recommended the  
47 council should take action on, I remember that you had one  
48 motion regarding the spiny lobster and other species and would

1 you care to read it for us again, to refresh our memories?  
2

3 **EDWARD SCHUSTER:** The recommendation that came from the Advisory  
4 Panel is that the fishery management regime plans that have been  
5 adopted for the lobster and any other species that might be  
6 appropriate, such as the Nassau grouper, be maintained  
7 throughout the council's jurisdiction.  
8

9 **ROY PEMBERTON:** So moved.

10  
11 **CARLOS FARCHETTE:** Is there a second?  
12

13 **MIGUEL GARCIA:** Second.  
14

15 **CARLOS FARCHETTE:** We are going to write up the motion.  
16

17 **ROY CRABTREE:** I am not sure I understand what this motion  
18 means.  
19

20 **MIGUEL ROLON:** The AP idea is that with the understanding that  
21 when you separate the management plans into three areas that you  
22 may have a different management measure in St. Thomas/St. John  
23 from that of St. Croix and they would not like to see the 3.5  
24 carapace length abandoned or changed in one section of the U.S.  
25 Caribbean, for example that Puerto Rico goes to 3.0 rather than  
26 keeping the 3.5.  
27

28 They want to make sure that if this mechanism that we call the  
29 three island FMPs is adopted that the management measure for the  
30 spiny lobster and other species, such as the Nassau grouper, be  
31 maintained, so you don't change that management measure.  
32

33 **ROY CRABTREE:** Okay, but that's something we would need to  
34 figure out as we go through putting these plans together and  
35 developing alternatives and all of that, it seems like to me.  
36

37 **MIGUEL ROLON:** They understand that this would be for 2014,  
38 maybe. They just want to make sure that the council understands  
39 the feeling about this.  
40

41 **SHEPHERD GRIMES:** I guess I would echo what Dr. Crabtree said  
42 and I would just say as it's currently written, I would view it  
43 as overly ambiguous in that it says "adopted for spiny lobster  
44 and any other species that might be appropriate".  
45

46 This is a good recommendation and good information to have, but  
47 I think as you develop these three island-based FMPs that you  
48 keep that in mind, because then you're going to review each one

1 before you submit it and decide what changes you might want to  
2 make to the substance of the FMP rather than just the scope and  
3 the packaging of your FMPs overall and you could decide at that  
4 time if you did or did not want to make specific changes.

5  
6 **MIGUEL ROLON:** The AP discussed dividing the question here and  
7 just keeping the lobster and dropping the other species that  
8 might be appropriate, thinking that this was going to be an  
9 issue. The question is can they have, as they do in blackjack  
10 insurance, that the 3.5 will not be touched from now?

11  
12 The discussion at the Advisory Panel revolved around the idea of  
13 just asking the council to keep the 3.5-inch carapace length and  
14 dropping the issue of the other species. "As appropriate" is  
15 kind of an open door and the question is can we modify the  
16 language just to keep the lobster? What the AP wanted is to  
17 make sure that the council keeps the 3.5 carapace length  
18 management measure across the different jurisdictions.

19  
20 **ROY CRABTREE:** I think that's fine and I have never heard anyone  
21 on the council express any interest of changing that, but we're  
22 going to have a whole process and a lot of things to go through  
23 and I don't know what the council will do in the end.

24  
25 **MIGUEL ROLON:** These are not rumors, but there's a motion in  
26 Puerto Rico by the fisher advisory body and they want to have a  
27 3.0 carapace length. The AP got this idea and they don't want  
28 to have 3.5 in the Virgin Islands and 3.0 in Puerto Rico,  
29 because that will create, according to them, a problem. That's  
30 the issue behind the whole discussion and I believe that Eddie  
31 could add more to the discussion if you need him to.

32  
33 **ROY CRABTREE:** I don't have any problems if you want to pass  
34 this motion. That's fine and I guess you're giving guidance to  
35 staff that you don't want to go there and I guess that's fine.

36  
37 **CARLOS FARCHETTE:** Tony Blanchard, but before that, should we  
38 identify that as the spiny lobster instead of just lobster?

39  
40 **MIGUEL ROLON:** You need to modify the language.

41  
42 **TONY BLANCHARD:** I think we should take the groupers off of it,  
43 as well as the other species, for the simple reason the groupers  
44 is on the Endangered Species List, correct? Okay. The  
45 protected list?

46  
47 **ROY CRABTREE:** Nassau grouper is not on the Endangered Species  
48 List.

1  
2 **TONY BLANCHARD:** It's on the protected list, correct?  
3  
4 **ROY CRABTREE:** The fishery is closed by the council FMP, but not  
5 because of the Endangered Species Act.  
6  
7 **TONY BLANCHARD:** The point I'm trying to make is if we go to an  
8 island-based plan, the whole reasoning behind the island-based  
9 plan is that we each have our own plan for our own island. The  
10 point I'm trying to make here is if we are monitoring this  
11 fishery and let's just take the grouper, for example, the  
12 Nassau.  
13  
14 It becomes let's say in a better state that it could move from  
15 one phase to another phase and that it will eventually become a  
16 marketable fish again, but if we do this, then you're just  
17 basically closing the door. I think this would work for all the  
18 rest of the species. Now, the lobsters is a length size and  
19 it's not a closure, but it's a length size. We're talking about  
20 a size compared to a no take.  
21  
22 **ROY CRABTREE:** Even if you pass this motion, it doesn't preclude  
23 you from changing your mind and doing exactly what this motion  
24 says you're not going to do. You are never binding your future  
25 actions and so provided you have new information, for example  
26 information that shows Nassau grouper has recovered and could  
27 support a fishery, you can change your mind and change those  
28 regulations.  
29  
30 If you get new information that indicates you want to do  
31 something else with spiny lobster, you can still go in and do it  
32 and so you're really not binding yourself by passing this  
33 motion.  
34  
35 None of us know five years from now who will even be sitting on  
36 this council and so councils can always change their views and  
37 do something different, provided you have a good reason for why  
38 you're doing it.  
39  
40 **TONY BLANCHARD:** Really, from what you're telling me, it don't  
41 really make any sense to pass the motion.  
42  
43 **ROY CRABTREE:** I guess it's a symbolic thing that says that, for  
44 right now at least, you agree with the AP, but it doesn't bind  
45 you from doing something different later on.  
46  
47 **CARLOS FARCHETTE:** That's similar to something like what's  
48 happening with the Goliath grouper now, that they notice that



1 it's coming back and they're even researching to maybe even  
2 change that.  
3  
4 **MIGUEL ROLON:** Also, the issue that we discussed with endangered  
5 species is any species that lands into the endangered species is  
6 covered by them and so we don't have to bother with them.  
7  
8 **CARLOS FARCHETTE:** Is there any further discussion? We are  
9 going to take it to a vote, starting on my left with Tony.  
10  
11 **TONY BLANCHARD:** Leave it as is. No.  
12  
13 **ROY PEMBERTON:** Yes.  
14  
15 **MIGUEL GARCIA:** Yes.  
16  
17 **EUGENIO PIÑEIRO:** No.  
18  
19 **ROY CRABTREE:** Abstain.  
20  
21 **NELSON CRESPO:** No.  
22  
23 **CARLOS FARCHETTE:** Yes. We have three yes and three no and one  
24 abstention and so the motion dies.  
25  
26 **ROY CRABTREE:** I do think we can say for the record, unless  
27 someone else disagrees, I don't think that we have any plans  
28 right now to change the carapace length size limit for spiny  
29 lobster. I certainly don't have any inkling of anyone's desire  
30 to do that and I haven't heard anyone say anything that  
31 indicates they want to do that and so if that helps give some  
32 reassurance to the fishermen.  
33  
34 **MIGUEL ROLON:** That's essentially the case. I don't know if  
35 Miguel is ready to bring this to the council or not or whether  
36 the government will do it, but they have this petition to ask  
37 for 3.0 for Puerto Rico. I don't know whether they will change  
38 it or not, but we are talking about the future, probably in  
39 2015. Many of us won't care one way or the other, because I  
40 don't know whether we will be around, but at this time, we need  
41 to know the motion died and so, Miguel, anything to add to this  
42 or just leave it as is?  
43  
44 **MIGUEL GARCIA:** We have that recommendation or that petition  
45 from the Fisheries Advisory Board to the Secretary and that's  
46 something that hasn't been discussed again and something that  
47 needs to have further consideration and so I wouldn't be worried  
48 about it at this point, for sure.

1  
2 **CARLOS FARCHETTE:** The AP has another recommendation.  
3  
4 **EDWARD SCHUSTER:** The second motion that was recommended by the  
5 AP members is that we keep AP members to the council and add an  
6 ad hoc committee of a minimum of nine and no more than eleven  
7 persons for each island to discuss the federal fisheries  
8 management issues.  
9  
10 **MIGUEL ROLON:** That motion had to do with, again, in the future  
11 if we are going to have these three islands implemented, the AP  
12 believes that we should keep the AP as it is now, but also to  
13 have APs for each one of the islands of nine to eleven members.  
14 The idea is to bring to the table fishermen and scientists from  
15 each one of the areas to sit down and provide advice to the  
16 council.  
17  
18 **CARLOS FARCHETTE:** Somebody will have to make that motion,  
19 because the AP can't really do the motion, whether it be Tony or  
20 Roy or Miguel Garcia or Crespo.  
21  
22 **TONY BLANCHARD:** So moved.  
23  
24 **CARLOS FARCHETTE:** Is there a second?  
25  
26 **ROY PEMBERTON:** I will second.  
27  
28 **CARLOS FARCHETTE:** Any discussion?  
29  
30 **TONY BLANCHARD:** I am just curious as to what the breakdown  
31 would be on the panel.  
32  
33 **MIGUEL ROLON:** That's to be determined when we have the FMPs.  
34 What we discussed at the AP is that -- For example, you have  
35 members of the AP that are from St. Thomas/St. John and so that  
36 will be the core of that group. Let's say that there are five  
37 of them and you need four more and so you can add scientists  
38 from the university or scientists from any other body in the  
39 Virgin Islands.  
40  
41 If you move to St. Croix, the same thing. If you have three  
42 members from St. Croix, then you need to have six more that will  
43 sit down and discuss it and, again, this is something that is  
44 attached to the budget. If this is approved, by the time that  
45 we meet and if the plans are implemented in 2015, then you will  
46 have these three panels for each one of the areas and there will  
47 be a budget for it.  
48

1 Guys, we are really going ahead of ourselves in many of these  
2 issues, but the AP went thoroughly and discussed it with the  
3 scoping meetings and the recommendations they have here is for  
4 either the council to keep in mind at such a time when we are  
5 ready for it or have it now on the record and approve it, so you  
6 don't have to discuss it again when we get to that point.  
7  
8 **CARLOS FARCHETTE:** Any more discussion? We will take it to a  
9 vote and I will start on my right with Nelson.  
10  
11 **NELSON CRESPO:** Yes.  
12  
13 **ROY CRABTREE:** Yes.  
14  
15 **EUGENIO PIÑEIRO:** No.  
16  
17 **MIGUEL GARCIA:** Yes.  
18  
19 **ROY PEMBERTON:** Yes.  
20  
21 **TONY BLANCHARD:** Yes.  
22  
23 **CARLOS FARCHETTE:** Yes. **We have six yes and one no and the**  
24 **motion carries.** What was next on the agenda for the AP?  
25  
26 **EDWARD SCHUSTER:** The next motion that was recommended by the AP  
27 members was to include bait fish and forage fish in the three  
28 island FMP units.  
29  
30 **ROY CRABTREE:** We're not at a point of really deciding what's  
31 going into these FMPs yet and that's going to be probably the  
32 biggest decision we're going to make, but we're going to have to  
33 -- I just think this is something we can come back with.  
34  
35 I think you can ask staff to include some options to look at  
36 this, but I don't -- You would need an analysis of the whole  
37 thing before you would make a decision as whether to do it or  
38 not. I think if you want to do this, you could ask staff to  
39 take a look at possible inclusion, but I wouldn't make a  
40 decision on it today.  
41  
42 **CARLOS FARCHETTE:** Any recommendations from council members?  
43 Does anybody want to motion on this?  
44  
45 **ROY PEMBERTON:** When we say bait fish, I think we need to kind  
46 of explain which species, which group or family, at least  
47 something a little more definitive, because I guess at any size,  
48 you can look at a species as being bait, but I think that's

1 specific to certain types of bait that they're looking at,  
2 whether it's ballyhoo or blue fry or so forth. I think we need  
3 to kind of at least get that teased up.

4  
5 **CARLOS FARCHETTE:** I think what we really need here is probably  
6 a motion and a second, so that we can discuss it and probably  
7 decide whether or not to table it. Isn't that the right way to  
8 do this?

9  
10 **SHEPHERD GRIMES:** I sound a little bit like Roy Crabtree here,  
11 but I think you're getting ahead of yourself with this. It  
12 would make the most sense to me -- You have a list of  
13 recommendations from your Advisory Panel and just keep that list  
14 of recommendations and you will have them available and they  
15 will be part of the record and as you begin to address these  
16 issues specifically in the context of the three FMPs as you  
17 develop them, then you can incorporate that into your decisions.

18  
19 Right now, as Dr. Crabtree said earlier, you can make all the  
20 motions you want, but it isn't going to bind the council down  
21 the road when you're reviewing these documents and actually  
22 making motions and specific decisions on the St. Croix FMP and  
23 whether bait fish or forage fish are included as managed  
24 species.

25  
26 I would also echo what Mr. Pemberton has said. When you get  
27 down to including those in the FMP, you're going to need to  
28 identify them more precisely than bait fish and forage fish.

29  
30 **CARLOS FARCHETTE:** I kind of see what you're talking about  
31 there, particularly since most of these bait fish and forage  
32 fish are in territorial waters. There is only one in federal  
33 waters, which is flying fish.

34  
35 **EDWARD SCHUSTER:** I think what the AP was trying to do was to  
36 actually safeguard the future of fishing by putting these  
37 recommendations in place, just in the event that when these  
38 island-specific FMPs came out that we were not someplace  
39 shuffled in File 13 somewhere off the desk and it's lost and  
40 then we were not able to revisit these issues. I think we just  
41 put it in place that it could be recognized and it goes on the  
42 record.

43  
44 **GRACIELA GARCIA-MOLINER:** In terms of the bait fish and the prey  
45 species, there were requests from the public regarding these  
46 species to be included in the comprehensive amendment. The  
47 reality of the data itself is that in most cases we don't have  
48 information from the commercial catch, which is where we

1 basically get all of our information.

2  
3 The last studies that were done on the bait fish around the  
4 islands in the U.S. Caribbean was from the 1980s or thereabouts,  
5 the mid-1980s. After that, there were a few studies here and  
6 there, but it's something that if we're going to look at how the  
7 fisheries are prosecuted, it's something that needs to be  
8 brought in, at least from the historical perspective.

9  
10 That's the kind of data and finfish bait, that's what shows up  
11 in St. Thomas/St. John. That's it and then for Puerto Rico,  
12 there is a little bit more information and so it shows up as  
13 herrings, ballyhoo, mojarra, and bigeye scad. That's the kind  
14 of information that we have right now regarding these species.

15  
16 **NELSON CRESPO:** The word "bait fish" is so big, because in  
17 Puerto Rico, we used to use tuna for bait for the deepwater  
18 snapper, but also, the tuna, we use it to eat and so in some  
19 cases that we don't find tuna, sometimes we used to use dolphin  
20 for bait and so we have to define what exactly it means for bait  
21 fish.

22  
23 **MIGUEL ROLON:** The issue of the forage fish is nationwide.  
24 People are talking about it and they know what it is. If you  
25 ever put together a management unit for this, bait fish will  
26 have a list of species that you have and what Graciela is  
27 telling us is the latest information was 1987 and that means  
28 that this is something that you have to really work out and  
29 prepare the list of what is bait fish and prepare the list of  
30 what is forage fish.

31  
32 Again, the idea behind all of the discussion at the Advisory  
33 Panel is to make sure that the council has this in consideration  
34 and so if you agree that this will be included throughout the  
35 discussion of the three island FMPs and by the time that we  
36 implement the three island FMPs that all of this will be  
37 considered, then that will be your motion, to consider all of  
38 this information, all the recommendations, by the AP and keep it  
39 in mind, especially when the staff is preparing these documents,  
40 as to what is needed.

41  
42 Then I'm sure that they will have a list, because bait fish  
43 could be a person if you drag it and you're fishing for sharks.  
44 We don't know that and forage fish is something that now people  
45 want to include in every ecosystem-based management plan. Mr.  
46 Chairman, I suggest that you move on and just keep in mind the  
47 valuable advice from the AP received today. Then we need to ask  
48 the staff. Graciela was telling me they need to know what you

1 want from them between here and December.

2  
3 **CARLOS FARCHETTE:** I can agree with that and I agree with  
4 Attorney Grimes when he says that maybe you don't need a motion  
5 for all of these things, but you need to -- Since it's on the  
6 record what the AP already reported, at least we have that for  
7 when these FMPs start to be developed, that these records be  
8 remembered, which is kind of a difficult thing sometimes.

9  
10 I would like the staff to research all of these things that the  
11 AP recommended and some up with some discussion or white paper  
12 as to how we can move forward with it.

13  
14 **MIGUEL ROLON:** Actually, you don't need a white paper. Just by  
15 telling the staff that this is a concern and that you would like  
16 to have some information when they keep developing these FMPs,  
17 you have one page, identifying from the literature and from  
18 recent knowledge, what is a bait fish and what is a group of  
19 species that you call a bait fish and forage fish will be  
20 defined and it's been defined now at a national level with some  
21 examples of what are they.

22  
23 The difference between the bait fish and the forage fish is that  
24 all of them are forage fish, but not all of them are bait fish  
25 and so, Graciela, do you have enough and Bill?

26  
27 **BILL ARNOLD:** I've been very quiet, but I think you guys need  
28 some perspective here. This is what we're really looking for  
29 from the council today on island-based management. We want you  
30 guys to give us direction as to whether you want us to prepare  
31 basically a public hearing draft document that we can bring  
32 either to the December or the March council meetings for your  
33 evaluation.

34  
35 The things that we would include in preparing that public  
36 hearing document would be things like the recommendations from  
37 the Advisory Panel and other guidance that we receive from the  
38 council. That's what we're trying to get done here as staff, is  
39 get the direction for the next step.

40  
41 Now, it's just my own personal opinion, but you might want to  
42 pass a motion that says please take into account the AP's  
43 recommendations when you're preparing these draft documents, but  
44 to go in and go through each recommendation and pass it as a  
45 motion saying this is what you're going to do really constrains  
46 everybody's ability to deal with these issues and like I said,  
47 in my personal opinion, I wouldn't think this would be the best  
48 way to go about it.

1  
2 **MIGUEL ROLON:** Bill, what's the language for the motion that you  
3 would like to see?  
4  
5 **BILL ARNOLD:** That staff include consideration of the AP's  
6 recommendations when preparing the public hearing draft for  
7 island-based management. Put "the next draft for island-based  
8 management" instead of "public hearing draft".  
9  
10 **MIGUEL ROLON:** When you say public hearing are you saying  
11 council meetings?  
12  
13 **BILL ARNOLD:** If you want it for the next council meeting, that  
14 probably would be better, a little more flexible.  
15  
16 **MIGUEL ROLON:** Somebody needs to say I so move and somebody say  
17 so I second.  
18  
19 **TONY BLANCHARD:** So moved.  
20  
21 **ROY CRABTREE:** Second.  
22  
23 **CARLOS FARCHETTE:** Any discussion? **Hearing none, all in favor**  
24 **say aye; anybody opposed. Hearing none, the motion carries.**  
25  
26 **MIGUEL ROLON:** Graciela, do you have the schedule that we took  
27 so you can put it up there so the council will know where are  
28 we?  
29  
30 **GRACIELA GARCIA-MOLINER:** I was going to ask you specific  
31 questions regarding some of the --  
32  
33 **MIGUEL ROLON:** Let me see the schedule first and then we'll go  
34 the specific questions.  
35  
36 **BILL ARNOLD:** I would like to suggest that you may wish to  
37 rescind your first two motions.  
38  
39 **CARLOS FARCHETTE:** Anybody want to make that motion to rescind,  
40 because we're going to -- We made two motions already concerning  
41 the AP's recommendations, but since new information came up,  
42 maybe that wasn't necessary and so do you want to rescind that  
43 original motion and just stick to what we just did here, which  
44 is probably the best thing to do?  
45  
46 **ROY PEMBERTON:** I so move.  
47  
48 **MIGUEL ROLON:** The motion is to rescind the previous motions

1 regarding the recommendation from the AP. The motion was by Mr.  
2 Pemberton and seconded by whom?

3

4 **CARLOS FARCHETTE:** We need a second for that.

5

6 **GRACIELA GARCIA-MOLINER:** It would be Motion 1 and 2 and not the  
7 3<sup>rd</sup>.

8

9 **MIGUEL ROLON:** We will just call it Motion Number 1. If they  
10 want to keep the nine and the eleven, we don't have anything to  
11 rescind.

12

13 **GRACIELA GARCIA-MOLINER:** Therefore, you don't need a motion to  
14 rescind anything.

15

16 **CARLOS FARCHETTE:** The only thing was on bait fish, but since  
17 that was --

18

19 **MIGUEL ROLON:** You don't need that motion. Roy, can you  
20 withdraw the motion? We don't need it now.

21

22 **ROY PEMBERTON:** I withdraw the motion.

23

24 **MIGUEL ROLON:** It wasn't seconded anyway and so it dies. Next?  
25 Graciela and Bill, because we cannot see it, but can you walk us  
26 through where we are with a tentative timeline and what is next?

27

28 **BILL ARNOLD:** We are in the Fall of 2013 step. We are  
29 discussing the outcomes of the scoping hearings and looking for  
30 the council to direct staff to develop the FMPs for public  
31 hearings.

32

33 We anticipate we will have to have three rounds of public  
34 hearings on this and so whatever you want to call that second  
35 round, that's what we need to prepare our document for. I  
36 anticipate, and the council may tell us otherwise, but I  
37 anticipate that this next document will have specific actions  
38 and specific alternatives under each of those actions.

39

40 I don't expect that we will have identified preferred  
41 alternatives, but simply that we will have a full suite of  
42 actions and alternatives that we can take out to the public and  
43 have them comment on.

44

45 Those don't necessarily have to be the final alternatives,  
46 because the public may say how about this alternative or get rid  
47 of that alternative, but that's the stage we're at. We would  
48 prepare that paper and we would take it out for public



1 consideration and most likely come back in March of 2014 to have  
2 that list of actions and alternatives considered by the council.

3  
4 The council will then hopefully identify preferred alternatives  
5 from those lists of alternatives and we would go back out for  
6 what would be a full-blown public hearing to consider those  
7 preferred alternatives, ideally in the summer of 2014, and then  
8 we would come back to the council in their August, their fall,  
9 meeting and we would be looking for final approval by the  
10 council in the fall of 2014 to move these documents forward  
11 through the Secretary of Commerce and get them approved and get  
12 the rules approved and get the environmental impact statement  
13 approved through the NEPA process. If all goes well, as I doubt  
14 it will, we would be getting the final rule approved probably  
15 sometime in early 2015.

16  
17 **MIGUEL ROLON:** So the document will be ready for March of 2014?

18  
19 **BILL ARNOLD:** Yes, this will be a greatly expanded document. It  
20 will require socioeconomic analyses, et cetera, et cetera. I  
21 don't see how we could possibly get that done by the December  
22 meeting. It's a big job.

23  
24 **MIGUEL ROLON:** I know.

25  
26 **BILL ARNOLD:** We could have that second round of public hearings  
27 between now and the March meeting and that's what we're going to  
28 want to do. I would also suggest, as long as I'm talking, I  
29 think that will need an SSC meeting in there somewhere, because,  
30 in my opinion, I think the SSC needs to be brought into this  
31 process and consider the species we may add and look at the  
32 various aspects of those different species.

33  
34 Bait fish, which ones should be included, and where dolphinfish  
35 occur, which might be an appropriate island to include  
36 dolphinfish and what other species might productively be  
37 included?

38  
39 We would also need to consider establishing the reference points  
40 for any species that might be included, including annual catch  
41 limits and overfishing levels. I could go on, but those are  
42 just some of the things that the SSC will need to consider and I  
43 would put this within the context of, and this is getting a  
44 little bit off message, but we need to also have an SSC meeting  
45 sometime between October 1 and the December meeting to consider  
46 any species that have exceeded their ACLs and whether that's due  
47 to increased reporting or actual increases in landings and  
48 that's something we're going to have to do every year.

1  
2 Potentially you could combine those SSC meetings, but this is  
3 just sort a preview of the things that we need to get done  
4 either by the December council meeting or by the March council  
5 meeting.

6  
7 **MIGUEL ROLON:** According to what you just said, the next step  
8 will be to have the SSC meeting and then you can send us the  
9 questions that we need to ask the SSC and that will be sixty  
10 days from now?

11  
12 **BILL ARNOLD:** I would say yes to that and I think that one  
13 outcome of that SSC meeting could be some better guidance to the  
14 council at the December meeting to further direct staff as to  
15 what they want included as actions and alternatives instead of  
16 just wondering should we include bait fish and we don't even  
17 have a definition of bait fish.

18  
19 Hopefully when we came back from that December meeting, we might  
20 have some better guidance from the scientists and statisticians  
21 as to where we should go with this.

22  
23 **MIGUEL ROLON:** How about the AP? Do you need anything from the  
24 AP from between here and December?

25  
26 **BILL ARNOLD:** I would say we've got their recommendations and  
27 that's the direction we were looking for coming out of the  
28 scoping meetings.

29  
30 **GRACIELA GARCIA-MOLINER:** When we meet with the SSC, we need the  
31 information that comes from the Southeast Fisheries Science  
32 Center and so that puts them in a position that they will have  
33 to supply the SSC with a number of non-managed species that we  
34 have never really looked at and so that's going to be a little  
35 bit time consuming for everyone.

36  
37 In terms of once we have that data, the AP would need to be  
38 looking at that data to see how it fits the reality of the  
39 fisheries in each of the islands and so probably like we did for  
40 the ACLs at some point, maybe have a joint meeting, where we can  
41 have the data presented at the same time and then each group  
42 goes on to deliberate on their understanding of the data and  
43 what should be done next.

44  
45 **ROY CRABTREE:** What do you envision us having before us at the  
46 December council meeting to look at? Are we going to have the  
47 beginnings of a draft document that we go through and you  
48 explain to us where you're going and what you're doing? We need

1 to bring a whole lot more structure to this discussion if we're  
2 going to get anywhere.

3  
4 **BILL ARNOLD:** I would envision that what we could come back with  
5 at the December meeting is a full-blown list of actions and  
6 alternatives. We would not have a paper that includes all the  
7 socioeconomic analyses associated with that, but we could have a  
8 full draft list of actions and alternatives that the SSC would  
9 have influenced and that you guys can then make comments and  
10 provide guidance on, et cetera, et cetera.

11  
12 That would allow us to fully immerse ourselves in the second  
13 phase, which is to build the complete draft of the next  
14 document. That could take place in the winter, including the  
15 hearing opportunity, and then we could come back with a pretty  
16 solid document in March of 2014.

17  
18 **ROY CRABTREE:** That makes sense to me, that we would go through  
19 a draft list of actions and alternatives.

20  
21 **GRACIELA GARCIA-MOLINER:** We do have a couple of questions,  
22 because these were comments that were brought up at the scoping  
23 meetings. One of them has to do with Puerto Rico specifically.  
24 So far, you have only one FMP for all of Puerto Rico, but it was  
25 repeated at every scoping meeting that they wanted for the  
26 council to consider looking at the four areas, the four coasts  
27 of Puerto Rico, separately. This is one directive that you can  
28 give us, whether you want to search in that direction or just  
29 keep Puerto Rico as a whole.

30  
31 **MIGUEL ROLON:** You mean to further divide Puerto Rico into four  
32 coasts? Personally, I believe that's a stupid idea.

33  
34 **GRACIELA GARCIA-MOLINER:** That's what we need to know, because  
35 we need to respond to the scoping comments that came to the  
36 council.

37  
38 **ROY CRABTREE:** I would think one FMP. Now, whether within it  
39 you want to establish some different management measures  
40 regionally, I think you could look at that, but I would think  
41 there would just be one FMP.

42  
43 **MIGUEL ROLON:** What other questions are there?

44  
45 **GRACIELA GARCIA-MOLINER:** Do you have any specific direction in  
46 terms of the recreational sector, recreational fishing sector,  
47 from the comments that you heard this morning?

48

1 **MIGUEL ROLON:** About what?  
2  
3 **CARLOS FARCHETTE:** Bag limits for everybody.  
4  
5 **MIGUEL ROLON:** Graciela, would you like to be more specific  
6 about what is it that you would like to see?  
7  
8 **GRACIELA GARCIA-MOLINER:** You received comments regarding  
9 regulating the recreational take by establishing size limits,  
10 bag limits, license and permits, and limiting specific gear.  
11  
12 **MIGUEL ROLON:** I believe that's the kind of list of possible  
13 action that Dr. Crabtree was mentioning and so if you can bring  
14 a shopping list of actions that the council can shoot at, then  
15 we can filter those that the council would like to have in the  
16 final document that you're going to take to public hearings.  
17  
18 We need to make sure that we have those and also we need to --  
19 When we go back home, Graciela and Bill, we can identify those -  
20 - Especially Graciela, because Bill will have mostly worked with  
21 the EEZ, but those issues that are locally important to Puerto  
22 Rico and the Virgin Islands, so we can send those letters that  
23 we mentioned before.  
24  
25 The letter will be just to relay to the local government that  
26 these are the issues that we found at the scoping meetings and  
27 not necessarily a recommendation that this is what you should do  
28 or not, because we don't have a management plan yet to address  
29 those. At this time, I believe that Dr. Garcia has something to  
30 present regarding the latest from the Secretary.  
31  
32 **MIGUEL GARCIA:** Good afternoon. I just want to present a  
33 summary of what's been going on in Puerto Rico related to the  
34 Snapper Unit 2 and how to implement a closure starting next  
35 September 21, as has been discussed in previous meetings.  
36  
37 We have had some discussion with people from Miami and people  
38 from Roy Crabtree's office and once we have the new Secretary in  
39 place, we discussed the issue with her and after some  
40 discussion, we came to the conclusion of managing these species,  
41 this group, with a special permit as authorized by the local  
42 regulation originally in Puerto Rico.  
43  
44 As you remember, the two species that are included in this unit  
45 is queen snapper and cardinal snapper and in response to this  
46 decision, we worked out what is called an Administrative Order  
47 to manage the Snapper Unit 2 in a better way.  
48

1 The special permit is based on this Administrative Order that is  
2 looking to establish a closure in the fishery starting on  
3 September 21, as approved by the Caribbean Fishery Council to  
4 compensate for the overage reported from the data from 2010 and  
5 2011.

6  
7 The Secretary was specifically very active before finishing any  
8 work with this special permit to meet with the fishermen,  
9 particularly the fishermen that were traditionally fishing these  
10 species and so we had a meeting on July 11 in Cabo Rojo at the  
11 marine fisheries laboratory.

12  
13 Nelson Crespo was there and he kind of made the fishermen to  
14 assist and it was a pretty good participation of about thirty  
15 fishermen and we discussed with them the special permit  
16 condition and the implications.

17  
18 It went very well. It was almost more than two hours of heavy  
19 discussion and most fishermen were in agreement, but one person.  
20 In summary, what we are looking is to get this special permit  
21 and we seek to improve the management of this particular fishery  
22 by limiting activity to the traditional participants.

23  
24 The requirements of the special permit are that the fishermen  
25 will have to have a commercial fishermen's license. It could be  
26 full time or part time, but they will have to have a history of  
27 landing for the regulated species. We talked about five years,  
28 but it could be for whatever is necessary. As a condition of  
29 the permit, it was agreed upon to have a maximum of 120 trips  
30 per year and also to have a mandatory reporting of landings.

31  
32 As a consequence, the marine fisheries laboratory will have to  
33 produce a list of fishermen who have been reporting landings for  
34 Snapper Unit 2. We know them and we know who they are and then  
35 after that, from that list, we're going to be contacting the  
36 fishermen to notify them of the necessary requirements to obtain  
37 this permit.

38  
39 Once they submit this, we will have thirty days to give them the  
40 permit. There is no cost associated to the permit and then,  
41 since they're going to be reporting every month, this report  
42 will be collected and the information transferred to NMFS.

43  
44 That's in summary what happened. We had a very productive  
45 meeting and I don't know if Nelson wants to add something. That  
46 Administrative Order is finished and I am expecting any time to  
47 get the signed copy to pass around here in this meeting. It  
48 took a little longer because the Secretary wanted to see the

1 Fisheries Advisory Board, but it's done. It's already finished  
2 and we should have it anytime with us. Thank you.

3  
4 **NELSON CRESPO:** When we talk about the catch history, we're  
5 talking to take into consideration the catch from 2009 and back,  
6 because the catch from 2010 to the present, we know it's  
7 contaminated.

8  
9 **MIGUEL GARCIA:** Would you like to add as a fisherman your  
10 impression from that meeting? Do you think it was a productive  
11 meeting or anything else?

12  
13 **CARLOS VELAZQUEZ:** All the fishermen are pleased and they  
14 recognize the hard job that you have on your hands and they like  
15 the way it's going on.

16  
17 **TONY BLANCHARD:** I've just got a question on the 120-day  
18 maximum. I don't understand what that means.

19  
20 **MIGUEL GARCIA:** Every fisherman will have a maximum number of  
21 trips per year and he couldn't go after 120 per year, trips per  
22 year, fishing trips per year.

23  
24 **BILL ARNOLD:** I am just curious. If I understand correctly, one  
25 requirement of this permit would be that they provide their data  
26 and if that's the case, are there penalties if they do not  
27 provide their data and what might those penalties be?

28  
29 I ask for several reasons, one of which is based upon Miguel's  
30 earlier guidance today, or a suggestion, which I don't know if  
31 we fully followed up on, but it would probably be very  
32 beneficial if the federal side of this followed up with either  
33 requiring the same permit or in some way followed with a similar  
34 permit-type requirement for federal waters.

35  
36 **MIGUEL GARCIA:** It's going to be presented, the information, but  
37 due to the special circumstance of the fishery and that it's  
38 going to be closed soon, we were pretty clear to the fishermen  
39 that any fisherman who gets through the special permit procedure  
40 and he fails to submit the data or any other condition of the  
41 permit, he will be taken out of the activity right away. That's  
42 like a special consideration to try to manage the resource  
43 better and I think they understood that very well and they were  
44 very cooperative about this.

45  
46 **TONY BLANCHARD:** I've got a question for you. The 120 days is a  
47 maximum, but do you have a minimum amount of days that you go  
48 out? The point I'm trying to bring across is if a guy goes out

1 five times for the year, I don't think he should get a permit  
2 like that. He ain't commercial fishing, unless he's got a good  
3 reason why he didn't get out the others.

4  
5 **MIGUEL GARCIA:** I have to say this is the first time that we are  
6 going through something like this. We are just trying to do our  
7 best and trying to manage the resource in the best possible  
8 manner using our local regulations.

9  
10 We went to the 120 fishing trips per year based on a reduced  
11 amount of almost 200 or 180 fishing trips that fishermen usually  
12 perform in a good year. For example, this year it's been very  
13 bad in Puerto Rico. 2013 has been a terrible fishing year.  
14 Maybe they won't even get to 120 under normal circumstances, but  
15 we don't have any low minimum numbers and 120 was a reduction of  
16 the average number of trips performed by these fishermen.

17  
18 As I say, I want to reiterate this is the first time and we are  
19 just having a lot of faith in the system and we are just going  
20 through this in the best way that we are able to do it under our  
21 local regulations.

22  
23 **MIGUEL ROLON:** Miguel, do you think this will be implemented  
24 during 2013?

25  
26 **MIGUEL GARCIA:** Yes, if the order gets signed today or if it's  
27 signed already, we are looking forward to having it implemented  
28 for sure within 2013.

29  
30 **MIGUEL ROLON:** The Secretary has the authority to implement that  
31 and once she signs it, it's a regulation?

32  
33 **MIGUEL GARCIA:** As I went through in the presentation, we  
34 already know who the fishermen are and so as soon as the  
35 Secretary signs the paper, we just go right away and contact  
36 them and most of them already know, most of the west coast  
37 fishermen, and I bet that they will be very anxious to get this  
38 special permit. It's the only way they're going to be able to  
39 fish for these species.

40  
41 **MIGUEL ROLON:** Some of the species are in federal waters, like  
42 the queen?

43  
44 **MIGUEL GARCIA:** According to what I know, 80 percent of this  
45 fishery happens in federal waters.

46  
47 **MIGUEL ROLON:** Then the question to Shep is do we need to do  
48 anything to have compatible regulations in the EEZ, now that

1 Puerto Rico is on the verge of implementing that, or we can just  
2 leave it as is? Then Genio asked me, when he went out, that he  
3 was supposed to write something regarding the permit that we  
4 were talking about for recreational fisheries.

5  
6 The question is do we need to do anything as a council today or  
7 at the December meeting in the EEZ regarding the Executive Order  
8 of the Secretary?

9  
10 **SHEPHERD GRIMES:** I guess the response to that is it's up to you  
11 at this point. It seems to me you might want to wait until you  
12 know what they've done or you have a firm idea of exactly what  
13 they're going to do and then this council can decide if they  
14 want to or need to implement something consistent in the EEZ.

15  
16 We always have issues relative to permits, because states and  
17 territories can do things and charge fees relative to permits  
18 that we cannot in the EEZ and so it seems most prudent, I guess,  
19 to wait until you have a firm idea of exactly what's going to be  
20 done before you proceed to develop a complementary program.

21  
22 **MIGUEL ROLON:** Shep, how fast and what mechanism can be used by  
23 the council and NMFS to implement a permit if we need to? Is it  
24 a regulatory amendment or a plan amendment or what?

25  
26 **SHEPHERD GRIMES:** If it's in your framework -- I don't know off  
27 the top of my head whether it is, but I believe permits are  
28 something you can implement via your framework, but either way,  
29 it's action by this council and it's some document and then it's  
30 a proposed and final rule process, which takes many months.

31  
32 **EUGENIO PIÑEIRO:** Shep, what you mean is wait until it's signed?  
33 Is that what you mean?

34  
35 **ROY CRABTREE:** We're going to need to see exactly what is done  
36 and how many fishermen qualify and exactly what years were the  
37 landings based on and all of the details of how this works.

38  
39 **EUGENIO PIÑEIRO:** Once you have that information in hand -- What  
40 you're telling me is that perhaps it would be wiser to wait  
41 until December, so the DNR can come up with this info, because  
42 obviously it's not going to be able to come up with that info  
43 today. Then in the winter meeting, perhaps we could instruct  
44 staff or maybe we could do a motion to establish a permit,  
45 similar permit?

46  
47 **ROY CRABTREE:** I think you can decide then whether you want to  
48 look at requiring this permit to harvest these species from the



1 EEZ, but we would need all the details of what is done to take a  
2 look at that.

3  
4 **MIGUEL ROLON:** I believe that we need to get from Miguel is if  
5 Puerto Rico wants to have that in the EEZ. Then you need to  
6 send us a letter with all of that information and then the  
7 council can take it from there. Otherwise, we won't be able to  
8 do anything in the EEZ and maybe your system will be maybe  
9 jeopardized by having people in the EEZ that are not required to  
10 follow suit with what the Secretary wants.

11  
12 It will be up to you to decide how you would like the council to  
13 proceed and we need to have that probably by the December  
14 meeting, so they have an idea whether you want to have  
15 concurrence in the EEZ.

16  
17 **MIGUEL GARCIA:** Yes, we will be reporting thoroughly on this at  
18 the December meeting. That's the plan.

19  
20 **MIGUEL ROLON:** With the information.

21  
22 **EUGENIO PIÑEIRO:** If I may, there's another one. There is a  
23 fish that is not going to be fished in federal waters because  
24 they are going to be closed and it's the recreational and like -  
25 - Like 35,000 pounds of fish won't be harvested in the EEZ from  
26 the recreational sector. What can we do about that amount of  
27 fish? Can it go down against the 2013 quota? What do we do  
28 with that?

29  
30 **ROY CRABTREE:** You don't have any mechanism set up right now to  
31 transfer fish from the recreational ACL to the commercial ACL  
32 and so you would have to amend the plan to establish something  
33 like that or you could look at changing the allocation if you  
34 wanted to, but all of that would take a plan amendment and you  
35 will be in a big hurry to get that done before next year is over  
36 with and so you just need to make some decisions about what you  
37 want to do.

38  
39 How many pounds are you saying? 5,000 left in the -- 35,000?  
40 We only have data right now for January, February, March, and  
41 April of this year and so how much will be left come the end of  
42 the year is anyone's guess, unless you have more information  
43 than I do.

44  
45 **MIGUEL GARCIA:** One specific objective of this permit is to get  
46 better data and we know that we have a heavy delay on getting  
47 the data back for analysis and through this special permit, we  
48 can assure that preferably the traditional fishermen are allowed

1 to keep eating from the piece of the cake and at the same time,  
2 getting the data in a more expedited manner and then we will  
3 have the data, the best data possible, to really know what's  
4 happening with the harvest.

5  
6 It's something that we can't do that with the way that we are  
7 taking data right now. We are way behind. We haven't even  
8 finished yet the 2012 landings reports. This way, we have the  
9 data and then we can be more proactive dealing with the  
10 management of the species. That's where we're looking forward  
11 now.

12  
13 **CARLOS FARCHETTE:** Thank you, Miguel. Now we'll move to the Ad  
14 Hoc Committee Report from July 24, 2013.

#### 15 16 **AD HOC COMMITTEE REPORT**

17  
18 **MIGUEL ROLON:** Mr. Chairman, the ad hoc committee met on July 24  
19 and after thorough discussion of the issues relevant to the time  
20 of closure when needed of the different species that are under  
21 management, we discussed it with Kate Quigley and she is ready  
22 to present a model that she developed for one of the species in  
23 question.

24  
25 At this time, we would like her to give that presentation, so  
26 you will have time to discuss with her what are the alternatives  
27 that you have to the closure and remember that the idea was  
28 that, in the case of the present closure, you start from  
29 December 31 backwards and then you close the amount of days that  
30 are needed to keep the fishery at the level of the ACLs.

31  
32 The question that came at the council meeting before this July  
33 24 meeting was can we close it at some other time, to lessen the  
34 economic impact to the fishers? What she has done is to look at  
35 the information available and prepare this economic model that  
36 you can then use to modify, if needed, whatever the closing  
37 dates are for the species that you are in need of closing.  
38 Kate, do you want people to ask questions or do you want them to  
39 allow you to finish and then go back to questions?

40  
41 **KATE QUIGLEY:** I am fine with -- First, I've got a little bit of  
42 PowerPoint presentation. I would like to go through that first  
43 and go into the model and wait for questions about halfway  
44 through the model or through the end. It's not going to take  
45 very long and so if you could wait for questions until the end,  
46 that would be great.

47  
48 As Miguel said, there was a meeting on July 24. Out of that ad

1 hoc committee meeting came these recommendations and so at the  
2 meeting, this ad hoc committee had received a presentation from  
3 myself saying, okay, here's an option for taking a look at  
4 closures, here's one that possibly could be done. They also  
5 received a presentation from David Olsen.

6  
7 Out of that meeting came some recommendations. The first one  
8 was recommend that council staff develop an economic model to  
9 evaluate options for St. Croix to move the closure for lobster  
10 from the end of the year until some other time during the year.  
11 Then for St. Thomas and St. John, move closure for grouper.

12  
13 Then the second recommendation was that council staff develop an  
14 economic model to evaluate options to move the closure for  
15 Snapper Unit 2 for the December 2013 meeting. The idea was this  
16 is a lot to do at once. This was about two to three weeks ago  
17 and so the idea was to first develop some sort of draft model  
18 for St. Croix and St. Thomas and St. John and then wait a bit,  
19 until December, to make a presentation for the meeting for  
20 considering Snapper Unit 2 for Puerto Rico.

21  
22 Another thing that the ad hoc committee did was they mentioned  
23 some issues to keep in mind and to address while going through  
24 this process and many of them you are quite familiar with, which  
25 is that data that's available, commercial landings and revenue,  
26 is not sufficient and needs to be improved.

27  
28 St. Thomas, data on fisheries participation can be incorporated.  
29 You will understand more of what this means as I go through the  
30 model, but another comment they made was that market information  
31 is available for St. Thomas and can be incorporated.

32  
33 There is also the concern that closures will be permanent and  
34 not flexible from year to year and so there was the fear that  
35 this model that's going to be developed would lock in closure  
36 dates and so there was that fear.

37  
38 Also, it was commented that for Puerto Rico that data on  
39 fisheries participation will differ by region and can we  
40 incorporate this information on a region basis instead of just  
41 an island basis? For St. Croix, dolphin fishing varies  
42 seasonally and there was the desire to go ahead and incorporate  
43 that into the model.

44  
45 I am just going to give you an overview of what is the purpose  
46 of the model and what does this model do and then I will go in  
47 and show you the Excel model. It's difficult for people to look  
48 at Excel models sometimes, especially if you're not used to

1 taking a look at a spreadsheet.

2  
3 First, what I would like to do is just go over this and give you  
4 a little bit of an introduction and then I will go into the  
5 model and show you what it actually does and what I'm looking  
6 for from the council is is this useful? Does this make sense?  
7 Is this something that you want?

8  
9 The purpose of this model that I've developed is to present  
10 options for closures during the year. For St. Croix spiny  
11 lobster, that's the draft kind of pilot that we're taking a look  
12 at right now that will help ensure adherence to the ACL.

13  
14 The point is create a model that will give the council more  
15 information in adhering to the ACL and so the example that we  
16 used right now was just St. Croix spiny lobster. It's a single  
17 species and it was a smaller amount of data than some other  
18 options and so that's the model that was developed.

19  
20 The idea is that similar models will be developed for St. Thomas  
21 grouper, Puerto Rico snapper units, and other species where  
22 there is the possibility of exceeding the ACL. Wherever there  
23 is a fear that a closure is going to happen at the end of the  
24 year, because fishing is happening at a greater pace than can  
25 possibly be maintained, and that the ACL is going to be met  
26 before the end of the year, the idea is let's consider options  
27 for closures to occur earlier in the year rather than at the end  
28 of the year. These are species-specific and island or island-  
29 group-specific.

30  
31 What do these models do? One, the model calculates the number  
32 of days a closure would be required to avoid exceeding the ACL.  
33 You will understand more of what this means when I go into the  
34 model.

35  
36 The model then calculates a closure option for each day of the  
37 year and so what it says is if you're not going to have a  
38 closure at the end of the year, when else can you have a  
39 closure? If you were going to have a closure on January 1, how  
40 long would that closure have to last? If you were going to have  
41 a closure for January 2, how long would the closure have to  
42 last? It goes and does this for each and every day of the year.

43  
44 Then you can take a look that if we want to have a closure  
45 starting May 1, how long would it have to last for and what  
46 would be the revenue impact? That's what the model does.

47  
48 Just arbitrarily, I chose twenty. The model chooses twenty

1 closure options with the least revenue losses compared to a no-  
2 closure situation or an end-of-year closure situation. The  
3 model goes ahead and says if you're going to have a closure,  
4 when is the least costly time to have it? If you're going to  
5 have a closure and you wanted to minimize the revenue impacts of  
6 the closure, then what are our options?

7  
8 Just a couple of important things to know about the model. The  
9 length of the closures is going to vary depending on the day  
10 that you start on. It's going to vary depending upon the base  
11 year that's chosen as well and so there are certain times of the  
12 year when landings are high and there are certain times of the  
13 year when landings are lower and so there's going to be more  
14 participation some times and less participation other times.

15  
16 What you've got to do to start this model off is you've got to  
17 choose some sort of base year, a year that you think in the  
18 past, that has occurred, that you think is similar to years that  
19 are going to occur in the future. Maybe you would pick 2011 or  
20 maybe you would pick 2010 or some other year or maybe you would  
21 pick a range of years and you would take the average.

22  
23 What you're doing is you're choosing a base year that you think  
24 pounds are caught similar to and revenue is similar to what is  
25 going to happen in the future.

26  
27 Pounds that would have been caught are taken from the base year  
28 and revenue lost is taken from the base year and a base year  
29 with high landings means long closures and so if you have high  
30 landings in 2009 and you use that as your base year, you're  
31 saying every year in the future is going to look similar to 2009  
32 and so if you have to go ahead and have a closure, then you're  
33 going to be removing a high amount of landings, because a high  
34 amount of landings occurred in 2009 compared to the ACL and so  
35 you're going to have to remove more than you would for say a  
36 base year of 2011, where you didn't have an exceedance of the  
37 ACL. This will all become a little more clear when I go into  
38 the model.

39  
40 A base year, you want to choose a year that best reflects future  
41 years. If appropriate base year is not chosen, then the ACL  
42 will be exceeded or not reached.

43  
44 This draft model that I'm going to present uses 2011 as a base  
45 year and also uses average pounds and landings from 2009 to 2011  
46 as the base year and the user can choose which one do they want.  
47 A whole bunch of other years can also be added if you think 2011  
48 was not a typical year and average 2009 to 2011 was not a

1 typical year. If you wanted to choose something else that was  
2 what you think of as a typical year, then I can go ahead and  
3 incorporate that.

4  
5 Just some quick model assumptions are the federal and state  
6 fishery will have the same closure. I just went ahead and  
7 assumed that for the model. That may or may not happen for  
8 certain species.

9  
10 The base year reflects future years. That's what I just went  
11 ahead and talked about. Trip report data is sufficient to  
12 create these closure options and so the data that's used is  
13 basically pounds and revenue from trip reports and that no other  
14 fisheries participation is accounted for.

15  
16 We all know that fishermen participate, most times, in multiple  
17 fisheries. This model does not incorporate that. That's a very  
18 complex model and I'm not quite there yet and I'm not sure that  
19 you want to go there and so only the fishery under  
20 consideration, only that fishery is within the model. In this  
21 case, it's St. Croix lobster.

22  
23 I will go back to this, but basically what I'm trying to get,  
24 once I present the model, is is this something that makes sense  
25 to you? Is this where you want to go in moving forward and not  
26 just economic information, but social, cultural, and market  
27 information can be incorporated into the model after the initial  
28 calculations.

29  
30 There are times when closures are not wanted by fishermen and  
31 these options can be made known or eliminated. If this model  
32 creates an output that says that a closure should happen on May  
33 1 or June 1 and fishermen say no, there's a festival going on  
34 during that time and we don't want it to happen during then,  
35 then that option can be eliminated from consideration by the  
36 council if they so choose or at least that information can be  
37 made known to the council and they can consider that.

38  
39 Graciela and I are working with representatives from each ACL  
40 unit fishery and island and island group to get information  
41 about what events are happening during the year and what kind of  
42 market situations occur during the year.

43  
44 We all know that there's higher demand during certain times of  
45 the year, Lent and tourist season. You're not going to want to  
46 close a fishery if you don't have to when those things are going  
47 on, because you could lose your market for that fish.

48

1 There is cultural events, festivals. People don't want a  
2 closure prior to Christmas and so there are certain outputs that  
3 you might get from this model that you might say that we don't  
4 want it to happen during that period of time and we can  
5 incorporate that into the model.  
6  
7 Input I'm looking for after I present this model is is this  
8 useful and wanted? What changes would you like to see made and  
9 what other things do you want the model to do if it's possible?  
10  
11 Right now, I'm going to go ahead and open up the Excel model, so  
12 that you can see what the user would see and what this model  
13 actually does and maybe some of this will make a little more  
14 sense. So far, are there any questions? I know this is all  
15 very vague and you can't really see it yet and so it's a little  
16 bit hard to imagine.  
17  
18 Again, I am taking a look right now at St. Croix spiny lobster.  
19 Again, if you wanted to have a closure not at the end of the  
20 year, but some other time during the year, because you thought  
21 that the ACL for St. Croix lobster might be met, this model  
22 shows one way to do it.  
23  
24 You see right here -- In this cell right here, we've got the  
25 spiny lobster commercial ACL for St. Croix and it's about  
26 107,000 pounds. What the user does is there are three pages  
27 here. There is one here that says "go here first" and select  
28 the years. There is another page that says "2011 YR" and  
29 another page that says "2009 to 2011".  
30  
31 You can kind of ignore these other two spreadsheets. Those will  
32 be hidden for anybody that uses the model, like if the public  
33 used the model or if you used the model. I can certainly show  
34 you those pages, but typically, those are hidden, because that's  
35 where the calculations are and people get a little bit confused,  
36 but this first page right here, go here first and select the  
37 year, this is where the page that you go to -- You click on  
38 these years and you can either choose 2011 or 2009 to 2011.  
39  
40 If you said years in the future are going to look like 2011,  
41 this model takes the pounds and the revenue, the pounds that  
42 were caught and the ex-vessel revenue that was received and  
43 reported in trip reports for St. Croix spiny lobster, it takes  
44 that data and uses that in this model.  
45  
46 Let's just right now take a look at 2011. In 2011, if you go  
47 ahead and apply it to this model, you have, of course, your ACL  
48 of 107,000 and you've got pounds to subtract. If you take a

1 look at 2011 and you compared it to an end-of-year closure, then  
2 you would have to subtract off somewhere in the season -- If you  
3 decide, okay, we're not going to do an end-of-year closure and  
4 we're going to do it some other time during the year, you would  
5 subtract off -- It's really about 2,400 pounds if you just take  
6 a look at the ACL and what was caught in 2011, but if you  
7 compare it to the end of the year, it's about 2,600 pounds you  
8 might expect to go over.

9  
10 If you said every single year in the future is going to be like  
11 2011, then you would expect that this year you're going to go  
12 over the ACL by 2,626 pounds. It's a simplification.

13  
14 If you close at the end of the year, you would have to close  
15 December 19 in order to just meet the ACL and avoid going over  
16 the ACL. If you were to consider some other time during the  
17 year, then the model presents these other options here. We've  
18 got Options 1 through 20.

19  
20 What this shows is that if you were not going to do an end-of-  
21 the-year closure, you could close June 19 for nine days and you  
22 would cut 2,629 pounds and your estimated revenue loss for St.  
23 Croix would be about 18,000 pounds. There's a lot of other  
24 options here, too.

25  
26 There are some in April. You might not want that, because  
27 you're trying to bring in fish for Lent, whenever Lent happens  
28 to occur. You would have to take a look at 2011.

29  
30 There is one for May here. Most are January through June and  
31 that's because in 2011 you had -- For some reason, the data is  
32 showing you had a jump in spiny lobster prices in July of 2011  
33 and so the model did not choose past June options, because  
34 you're going to lose a whole lot more revenue. These are the  
35 options that it went ahead and chose.

36  
37 Now I'm just going to show you, real briefly, how it did that.  
38 I am not going to go through this in a lot of detail, but it  
39 took the trip reports and it took for every single month and day  
40 of the year there was some sort of trip report data.

41  
42 There were some pounds associated with January 1, 452. There  
43 was some sort of total ex-vessel revenue associated with January  
44 1, about 3,000 pounds. Price received was \$7.00 per pound and  
45 so the model goes ahead and calculates the days needed for a  
46 closure on January 1 in order to meet the 2,600 pounds,  
47 estimated revenue lost, and estimated pounds removed.

48



1 A number of calculations are done and you get this table that  
2 shows up later on. Again, if you did an end-of-the-year  
3 closure, you would have to close December 19 for thirteen days  
4 and you would cut 2,600 pounds and you would have a revenue loss  
5 of 21,000 pounds.

6  
7 If you recall back here on our first page, if you did a middle  
8 of the year, your revenue loss would be about 18,000 pounds and  
9 so that's a lot less than the 21,000 pounds.

10  
11 **CARLOS FARCHETTE:** We are going to take a quick break.

12  
13 (Whereupon, a brief recess was taken.)

14  
15 **CARLOS FARCHETTE:** If I can recruit the council members. We are  
16 going to excuse Genio Piñeiro and Nelson Crespo. They  
17 accompanied Julian Magras to the hospital and hopefully we won't  
18 have to take a vote and so we can continue, I think.

19  
20 **KATE QUIGLEY:** Most of what I have covered already is basically  
21 what I was going to cover, just to show you the example for  
22 2011, but just make you aware that there is two things that the  
23 council needs to determine if they're going to use a model like  
24 this.

25  
26 First, you have got to pick some sort of base year that you  
27 think is going to look like future years and that base year goes  
28 ahead and determines how many pounds you think you might be over  
29 for that coming year.

30  
31 That's basically it and the model produces this output of  
32 various options for least amount of revenue lost. It goes ahead  
33 and ranks them and gives different options and so there's two  
34 things that this model does. It's a way to incorporate economic  
35 effects early on, instead of waiting for the EIS, draft EIS, to  
36 be written. That's one benefit.

37  
38 It's also a way to start a conversation about closures. Now,  
39 one more thing that I wanted to share before going ahead and  
40 taking questions is that David Olsen had presented at the July  
41 24 meeting a -- That's not it. I am going to go ahead and use  
42 this, because this is what I have, but he presented a number of  
43 information about seasonality of various fisheries for St.  
44 Thomas and St. John and he had ended the presentation with this  
45 slide here and we have an updated slide, but I don't happen to  
46 have it here on the computer of market seasonality.

47  
48 The idea was for each island or island group to identify events

1 that happen during the year that could increase the demand for  
2 fish or decrease the demand for fish or just be times when you  
3 want to make the council aware that a closure is not desirable.

4  
5 For each island or island group and for each species, we're  
6 trying to identify are there times when you have high demand or  
7 low demand and so then we know if the model identifies various  
8 closure options, then the council is aware that if you close  
9 during this period of time, this is going to disrupt things  
10 quite a bit and so then you know some additional effects.

11  
12 We have a model -- We have an actual spreadsheet that David  
13 Olsen put together that goes ahead and gives an actual  
14 percentage, kind of a guesstimate or even a calculation, of what  
15 the decrease in demand is during certain times of the year and  
16 so during tourist season, you get an increase in demand. You  
17 don't necessarily get an increase in revenue.

18  
19 You don't necessarily get an increase in the price, but you will  
20 get an increase in the poundage that's being brought in and  
21 therefore, an increase in the revenue and there's going to be  
22 times when you have a decrease, during summer hotel and  
23 restaurant closures in St. Croix and St. Thomas.

24  
25 This helps things significantly and it can bring together some  
26 of the social and cultural aspects of the fishery into the  
27 economic and biological considerations and so we're still  
28 working on some of those, but that was quite good and now, based  
29 upon this St. Thomas/St. John model, and this isn't our final  
30 one, but based upon that spreadsheet or that table, there's one  
31 being developed for St. Croix and there are several being  
32 developed for Puerto Rico. I am just going to close that down  
33 and I can go ahead and answer questions if people have them at  
34 this point in time.

35  
36 **TONY BLANCHARD:** I've got a question. The base year, can that  
37 change from year to year or once you pick a base, does it stay  
38 constant?

39  
40 **KATE QUIGLEY:** I think that for this model you can basically do  
41 anything, but, optimally, you would want to choose a base year  
42 and stick to it until it no longer makes sense to do so. If the  
43 market changes and people participate in other fisheries and  
44 cultural events change or things like that and prices change and  
45 things look totally different, then you're going to want to  
46 change your base year, but you would think you would want it to  
47 last at least for a couple of years.

48

1 **TONY BLANCHARD:** Because what I'm trying to get to is we're  
2 looking at what would be -- You're looking at what would be the  
3 future of the fishery as to year to year and this would fall  
4 into this box and this would be the standard of a year and it  
5 just don't work that way.

6  
7 That's why I asked you whether it's going to change from year to  
8 year or we're staying with the year that we pick, because that  
9 will fluctuate just like anything else.

10  
11 **KATE QUIGLEY:** That's right and this is the problem with models,  
12 is they're all based upon assumptions and you're using past  
13 information and so you're not going to get a perfect prediction.  
14 This is just -- That's why I said one of the benefits of this  
15 model is that it's a way to start a conversation about possible  
16 closures and so maybe the council will go ahead and propose that  
17 let's have June 19 as a closure and then you get a reaction from  
18 the fishermen.

19  
20 It's a way to have a conversation. That's what the model can be  
21 more than this is going to be the optimal time to have a  
22 closure, because we already know that the base year that's  
23 chosen is not going to look like that year. We just hope it  
24 looks similar.

25  
26 **DAVID OLSEN:** I think for the base year that you ought to use  
27 the most recent year, a three-year average, and a long-term  
28 average, so that you have the option, when you're talking about  
29 closures, of considering those things.

30  
31 The point that Tony raised is this year, for example, we really  
32 haven't had a fall. It's been windy all fall and it certainly  
33 has to show up in the landings during that period, because  
34 people were having a hard time getting out. Normally, that's a  
35 really calm period when people can go out.'

36  
37 Second, I think, looking at your thing where you have daily  
38 catch rates, I think you need to do some averaging, because  
39 there's a lot of variability between Sunday and Monday and  
40 Tuesday and I think that you need to either have a moving  
41 average or a weekly average or something like that. I think it  
42 gives some kind of funny results.

43  
44 Finally, I know this isn't part of your mission, but you or the  
45 council -- Maybe you could recommend and the council can act,  
46 but you ought to have the mechanism whereby fishermen are going  
47 to be brought onboard to choose among those options.

48

1 I thought, going through the thing with you this morning, that's  
2 great having twenty options and the dollar loss to the fishermen  
3 is a pretty clear decider, but there needs to be a formal  
4 mechanism. If you're going to have a closure, then you're going  
5 to draw the Advisory Panel or someone else in to consider what  
6 the options available to them are and respond to that.

7  
8 The Advisory Panel may be just fine or the island-based plan,  
9 certainly they will have some kind of advisory panel in the  
10 island-based plans and that could be built into the island-based  
11 plans, but in looking at what you've done so far today, I think  
12 it's really promising and that if you can incorporate some of  
13 those market seasonal things in them, because they're not a  
14 continuous variable. They're really discontinuous.

15  
16 **KATE QUIGLEY:** A question, David. One way, the easiest way to  
17 incorporate that in, the market information, is to go ahead and  
18 in this output table that we have, to create an extra column,  
19 Column H, but create an extra column that says "social and  
20 market considerations".

21  
22 After each of those options, it says what kind of market and  
23 social events are going on during that period of time that the  
24 council might need to be aware of if they're going to consider  
25 one of those options. That's the easiest way to do it. There  
26 are more complicated ways, but at least that's something that  
27 can be easily added to the model.

28  
29 **CARLOS FARCHETTE:** Are there any more questions for Kate?

30  
31 **SHEPHERD GRIMES:** I apologize if you touched on this, but can  
32 you use more than one year, just looking at this, or does it  
33 have to be one baseline year?

34  
35 **KATE QUIGLEY:** No, further years can be used. For example, I  
36 have started to take a look at 2009 to 2011. If you see in the  
37 bottom of this Excel spreadsheet, right down here, 2009 to 2011,  
38 there's a drop box and you can take a look at 2009 to 2011.

39  
40 If you do that though, you just need to be aware that that means  
41 that you're saying that future years you believe are going to  
42 look like 2009 to 2011. What we find here is that you get a bit  
43 higher -- You get an exceedance of the ACL and so that means you  
44 believe that the ACL is going to be exceeded.

45  
46 The problem is there was no ACL in 2009 and 2010 for lobster and  
47 so you just -- Yes, we can look at all different ranges and all  
48 different years. It doesn't just need to be a single year, but

1 it can be any year or range of years that the council wants.

2  
3 However, that's something that perhaps the council considers  
4 beforehand, instead of taking a look at all the different ranges  
5 and seeing how much are we going to be over, because that will  
6 determine how many days you need to be closed for. It's kind of  
7 a theoretical decision, although you can take a look at ranges  
8 and landings over time to guide you.

9  
10 **DAVID OLSEN:** Shep just raised a point and your response.  
11 Hopefully this model is going to be in place for a length of  
12 time and what you have up there in the 2011 and 2009 to 2011 are  
13 the data for 2009 to 2011.

14  
15 I think somehow you need to link to the actual landings data,  
16 the bigger database, so that someone -- Tony could say this year  
17 is just like 2004 and there should be an ability of the  
18 fishermen to say this year is just exactly like this and there  
19 could be a hurricane or there could be something like that in  
20 there.

21  
22 In order to do that, you're going to have to somehow link it to  
23 the actual database of landings and not just a couple of  
24 spreadsheets that have individual years or year ranges in them.

25  
26 **KATE QUIGLEY:** Right and so the idea would be that you could  
27 choose any year or several year ranges to go ahead and look at  
28 through a drop-down list and you're saying have it connect to  
29 the larger database. The problem is the larger database is so  
30 large that it makes the model run very, very slowly and it  
31 crashes very often, even on my computer, which it usually  
32 handles things quite well.

33  
34 That's why I went ahead and decided to do separate spreadsheets.  
35 The idea is that the council would provide options for years  
36 they wanted to look at and there could be ten different years or  
37 year ranges and I would go ahead and do those in spreadsheets  
38 and you end up with the model runs quite smoothly. It was just  
39 that technical aspect was the reason for not connecting to the  
40 larger database, but that's what I originally intended to do and  
41 that would make a lot of sense.

42  
43 **CARLOS FARCHETTE:** Any further questions or discussion for Kate?

44  
45 **KATE QUIGLEY:** My question to you is this something that you  
46 would like me to continue to pursue for St. Croix lobster, ST.  
47 Thomas/St. John grouper, and for Puerto Rico Snapper Unit 2? If  
48 the answer is yes, then I will go ahead and continue to develop

1 those models for December.

2

3 **MIGUEL ROLON:** That's what I was going to say, if you want to  
4 say yes or no or abstain.

5

6 **GRACIELA GARCIA-MOLINER:** I was just going to mention that it's  
7 very interesting that -- Carlos began collecting some specific  
8 information on the metadata that goes along with the good days  
9 and the bad days and the good market, et cetera. It does show a  
10 lot of promise and getting the information from the fishers of  
11 what affects their market, I think that is something that we've  
12 been trying to get at for a very long time.

13

14 **MIGUEL ROLON:** I agree and she offered to add that column.  
15 Council members need to ask yourselves if you don't do this,  
16 what else do you have to show for if you want to change the  
17 actual days of closure that are going to happen this year and in  
18 future years.

19

20 Then the second question is that I believe that, if you say yes,  
21 this is the model that is worth pursuing, then can we also use  
22 it for the other species that she mentioned? Maybe all the  
23 other species that we need to, but right now, the only  
24 socioeconomic information that you will have analyzed in a  
25 scientific way so far is this model.

26

27 **BONNIE PONWITH:** I think being able to look at the data like  
28 this is interesting and it gives us a lot of information in a  
29 way that's visually accessible. That said, when I take a look  
30 at the twenty alternatives that are analyzed in this particular  
31 graph or sheet that's on the screen right now, what it's showing  
32 me is the biggest difference between the least revenue and the  
33 most revenue delta is about 400. Right?

34

35 To me, it's telling me that the economic impact of any one of  
36 those twenty options is very, very small and so for at least for  
37 this species -- That may not be true for other species, but at  
38 least for this species, it doesn't really -- From an economic  
39 standpoint, it doesn't matter when you close, but it's more a  
40 matter of do you want to minimize the number of days that you're  
41 closed and the season that you close. Those would be the  
42 drivers and not the revenue.

43

44 **KATE QUIGLEY:** Right and that's what I found, was that for  
45 lobster, it doesn't really matter that much economically.  
46 However, socially and whether you lose your market or not, it  
47 might matter quite a bit.

48

1 For grouper, St. Thomas/St. John grouper, it was all over the  
2 place. The dates that are chosen are all over the place and  
3 estimated revenue loss was again pretty similar, because you  
4 have so many options. You've got 365 different options and, of  
5 course, it's going to choose the lowest ones and they're all  
6 pretty close together, but there was a lot more variation in  
7 that species, but for this species, you're right that it doesn't  
8 seem to matter very much at all.

9  
10 **MIGUEL ROLON:** I am glad that Bonnie mentioned this, because  
11 when I saw it, then it doesn't matter if you close at the end of  
12 the year or any chosen day by the fishers, because we are not  
13 going to impact that much. It's almost kind of a sociopolitical  
14 issue more than anything else.

15  
16 **KATE QUIGLEY:** If you do it at the end of the year here, the  
17 revenue loss is 21,000 and so there is a little bit of a  
18 difference.

19  
20 **MIGUEL ROLON:** That's my point. The fishermen have been telling  
21 us all the time that Christmas is when they have the highest  
22 price per pound and since we are not only affecting them on  
23 whatever, then we could easily move out of that time of the end  
24 of the year and choose one that is more palatable by the fishing  
25 community.

26  
27 The mechanism that we have now is we have an ad hoc committee.  
28 Probably we would need to meet again to see the model and we  
29 also have the Advisory Panel, but you may have any other way of  
30 choosing.

31  
32 I believe that what we need now from the council is to, one, ask  
33 the question that Kate asked now or answer the question of  
34 should we pursue this further and number two is do you want to  
35 use it for other species? Then three is how can we use it to  
36 change if you want to change the present way that we choose the  
37 day that we close?

38  
39 Bill, what will be the next time that we may need to -- Are we  
40 talking about 2014? There's nothing we can do for 2013 if we  
41 use a model like this?

42  
43 **BILL ARNOLD:** We would like to apply this model in 2014 if it's  
44 ready and we will be making our 2014 seasonal closure decisions  
45 this fall for basically presentation and consideration by the  
46 council at their December meeting.

47  
48 **MIGUEL ROLON:** We are talking about lobster at this time or all

1 the other species?

2

3 **BILL ARNOLD:** We're talking about whatever happens to be over  
4 its ACL, which I was planning on talking about later in the  
5 meeting sometime.

6

7 **MIGUEL ROLON:** Mr. Chairman, then I believe that if you agree  
8 with the idea of using this model with the column that Graciela  
9 and Kate suggested to add and then use the model for all the  
10 other species and see how can we fit it for the 2014 season and  
11 that's one.

12

13 Then the second one will be if you have a mechanism in mind that  
14 you can use for choosing one of those days and third, we need to  
15 ask Shep or Roy, if the council adopts all of this and this is a  
16 tool that we use and we implement this, how do we do that? Is  
17 it by just an Executive Order or some modification? Do we have  
18 that in the framework to adjust the time of closure for 2014  
19 without doing anything else so far?

20

21 **SHEPHERD GRIMES:** That's a perfect segue, I guess. First, I was  
22 going to just remind you that National Standard 5 stipulates  
23 that decisions like this can't be based exclusively on economic  
24 allocation and so we would have to build in some other  
25 justification and I know we talked about social and social and  
26 economic are heavily intertwined.

27

28 I was going to ask you, relative to when you're talking about  
29 implementing this for 2014, this is going to require some  
30 regulatory mechanism to implement it. It's not clear to me from  
31 the discussion, the little bit of discussion we've had here  
32 today, exactly how you envision that happening.

33

34 You could look at this and you could look at it once and you  
35 could get the output from the model and you could say, okay,  
36 based on this for spiny lobster, it's better to have our  
37 accountability measures come in during -- I am just making this  
38 up completely, but during the summertime.

39

40 Then we're going to implement in the regulations, which would be  
41 whatever fishery management plan mechanism, but a proposed and  
42 final rulemaking process. It would say that for spiny lobster  
43 if you have an accountability measure closure, you're going to  
44 project harvest and you're going to have that closure in the  
45 summertime. That's one option.

46

47 Perhaps, and I haven't had much time to think about this or I  
48 haven't devoted much time to thinking about this, but another



1 way might be to set it up as part of your framework, so that  
2 every year or every two years or three years or whatever period,  
3 you would input the information into the model and say, okay,  
4 this is -- Last year, we ran it and our baseline year was 2009  
5 and we implemented these closures and we projected the  
6 summertime, but it didn't turn out to be like 2009 and it was  
7 more like 2010 and so for the following year or for the  
8 following two years, we're going to put 2010 in and that's going  
9 to suggest that we should have our closures more in the fall or  
10 whatever comes out if it.

11  
12 Then on a regular basis, you would just plug the new information  
13 into this model and see when it predicted you should close for  
14 the next year or the next two years, however you wanted to do  
15 it.

16  
17 If you're talking about the former, which means you're just  
18 going to do it one time and look at it and implement your  
19 closures in the summer until you change it again, I would say --  
20 I don't have your framework right in front of me, but that's  
21 probably something you can do via the framework.

22  
23 If you're going to add it to your framework as a process that  
24 you're going to do every year or every so many years, that would  
25 have to be a fishery management plan amendment, obviously,  
26 because it's not in your current framework. That was a very  
27 long answer in a series of questions and so if you didn't --

28  
29 **MIGUEL ROLON:** The season of 2014, if we find that it's in the  
30 framework, and I asked Graciela to look at it later, then it  
31 will be a one shot for 2014, but my personal feeling is that we  
32 should look at the second alternative that Shep has presented.

33  
34 We should have it an act of framework for looking at this so we  
35 have the model -- You need to accept the model, by the way.  
36 Once you have that model and you have the framework, then the  
37 model and the framework will dictate the days that you actually  
38 are going to close.

39  
40 Regarding the issue of National Standard 5, we will have to make  
41 sure that the biology of the fish is not affected. We have to  
42 write something to that effect, because the way the MSA is or  
43 was developed, we are responsible for keeping the resource  
44 healthy. That's our first goal and then our management measures  
45 could be modified by socioeconomic components, providing that  
46 they do not affect the first part.

47  
48 I believe that in the case of the lobster, we have a 3.5

1 carapace length and all that and so we may have a good rationale  
2 to use the socioeconomic model to drive the actual time that you  
3 close during the season and, Bill, do you think that if we have  
4 a one-shot approach, if we look at the framework, we'll be in  
5 time for 2014 if we adopt this model somehow?  
6

7 **BILL ARNOLD:** Do I think it will be ready for 2014? No, but it  
8 -- No, I don't think we can get it in place that quickly.  
9

10 **TONY BLANCHARD:** I think the model has got a lot of potential,  
11 but I just don't think that we should just jump at it instead of  
12 seeing exactly where it could go. We don't want to get tied  
13 into something that we ain't sure of yet and just like Miguel  
14 said, this could probably be used for other species the same  
15 way, but it's just a matter of tweaking certain things.  
16

17 We have to have flexibility, in my opinion, as to the years and  
18 as to how to look at it in different angles to be able to make  
19 this work instead of just saying, okay, this is a model and this  
20 is how it is. I think flexibility is what will make this work.  
21

22 **DAVID OLSEN:** I think you ought to have on the first page the  
23 economic impact of the 1231 option. One thing it seems like  
24 it's hard for you to accept is that basically the price is  
25 pretty constant all year long. It's not price that varies and  
26 you absolutely have to find some way to incorporate the market  
27 community issues in there from basically what Shep said. It  
28 can't just be purely economic in its allocation.  
29

30 I think that St. Croix was probably not the very best first  
31 thing to use, because it's not -- The lobster fishery there is  
32 not as strongly seasonal as it is in St. Thomas. There is  
33 really clear seasonality in St. Thomas while it's much more  
34 diffuse in St. Croix.  
35

36 The point Miguel raised about species flexibility, I think every  
37 species I have examined for St. Croix, species group, is going  
38 to have ACL overruns. I think it's an artifice of the ACL. We  
39 have been fishing at OFL for thirty years and then all of a  
40 sudden we've reduced that by 10 or 15 percent. We're almost  
41 automatically going to have ACL overruns for almost every  
42 species group for almost every year.  
43

44 You need to somehow find a way that this model can be easily  
45 converted from one species to another and then I think the  
46 question of the base year that concerns Tony I think is a really  
47 valid one and I think you need to establish some kind of  
48 mechanism whereby maybe the Advisory Panel itself addresses this

1 issue of the base year pretty early in the year and says this  
2 year is -- Boy, this is a weird year and I haven't been through  
3 this. 2006, for example, was calm weather all year long and  
4 there was no kind of weather issues.

5  
6 Finally, Miguel said something that kind of scared me. Miguel  
7 doesn't usually scare me, but he said the model would dictate  
8 the closure. I think that what we're hoping is that -- What  
9 we're hoping basically is the model provides options for the  
10 closure and the council or the Advisory Panel or whoever chooses  
11 among those options.

12  
13 **EDWARD SCHUSTER:** My comment might be a little bit out of  
14 context, but I'm going to say it anyway. When we decided to do  
15 spiny lobster, it was a species not being overfished. We did  
16 all of the species first and then we did spiny lobster.

17  
18 I can remember we said that the numbers that you have there,  
19 although it was reported on the catch reports and not enough  
20 port sampling being done to have the TIP data to compare it to,  
21 10 percent was taken off of it.

22  
23 At the time, there were fishers involved. Gerson Martinez was  
24 one of them and he keeps saying the numbers are too low. A lot  
25 of people around the table that have vested interest into here  
26 and representation, fishermen and department heads and all of  
27 that stuff, again, we're the only ones here being penalized and  
28 we cannot fill these positions within the government and you  
29 have people sitting around the table that represent the  
30 government of the VI and are not speaking up and saying exactly  
31 why these TIP data are not being done to compare it to the -- I  
32 mean port sampling to compare to what's being reported.

33  
34 The other problem that I have with it, and this might be for the  
35 economist, is there were licenses within our fishery that were  
36 not being utilized because people were employed in the refinery.  
37 It is a possibility that when the refinery closed for people  
38 that were employed by the refinery that they started to go back  
39 fishing of something what they used to do and caused these  
40 numbers to escalate?

41  
42 This is something where DPNR needs to stand up and say, wait a  
43 minute, this guy didn't fish for ten years or he was fishing  
44 occasionally on the weekends and now, all of a sudden, there's a  
45 catch report or maybe ten or fifteen catch reports now from  
46 people who were employed into Hovensa and have now come into the  
47 system.

1 Just don't sit there around the table and don't say anything,  
2 because now, again, your income is not being affected and your  
3 livelihood is not being affected, but the fishermen that have  
4 participated within these programs and scoping meetings again  
5 now have taken a punching to the rib.

6  
7 Shortened seasons are the important times and in a struggling  
8 economy, we're the only ones, and I'm going to keep saying this,  
9 that have never gone to the unemployment lines.

10  
11 **CARLOS FARCHETTE:** I like the model, but in speaking to the  
12 fishermen on St. Croix when it comes to the spiny lobster,  
13 what's really important to them is not only the loss of revenue,  
14 but the least amount of days that it can be closed is best for  
15 them.

16  
17 That's not to say they're going to get everything they want, but  
18 that's what they've all been talking to me about. Of course,  
19 revenue loss is one thing, but the least amount of days that a  
20 species can be closed is really important to them.

21  
22 What Schuster says is important to maybe research at Fish and  
23 Wildlife, whether people who have not used their license for a  
24 while and turning in no fishing, no fishing, no fishing or even  
25 went into sleeper mode and then activated and increased the  
26 catch is something that we'll probably look at also.

27  
28 **ROY PEMBERTON:** In response to Mr. Schuster's comment, we  
29 constantly look at the data to elucidate situations like that.  
30 We have not noticed anything of any Hovenssa employees or any  
31 fishermen all of a sudden coming out of sleeper status and are  
32 now putting down thousands of pounds of lobster on their catch  
33 reports.

34  
35 I can go back and research it again and see if that's the case,  
36 but in all actuality, the most people that we've had come out of  
37 sleeper -- Not come out of sleeper status, but most people that  
38 have come back to revitalize their licenses, we have gone in to  
39 find out why the rationale was that they're not coming in and  
40 doing the catch reports and we have not gotten any data from  
41 them to indicate that they were actually fishing but not turning  
42 in any catch reports.

43  
44 What we have asked is that if they're not actively utilizing the  
45 license to please put it on sleeper status so that we don't need  
46 to be pursuing them as an active member of the fishing community  
47 in that manner, but I will entertain Mr. Schuster's request and  
48 go into the system one more time and find out if this is the

1 case and check and see.  
2  
3 **CARLOS FARCHETTE:** I speak a lot to the fishermen and I am going  
4 to have to go back to them with this, because I think this is  
5 important for them to understand and try to do it the simplest  
6 way, so they can really get a feel for what this whole model is  
7 all about, but I do like it and I don't know -- I can say "so  
8 ordered" that we're going to use this model, but I don't think I  
9 can say that, but I don't know what the other council members  
10 want to do.  
11  
12 **MIGUEL ROLON:** You had better decide, because we're going to be  
13 staring at this for the rest of the afternoon. We need to know  
14 whether the model is something that you want to pursue or not  
15 and whether you're going to go with the other species.  
16  
17 **CARLOS FARCHETTE:** I absolutely like it.  
18  
19 **TONY BLANCHARD:** I say pursue it.  
20  
21 **BARBARA KOJIS:** I think the model provides a factor to be looked  
22 at. There are a number of other factors that also need to be  
23 looked at. There was the table that David Olsen had initially  
24 brought up and was put up on the screen by Kate.  
25  
26 I think that you can't look at the model in and of itself and  
27 when she presented the model, Kate presented the model, she also  
28 indicated a lot of options and so there were a lot of different  
29 days or weeks or numbers of days that could be used for closure.  
30  
31 I don't think this is something that necessarily stands alone.  
32 It is part of the decision making process and I think it's a  
33 good idea to have some idea of what the economic impact might be  
34 of your choices for closure times.  
35  
36 **CARLOS FARCHETTE:** Since we talked about using this model for  
37 other species, which I know we overran on triggerfish on St.  
38 Croix and so I think we also have to look at that.  
39  
40 **KATE QUIGLEY:** That's great. What I need is kind of a list of  
41 species you would like for December, optimally, and years or  
42 ranges of years that you would like looked at for each of those  
43 species. Right now, I have St. Croix lobster, St. Croix  
44 triggerfish, if the council agrees with that, St. Thomas/St.  
45 John grouper, and then we have Puerto Rico Snapper Unit 2.  
46  
47 That might be all I can handle for December, but basically, this  
48 is a copy and paste for those models, but I've got to make sure

1 it's right and so those are four different ACL units that you've  
2 mentioned and so that's good and then right now I have most  
3 recent year, the past three years, and David Olsen had mentioned  
4 a long-term average.

5  
6 If you have specific years you would like me to look at, that  
7 would be great. I can't do every single year combination.  
8 That's probably a waste of time, but if there are years that you  
9 would like me to look at, that's great and we can always change  
10 it in the future.

11  
12 **MIGUEL ROLON:** I have one question for Bill, but before, Kate,  
13 as an economist, what will be the most solid base years that you  
14 can use to make the model robust or that doesn't matter?

15  
16 **KATE QUIGLEY:** As an economist, I wouldn't know. I think the  
17 fishermen would have that information, where people have known  
18 the fishery for quite some time. It's going to vary by species,  
19 but if you want to have a broad base of something to choose from  
20 for December, then I would say you would want the most recent  
21 two years, perhaps, the past three years, a long-term average,  
22 perhaps the past five years. I think you would probably want  
23 those five options. That's just a range, but that's not from an  
24 economist's point of view. That just seems, to me, like a broad  
25 range.

26  
27 **MIGUEL ROLON:** Is that doable, what you just said?

28  
29 **KATE QUIGLEY:** Yes, very doable.

30  
31 **MIGUEL ROLON:** Okay, because that would be my recommendation,  
32 following what she just said and what Dr. David Olsen was  
33 mentioning before. That will accommodate the concerns that he  
34 presented and then we will have the best available information.

35  
36 Then the question to Bill is you said during the fall you will  
37 know, more or less, the species that will go over the limit that  
38 we need to address in 2014 or did I hear wrong?

39  
40 **BILL ARNOLD:** We're going to have a presentation at this meeting  
41 on where we are landings-wise relative to the ACLs and I suggest  
42 you wait until that presentation is over and that will give you  
43 the guidance you need to choose which species you want to have  
44 Kate include in the further development of her model. We can do  
45 that any time you want. That's Other Business and so whenever  
46 it fits into your agenda.

47  
48 A general comment is, and this may or may not be necessary, but

1 I just want to remind you the impetus for this was to get away  
2 from starting everything December 31 and counting back. Whether  
3 you use this model or any other scheme, I believe the council  
4 wants to come up with something to get away from that December  
5 31 start point.

6  
7 Whatever it is, we need to have some mechanism in the  
8 regulations that's clearly laid out and pre-identified, so that,  
9 like any other accountability measure, when the problem arises  
10 you've got this solution that you apply. Like I said, it may  
11 not be the model or maybe it will be, but you want to come up  
12 with something.

13  
14 **MIGUEL ROLON:** My personal feeling is that we should do  
15 something that can be defended in court and usually lawyers like  
16 to see documentation of whatever we do that will be supported by  
17 science and it will be supported by sometimes commonsense too,  
18 but the only tool that we have now in our toolbox is this one  
19 plus the advice of the ad hoc committee and/or the Advisory  
20 Panel, because whatever we do here, we need to go back to the  
21 people who are actually fishing out there to provide the  
22 realities of life of what is happening.

23  
24 What I am proposing, Mr. Chairman, is that if you do adopt this  
25 strategy today that we get a motion of by just keeping silent  
26 and allow the Chairman to do it that Kate will proceed with a  
27 model with three or four options for the base years that she was  
28 talking about.

29  
30 She will expand it to other species and then by December and  
31 March, you will be able to have a better understanding of the  
32 behavior from the socioeconomic point of view of the species  
33 that we are dealing with.

34  
35 In addition, we need to have the -- I brought all the Advisory  
36 Panel members here, by the way, the ad hoc committee members, so  
37 they would hear this, but once she is ready with another model,  
38 maybe this group should meet again and go over in detail the  
39 peculiarities of the models and then recommend to the council  
40 one action or another. That way, you organize your thought in a  
41 way that will make sense for the way things are going. It will  
42 be 2015 and over. 2014 is pretty much set.

43  
44 **TONY IAROCCI:** Kate, welcome to the Caribbean. It's a pleasure  
45 to -- After I think we worked together for six years in the  
46 South Atlantic and I think this model has a lot of potential and  
47 I agree with Tony that I think flexibility is the key here, with  
48 the years and the species.

1  
2 I also heard recommendations earlier of bring the fishermen in  
3 early and the Chairman did state about going back to the  
4 fishermen and I remember you did some work earlier on in the  
5 South Atlantic and we were able to come up with short versions  
6 of potential management measures.

7  
8 I would love to see you work with maybe council staff and come  
9 up with something in English and Spanish, fishermen friendly,  
10 for them to understand this model and this concept of how to  
11 address the closures, because I think that will be very  
12 important to bring them on, so they understand this process  
13 early on and to move forward clearly.

14  
15 **CARLOS FARCHETTE:** Thanks, Tony. I know that lobster is very  
16 important and in talking to the fishermen, when they heard the  
17 triggerfish is also overrun and that's even more days being  
18 closed in the lobster, it kind of shocked them and they're  
19 asking me how did this happen and I said it's your data and so I  
20 need to be able to go back to them with this and have some more  
21 conversations, but right now, I don't know and do you want to do  
22 this with a motion?

23  
24 **MIGUEL ROLON:** I was going to ask Shep if we need a motion for  
25 something like this or just by consensus people let the staff  
26 keep working on it?

27  
28 **SHEPHERD GRIMES:** Yes, that's fine.

29  
30 **MIGUEL ROLON:** Okay, because that way, Mr. Chairman, you don't  
31 have to have a motion and I believe that the staff understands  
32 the essence of what the council is pursuing at this time and  
33 then at the December meeting, we will have another presentation  
34 by Kate on an update on the model and how it behaved.

35  
36 Please allow the Chair to convoke the ad hoc committee or the  
37 Advisory Panel whenever Kate is ready, so we can go and have a  
38 meeting where she can present the model to this group. Maybe we  
39 can have an ad hoc and advisory panel joint meeting, because  
40 some of the members are the same, except for Tony and he is now  
41 higher up. Then by December, you will have a full presentation  
42 and you can go to something else.

43  
44 **TRAP REDUCTION PROJECT REPORT**

45  
46 **CARLOS FARCHETTE:** Okay. Thank you, Kate. Great job and now  
47 we're going to go to Trap Reduction Project Report and Julian  
48 was going to do that, but since he is out, I would think that



1 Roy Pemberton would give an update. I know that the St. Croix  
2 trap reduction plan has been signed off by the Commissioner and  
3 we're just pending a little review by her for the St. Thomas.

4  
5 **ROY PEMBERTON:** I don't have much to say on it, other than that  
6 FAC put forward several recommendations on the St. Thomas plan.  
7 Overall, they liked the plan very much in terms of the  
8 allocation and the breakdown. They just had some concerns about  
9 how the whole process evolved. There were some issues in terms  
10 of how they got the information together and how it developed  
11 into the plan.

12  
13 We had a lot of assistance in terms of highlighting the major  
14 issues and why things didn't work out the way they wanted them  
15 to from the Trap Reduction Committee with former council member  
16 Mr. Winston Ledee and also Daryl was a part of that process as  
17 well and they provided a lot of good information to the  
18 committee members. They really appreciated that.

19  
20 Overall, I don't think they've made -- How would I say it? I  
21 don't think they've made any kind of crazy decision on the plan  
22 to kind of X the whole thing in half. Its merit is how it is  
23 and they were instructed that they either had a recommendation  
24 or not or move the plan through as is. It wasn't for them to  
25 kind of create new plans or come up with other alternatives or  
26 anything like that, but it just had the deal that was on the  
27 table and whatever specific issues, I kept readdressing them to  
28 deal with that at a later date in terms of another FAC meeting  
29 separate to the plan, but what was in front of us was what we  
30 had to deal with.

31  
32 Right now, it's being logged and put together and formulated to  
33 the Commissioner to go to her office, so that she can then make  
34 it a formal part of the process in terms of signing them in,  
35 just like we did the St. Croix program. As far as the FAC is  
36 concerned, they are ready to move on to other issues in St.  
37 Thomas.

38  
39 **CARLOS FARCHETTE:** That's good news, because that's all we were  
40 waiting for to complete the Trap Reduction Committee, both for  
41 St. Thomas/St. John and St. Croix. I know St. Croix is  
42 completely done and approved by the Commissioner and so I guess  
43 now, since it's being forwarded to the Commissioner, she can  
44 make her decision and sign off and get this over with.

45  
46 **MIGUEL ROLON:** Once you have finished the U.S. Virgin Islands  
47 process of adopting the trap reduction program, then the next  
48 step will be to present it officially to the council and I

1 understand, from what you just said, that probably maybe by the  
2 December meeting that you will be able to do so, if everything  
3 goes smoothly.

4  
5 At least in the case of St. Croix, you already have the benefit  
6 of the signature of the Commissioner and so the question is does  
7 the council need to do something here or in 2014 to adopt  
8 compatible regulations regarding this project or just leave it  
9 as just at the local government level?

10  
11 **ROY PEMBERTON:** This plan will be probably implemented right  
12 away in the territorial EEZ, our territorial waters, but the  
13 federal would have to adopt it as they see fit. How long is  
14 that process going to take? That's not something that is going  
15 to be as fast as our process.

16  
17 **CARLOS FARCHETTE:** Right and we still have some work to do when  
18 it comes to the tagging and the inspection of these traps and  
19 making sure that what the fishermen have identified as the  
20 quantity they have is the quantity and so this process is going  
21 to take a little while and probably in the meantime, the EEZ can  
22 work on -- I guess it's going to take at least a year, right?

23  
24 **ROY CRABTREE:** I think what we need is to see some draft rule  
25 language from you guys in terms of your regulations and where  
26 that's going. I am assuming what happens is the Commissioner  
27 will approve this and then you'll go out with some sort of  
28 proposed regulation and there will be a public comment period.

29  
30 I would say once you have draft regulations written, that is  
31 when we need to take a look at that, so that we can figure out  
32 what we're going to need to do. Then when we see the scope of  
33 that and how complicated and involved it gets, we can start  
34 working up a timeline.

35  
36 **CARLOS FARCHETTE:** Good point, because I do know that there are  
37 some other things that we're going to be looking at, like the  
38 trap vents. All of these are going to have to be rules and  
39 regulations that have to be implemented not only with the trap  
40 reduction, but the trap vents and the tagging and all that stuff  
41 and so I think the Commissioner or I should say Roy is going to  
42 have a lot of work on his hands.

43  
44 **TONY IAROCCHI:** One thing I want to make perfectly clear is a lot  
45 of people put a lot of work into this on both St. Croix and St.  
46 Thomas and it's still an ongoing process on St. Thomas, but  
47 don't forget we still have the appeals process we have to go  
48 through to finalize this.

1  
2 Once this plan is done, a formal appeals process has to follow  
3 up, because there has been members of the FAC -- Just remember,  
4 this is a limited access program, a trap reduction plan. It  
5 doesn't make people happy and a lot of people that weren't  
6 involved traditionally in this fishery that wanted to be  
7 involved or got in after the control date are left there in  
8 limbo, so to say, and so we're going to have to deal with that.

9  
10 One is we do advertise for the appeals, but we have to come up  
11 with a formal appeals form and then go through the process and  
12 then we'll see how many people do that fell through the crack  
13 and I think there's two or three, and, Roy, correct me if I'm  
14 wrong, that are members of that FAC that are questioning this  
15 and there are members of the Steering Committee here from St.  
16 Thomas if they do want to add to that. You have been involved  
17 in the process too and Tony and everybody has put a lot of time  
18 into this and I'm glad it's finally on the Commissioner's desk.

19  
20 **MIGUEL ROLON:** It doesn't have anything to do with us, but it  
21 has to do with something important. Julian Magras is at the  
22 hospital. Genio was able to get very competent surgeons and  
23 doctors and it doesn't have anything to do with -- He has a clot  
24 in his brain and so they have to drain it and they changed all  
25 the medicines that he was taking, because they were not helping  
26 and they were causing the problem. He is in good hands and the  
27 prognosis is a total recovery and so I believe that we will have  
28 Julian for some time.

29  
30 **CARLOS FARCHETTE:** Wow, that didn't sound too good, but I am  
31 glad he is going to recover. Next on the agenda is David Olsen  
32 and he has the next two topics.

#### 33 **RESULTS OF RED HIND/GROUPER ANALYSIS**

34  
35  
36 **DAVID OLSEN:** We, given the accountability measure and the fact  
37 that I couldn't get a Freedom of Information Act request  
38 completed, looked at the question of the St. Thomas groupers.  
39 Now, currently, in our most recent study, the trap vent study,  
40 the groupers were basically 97 percent red hind, but,  
41 historically, there has been other species in the beginning.

42  
43 This is the data that we had. We had the catch reports. When I  
44 first designed the reporting system, we had a category called  
45 "Snapper/Grouper" that was in the database from 1974 until 1999.  
46 We had the catch reports by fishing method from 1974 to 2012 and  
47 then from 1997 through 2012, reporting became by family groups  
48 and we had grouper landings from then.

1  
2 Then we had port sampling from 1979 to 2012 and we had the  
3 studies we've carried out in 2005 to 2006, 2006, 2008, and 2010  
4 to 2012. We had Rick Nemeth's Red Hind Bank studies as  
5 published, which included data up to 2005. We did not have  
6 Rick's data post-2005 and at the end of the thing, I will talk  
7 about why it's pretty interesting, the results that we came up  
8 with. Then we had the original Nassau grouper spawning  
9 aggregation study from 1974.

10  
11 Now, if you take the finfish landings in St. Thomas, there are  
12 basically four or actually three with a tiny bit of diving,  
13 fishing methods employed: traps, line fishing, and nets, seine  
14 nets.

15  
16 If you take the snapper grouper data, I was just telling Daniel  
17 Matos how I envied Puerto Rico for the continuity it has within  
18 its program. We took the snapper grouper landings and looked at  
19 them, where the white line up there is the total landings for  
20 all the fishing methods and the original snapper grouper and the  
21 unclassified fish and not snapper grouper and you can see that  
22 we had a little period of time, until 1982, when we were getting  
23 reports of the snapper grouper category and then I don't know  
24 who was Director in 1990 to 1992, but they reappeared and  
25 basically, it was not possible to separate out the grouper from  
26 that and we didn't go any further with that.

27  
28 That's a problem in all of the St. Thomas programs, is that  
29 whoever was the Director at that time -- Like I said, in 1982, I  
30 left and nothing happened in terms of landing snapper and  
31 grouper, but just somehow it wasn't a priority for Fish and  
32 Wildlife to collect that data.

33  
34 These are the reported grouper landings from 1997 to 2012 by  
35 fishing method and you can see that it's primarily a trap  
36 species with some line fishing and a little tiny bit of  
37 basically unspecified gear.

38  
39 Now I took the species composition for each fishing method from  
40 the TIP data and figured out the percentage of grouper in that.  
41 This is the diving fishery, which, as I said, doesn't really  
42 land much in the way of grouper. This is the line catch that  
43 catches a little bit of grouper and this is the trap catch and  
44 the seine net catch, which basically doesn't catch grouper.

45  
46 I took the total grouper landings and I estimated for each  
47 fishing method the percent grouper by method times the landings  
48 for that method and I got a series going back to 1974 to 2012

1 and when I took the landings data that the Science Center  
2 provided from 1997 to 2012, you can see the landings, as  
3 reported by family group, are coming out pretty similar to this  
4 long-term figure for the grouper landings.

5  
6 One of the National Standard requirements is not only to prevent  
7 overfishing, but to achieve, on a continuing basis, the optimum  
8 yield and I am arguing that the way the ACLs are acting that we  
9 are not even considering optimum yield.

10  
11 Now, if you take the long-term estimate of grouper landings from  
12 1980 to 2012 and take one standard deviation, and those are the  
13 vertical error bars, you can see that almost the entire time in  
14 that period of thirty-two years that grouper landings have been  
15 consistently within one standard deviation.

16  
17 The white line is the three-year moving average and the three-  
18 year moving average stayed within that period, but when you draw  
19 the ACL, and this is the revised ACL following the removal of  
20 grouper and snapper from the overfished thing, that only one  
21 year were the landings below the ACL. This means, if this catch  
22 tendency goes on, that every single year there is going to be a  
23 grouper exceedance, despite the fact that landings have really  
24 been pretty constant over a long term.

25  
26 When you take the closure that we're talking about, you're  
27 talking about a closure starting on December 31 and December and  
28 November are relatively low landings periods. If the closure  
29 had been someplace between July and October, when the catch  
30 rates were higher, it could be shorter and it would not be in  
31 the middle of the Christmas season, which, as Tony pointed out  
32 in St. Croix, is those hinds are his Santa Claus.

33  
34 I heard the term "arbitrary and capricious" about moving the  
35 closure period, but I can't imagine anything more arbitrary and  
36 capricious than choosing the last day of the year without any  
37 consideration of one of the major seasonal aspects of life in  
38 the western world.

39  
40 The average size of red hind, outside of a period in the early  
41 1980s, where I think the Fish and Wildlife Director, Jim Beets,  
42 practically panicked and said the entire Virgin Islands fishery  
43 was on the verge of collapse and there was a symposium that they  
44 ran because they thought the fishery was going to collapse.

45  
46 From my study of the Nassau and the hinds, average sizes outside  
47 of this period, when clearly after the collapse of the Nassau  
48 fishery St. Thomas fishery really hits the hinds as a

1 substitute, you've gone into this period where you've got a  
2 fairly constant average size and from Nemeth's work, which we'll  
3 see later, you've gotten quite a significant rise in the size of  
4 the fish at the spawning aggregation.

5  
6 I calculated total mortality from the catch curves by the method  
7 I've shown before and I will show it tomorrow and the total  
8 mortality rate during this period after the collapse of the  
9 Nassau spawning aggregation was very high, higher than at any  
10 other time in the history of this fishery.

11  
12 Interestingly enough, since the Hind Bank MCD was established,  
13 there has been a fairly consistent rise in the total mortality  
14 rate of the fish in the TIP-sampled data. The total mortality  
15 rate and the fork length shows the more mortality is, the fish  
16 are smaller and that is a statistically significant correlation.

17  
18 Now, if you take -- This is from Josh's model, which if anyone  
19 has any questions about his model, I will give you his phone  
20 number, because I am not really equipped to answer it, but this  
21 is basically the model that you accepted at St. Croix. Bonnie  
22 proposed that they take this approach to modeling resources and  
23 he has come up in the spawning aggregation -- This is from my  
24 work on the grouper bank and this is from Rick's stuff.

25  
26 You can see the spawning fish are larger than the fish in the  
27 TIP sampling and this is the size at 50 percent maturity.  
28 They're never getting close to the size at 50 percent maturity.

29  
30 The grouper abundance indices from his model show that the Hind  
31 Bank density is peaking in about 2003 and the CPUE is kind of  
32 fluctuating, the red hind trap CPUE, and the grouper bank CPUE  
33 from 1998 is fluctuating.

34  
35 Now here are the implications that have come from the analysis  
36 that he did and the analysis that we did. The problem with it  
37 is that the data are really fragmented. The missing ten years  
38 in the late 1990s and early 2000s of port sampling really  
39 affects what can be said and it prevents Josh from running a  
40 full-on model. Also, we did not have Rick's data from 2006 to  
41 present and that definitely needs to be examined.

42  
43 The dominant species in this group at present is the red hind.  
44 As I said, it was 97 percent and if you look at the TIP data,  
45 it's up there in the ninety figure at present. The average size  
46 of red hind during this aggregation has increased dramatically  
47 since the temporary and then full closure. The average size of  
48 red hind in the catch has also been increasing and is well above

1 50 percent maturity. The density of red hind at the aggregation  
2 has also increased markedly since the full closure of the MCD.

3  
4 Now, those are not things that would characterize an overfished  
5 fishery and so we have had problems estimating the total number  
6 of trap hauls and I will talk about that a little bit in the  
7 lobster program and that information really needs to finally be  
8 resolved, because the trap fishing is the dominant fishing  
9 method.

10  
11 The catch per unit effort data present a different picture than  
12 the size data. Since 2004, when data collection became  
13 sufficient, CPUE has been gradually declining, while total  
14 mortality, as I pointed out, has been decreasing.

15  
16 The catches on the complex peaked in 2000 and troughed in 2007  
17 and peaked again in 2009 and then dropped again. There are no  
18 signals in the CPUE indices that this would mirror any changes  
19 in the fishing pressure, although until we can resolve this  
20 issue of the trap hauls, it's hard to say anything.

21  
22 I have talked with Rick Nemeth about what has happened and he is  
23 pretty much of the opinion that the spawning aggregation on the  
24 hind bank has kind of reached an equilibrium level and that  
25 there are year-to-year variations and more or less the year-to-  
26 year variations correspond to these years here.

27  
28 Around 2004, there was a peak on the bank and after that -- The  
29 females only come every other year and there was a decrease in  
30 the number of fish on the bank and then it has peaked again and  
31 so we're starting to see, in the landings data, trends which are  
32 mirroring what's happening on the bank itself.

33  
34 Now, it's of his opinion that the revised overfishing limit  
35 would be about right as an ACL and that the fishing pressure  
36 since the 2000s, while leading to a general decline, has not  
37 shown any decreases in size or anything like that and so  
38 certainly data is an issue.

39  
40 The red hind is the key to this and since currently the red hind  
41 basically is the grouper landings -- There is a little bit of a  
42 couple of other species, but not much and the port sampling, we  
43 really need this port sampling.

44  
45 It's always a problem to reconcile the requirement that  
46 fishermen report four times a year with the capacity of Fish and  
47 Wildlife to sample that much and I say over and over and over  
48 again that the port sampling needs to initiate from Fish and

1 Wildlife. They need to say when fishermen are going to be port  
2 sampled and not wait for fishermen to decide they would like to  
3 be port sampled.

4  
5 Here are the recommendations that have come out of this  
6 analysis. One, it's our opinion that the overfishing limit  
7 should serve as the ACL guide and that that should basically  
8 serve as the reference for fishing. This would allow for a 10  
9 percent increase in landings, ideally, but every year, we think  
10 that Dr. Nemeth should be funded to carry out a survey of the  
11 Hind Bank and normally these take place fairly early in the  
12 year, in February to March.

13  
14 Following the survey, the results should be assessed and the  
15 ACLs should be adjusted. On years when there is a lot of fish  
16 on the Hind Bank, the ACL could be closer to the overfishing  
17 limit and on years when there is fewer fish on the Hind Bank,  
18 the ACL could be lower.

19  
20 **MIGUEL ROLON:** David, could you repeat that again? Do you mean  
21 OFL should serve as the ACL guide versus the ABC? Could you  
22 expand on your recommendation there? What do you mean by the  
23 ACL guide?

24  
25 **DAVID OLSEN:** I guess what I do mean is the allowable biological  
26 catch. Somehow ABC is not part of my vocabulary.

27  
28 **MIGUEL ROLON:** So what do you mean by OFL should serve as the  
29 ACL guide?

30  
31 **DAVID OLSEN:** We think the allowable biological catch should be  
32 very close to the overfishing limit, but should be adjusted on  
33 an annual basis, based on this survey of the Hind Bank. We  
34 think that fishermen should be involved in this review and  
35 adjustment and that the CFMC should not only ensure funding for  
36 Dr. Nemeth's work, but should establish the mechanism to  
37 incorporate this survey on an annual basis.

38  
39 This is not an unusual approach. This is the way Alaska king  
40 crab are managed and it's the way salmon are managed. There is  
41 pilot fishing to ensure escapement up the streams and then the  
42 fishery is let go, but we think that this will create a much  
43 more dynamic and flexible form of management, but one in which a  
44 lot more information richer than the current fixed ACL, which,  
45 in essence, is going to be exceeded every single year. That's  
46 all of that.

47  
48 **CARLOS FARCHETTE:** Any questions for David?



1  
2 **TONY BLANCHARD:** I don't really have a question, but I've just  
3 got a statement and a question to ask Bill. What would be so  
4 bad about using Dave's approach? Remember if the ACL is  
5 supposed to be flexible according to what the fishery is doing,  
6 what's wrong with this approach?  
7  
8 **BILL ARNOLD:** I did not say anything was wrong with this  
9 approach. This approach would have to be vetted through  
10 scientific channels, particularly the SSC, but I am not going to  
11 sit here and say no, this can't happen. I am also not going to  
12 say yes, it can, but I think it's an interesting presentation  
13 and although I'm not the arbiter of this, I think it's probably  
14 worth consideration.  
15  
16 I have said many times we need to make these ACLs adaptable,  
17 because things are changing constantly and I have to be as  
18 concerned or more so than anybody about just setting an ACL out  
19 there and forgetting about it. I think that's a terrible  
20 approach, but I don't think I'm the only one that feels that  
21 way.  
22  
23 **ROY PEMBERTON:** Dr. Olsen, my question has to do with the  
24 second-to-last point about using funding to ensure that the  
25 survey for Nemeth's work continues. How long does it take him  
26 to do the assessment? Do you have any idea about the timeline  
27 on that?  
28  
29 **DAVID OLSEN:** It's a matter of days and it's a survey. In terms  
30 of financial investment, I can't speak for Rick, who has to fund  
31 the boat and the divers and the university overhead, but I would  
32 guess that it's closer to \$10,000 than \$100,000.  
33  
34 **GRACIELA GARCIA-MOLINER:** David, you are going to be present at  
35 the SEDAR red hind in St. Thomas, the data workshop, right,  
36 because that's where most of the --  
37  
38 **DAVID OLSEN:** I haven't decided about that yet.  
39  
40 **GRACIELA GARCIA-MOLINER:** The SEDAR-35 is specifically about red  
41 hind and one of the issues has to do with bringing all of the  
42 data that had not been used before for assessments into the  
43 arena, so that it can be actually used.  
44  
45 **MIGUEL ROLON:** Did you invite Dr. David Olsen, because given the  
46 time of the day and we are missing three council members, this  
47 recommendation, as Bill said, can go through the process and  
48 maybe we can present this and invite David to the next SSC

1 meeting and discuss it there and see if we can have a  
2 recommendation one way or the other.

3  
4 Also, about the SEDAR, I know that David doesn't like SEDAR that  
5 much, but this is one place that they are going to review all  
6 the approaches and all the data and all the models that can be  
7 used for this fishery and I would encourage David to go to both  
8 and then, if so desired, then the council can instruct the staff  
9 to put that in the agenda of the possible meeting of the SSC  
10 between here and December, the next SSC meeting.

11  
12 I know that the plate is full for the next SSC meeting that we  
13 were discussing this morning, but this is important and we can  
14 add that to the agenda.

15  
16 **GRACIELA GARCIA-MOLINER:** Rick will be at the SEDAR meeting also  
17 and he had supplied the data to the Southeast Fisheries Science  
18 Center and so that's ongoing and so maybe the SSC can see a  
19 presentation from David and Rick regarding that specific  
20 information. SEDAR is the week of October 9 to 11 and then the  
21 SSC we were thinking might meet the week of November 12 to 15.

22  
23 **MIGUEL ROLON:** David, have you covered both of your  
24 presentations?

25  
26 **DAVID OLSEN:** No.

27  
28 **MIGUEL ROLON:** Do you have the second one?

29  
30 **DAVID OLSEN:** Yes, but I can do it tomorrow morning.

31  
32 **MIGUEL ROLON:** That's what I was going to suggest, because we  
33 have to break now and allow the other council members to come  
34 back and the first thing in the morning, we can push one agenda  
35 item so David can give the first presentation at 8:30. Here, we  
36 need your recommendation. Do you want to pursue this?

37  
38 **DAVID OLSEN:** We could finish that discussion so you could get  
39 on with your thing. We could open with this if you wanted.

40  
41 **MIGUEL ROLON:** Let them make the decision now, so you don't have  
42 to do it again. I don't think that you need a big motion for  
43 this, but it would be nice to have a little one, so the staff  
44 will have a directive from the council as to how to proceed.  
45 The motion will be to submit this recommendation for regulation  
46 to the SSC and then report to the council at the next meeting.  
47 Is anybody interested in that language so we can write it or  
48 will you just leave that to the discretion of the Chair?

1  
2 **ROY PEMBERTON:** **So moved.** I would think that would go without  
3 saying.  
4  
5 **MIGUEL ROLON:** The motion by Roy Pemberton is to submit to the  
6 consideration of the SSC the recommendations by Dr. David Olsen  
7 on the red hind fishery and the approach to ACLs. We need a  
8 second. Roy, are you happy with the language or do you want to  
9 change or make any modification?  
10  
11 **PHIL STEELE:** Miguel, just a friendly, but I would suggest "to  
12 submit for consideration by the SSC recommendations submitted by  
13 Dr. Olsen".  
14  
15 **MIGUEL ROLON:** Roy, do you agree with the friendly change of  
16 language?  
17  
18 **ROY PEMBERTON:** **Yes, that's appropriate.**  
19  
20 **MIGUEL ROLON:** Who seconded the motion?  
21  
22 **TONY BLANCHARD:** I will second the motion.  
23  
24 **MIGUEL ROLON:** Second by Tony Blanchard.  
25  
26 **CARLOS FARCHETTE:** Any further discussion? We will take it to a  
27 vote. **All in favor say aye; anybody opposed. Hearing none, the**  
28 **motion carries with five yes and two absent.**  
29  
30 I want to thank everybody for attending the meeting today and  
31 next on the agenda will be the Administrative Committee meeting  
32 and we will do a five-minute break.  
33  
34 **MIGUEL ROLON:** The meeting is open to the public, but usually  
35 people don't like to hear things about numbers and so we will  
36 have five minutes so you can rearrange yourselves.  
37  
38 (Whereupon, the meeting recessed on August 13, 2013.)  
39  
40 **ADMINISTRATIVE COMMITTEE MEETING**  
41  
42 **CARLOS FARCHETTE:** This is the Administrative Committee meeting  
43 and the Budget Update.  
44  
45 **MIGUEL ROLON:** Thank you, Mr. Chairman. Very briefly, I asked  
46 Angie to prepare a budget update of what we have. You know that  
47 due to the sequestration that all the councils received less  
48 funding than last year, but then some fiscal issues came up and

1 NMFS was able to send back to the councils some money and so we  
2 received around \$300,000 that was added to what we have so far  
3 and it seems that we are okay.

4  
5 We will be able to finish the 2013. Remember, this is a five-  
6 year cycle and 2014 will be the last one of this five-year and  
7 it is suspected that from 2013 to 2014 that our carryover will  
8 be -- Actually, it will be informed to you in December, but it  
9 will be around \$200,000 or probably more, depending on what the  
10 council's obligations will pan out, because Angie has to  
11 obligate funding as per estimated costs, but sometimes when you  
12 -- For example, the meeting that we are going to have in Miami,  
13 the WECAFC meeting, if we have less or more people, then the  
14 budget allocated for that meeting will change and we will know  
15 that right after the Miami meeting.

16  
17 We have word from the other Executive Directors -- We had a  
18 conference call yesterday and as we speak, they are working and  
19 talking to key people in Washington as to what is going to  
20 happen or is expected to happen in 2014.

21  
22 The word out is that we might reduce 10 percent. We might be  
23 all reduced by 10 percent and the question came up of can you  
24 survive with 10 percent and if you can, keep your mouth shut,  
25 because we're going to be fighting for all this money.

26  
27 All the councils, working with NMFS, we have tried to secure  
28 enough funding for finishing up 2014 at the level of 2013 and if  
29 that doesn't happen, then each council has to send a note that  
30 10 percent less means that we are not going to do A, B, and C.

31  
32 In this council, we are okay and actually, my worry is that the  
33 other -- Actually, I will not know until probably somewhere in  
34 2014 how much money will be obligated and used in 2014. We may  
35 end up having more money than we have spent in 2014 and that  
36 money has to be sent back to Washington and that's something  
37 that people hate, but we are trying to do our best.

38  
39 So far, what we have been able to do in these five years is to  
40 allocate funding for research to help the fishers and the local  
41 scientists, like David Olsen and the Trap Reduction Program.  
42 Tomorrow, you will hear from Dr. Scharer and Dr. Richard  
43 Appeldoorn on some ongoing projects.

44  
45 We might be able to identify some other projects in 2014 that we  
46 can carry out that will help the management of the fishery in  
47 the U.S. Caribbean. In addition, we have been helping the local  
48 governments, Puerto Rico and the Virgin Islands. In the case of

1 the Virgin Islands, my worry is that you have not used your  
2 \$35,000 and if you don't use it and it comes back, I have to  
3 send it over to Washington and then in the next five-year cycle,  
4 they will look at me and say you don't need that much money and  
5 so this is what we're going to give you in five years. We  
6 should do our best to use that money wisely.

7  
8 We identified also a list of outreach and education and that's  
9 why I asked Dr. Alida Ortiz to stay with us, in case you have a  
10 question, but the Outreach and Education Panel is working very  
11 hard to do as much as possible in 2013 and 2014 to move forward  
12 with outreach and education projects and materials that we need  
13 and we can identify some of the projects that they are working  
14 on and tomorrow, you will hear from Dr. Alida Ortiz specifically  
15 as to those projects.

16  
17 We also have identified \$10,000 that if Puerto Rico decides to  
18 go with Dr. David Gonzalez's proposal, they will need some seed  
19 money to implement that, which is a project to digitize, as much  
20 as possible, all the data that they collect from the fishers and  
21 the fishing villages and so they will have a way similar to what  
22 the Ecotrust is proposing for the U.S. Virgin Islands for the  
23 local government of Puerto Rico.

24  
25 Dr. Garcia and Dr. Gonzalez and Daniel Matos, they will have a  
26 meeting with Jeannette Ramos also and I believe here and  
27 December that you will have some recommendation from Puerto Rico  
28 as to how do you want to proceed. If that happens, you can come  
29 with that money and you have to use it between here and  
30 December.

31  
32 The other projects all belong to the outreach and education. We  
33 have identified an issue of *Fuete y Verguilla*. *Fuete y*  
34 *Verguilla* is a specialized magazine of Sea Grant and we made a  
35 promise to Alicia Barnes some time ago, two or three years ago,  
36 to have the heritage of the fishery of the U.S. Virgin Islands  
37 depicted in the press, magazines, and videos. That is to  
38 capture that information that tells us about the history of  
39 fishing people, fishers and fishing villages, in the U.S. Virgin  
40 Islands.

41  
42 We have identified, with the help of Lia, a lot of material that  
43 can be used and so we have allocated some \$10,000 for the  
44 interviews and Carlos is helping the interviewers to reach out  
45 to some of the local fishers in St. Croix and as the money  
46 allows to do it, then they will go to St. Thomas and St. John  
47 and interview the fishers there and to use those interviews for  
48 a 2014 special issue of the St. Thomas/St. John fisheries.

1  
2 We have a special edition then and once we have all the  
3 interviews, they will be included in the magazine and it will  
4 have a small video that will include the interviews with the  
5 fishers and managers. We will knock on the door of Roy  
6 Pemberton and ask him about his family and his fishery tradition  
7 and Alicia Barnes also, because we want to hear from the  
8 managers' point of view and we also have a project that was  
9 suggested by Lia and the group which is a day in the life of a  
10 fisher.

11  
12 We will follow that fisherman from the sea where he or she is  
13 fishing all the way to the consumer, to the table, and you will  
14 see, through this video, that we will be able to talk about how  
15 a fisherman sees the management process and how they interact  
16 with the management process and do they know about fishery  
17 council management actions and do they have questions and those  
18 kinds of things.

19  
20 We would like to do it as impartial as possible, meaning that  
21 the interviewers will allow people to talk about whatever they  
22 want to say and we will edit as little as possible, so you will  
23 have the raw material for everybody to evaluate.

24  
25 Tomorrow, you will see a presentation by Lia and a couple of  
26 associates of the U.S. Virgin Islands community that deal with  
27 videos. They have a fantastic video that can be used for  
28 promoting conservation of corals and habitat and there's calypso  
29 music and it's original and you can see the corals dancing to  
30 the music. It's amazing what they did.

31  
32 Then they have also, and you will see it tomorrow, the Fishery  
33 Association of Yabucoa is working with other institutions and  
34 the council and the local government in developing a prototype  
35 for an octopus trap and a lobster trap that is more effective in  
36 allowing the fishery of these two animals without causing that  
37 much harm to the environment.

38  
39 Right now, the most common fishing method is using bottles and  
40 that affects the corals and so the fishermen of Yabucoa  
41 themselves came up with these ideas and actually, it's  
42 interesting because you will see Hector Padro and others and  
43 these guys have been able to communicate with people from Spain  
44 and from Portugal and everywhere that they have the fishery  
45 through the internet and so they have a lot of information and  
46 they digest all the information and you will see tomorrow what  
47 they have. They also have an artificial reef, but so far what  
48 we can help them with is the \$10,000 for the trap.

1  
2 Then we are working on a school manual for teachers and this is  
3 something similar to what the Western Pacific Council started  
4 some years ago and Dr. Alida Ortiz participated and also Dr.  
5 Alida Ortiz has done this with other groups.

6  
7 The idea is that we will follow the -- Well, there was a meeting  
8 a long time ago and if you want to really be effective in  
9 outreach and education, you have to go from K to 12 and you have  
10 to address issues with schools and school teachers and that way,  
11 your outreach and education is for long-term and not an  
12 immediate poster-type of approach that people have.

13  
14 Some people believe that if you want to do outreach and  
15 education, get a poster and distribute the poster and you're  
16 done, but this approach has a far-reaching goal and objective  
17 and all that will be around \$100,000, but that also includes  
18 2014, because will be moving in Puerto Rico and the Virgin  
19 Islands as we progress with these products and so far, we have  
20 people requesting these materials and we also have the  
21 legislators of the Virgin Islands. We gave a presentation to  
22 them in St. Thomas and we are still working on a presentation to  
23 them in St. Croix and they all wanted to have more of this type  
24 of information.

25  
26 There's a lot of clientele there waiting for us to do something  
27 and today, what I wanted to tell you is that we do have the  
28 money to proceed with these projects and we would like to  
29 encourage, especially the Virgin Islands, if you think about  
30 something between here and December that you can use those  
31 liaison funds, please tell us, so we can use it. Do you have  
32 any questions so far?

33  
34 **TONY BLANCHARD:** I've got a question. I ain't sure exactly how  
35 this money should be used, but I was thinking maybe some  
36 artificial reefs and I will run this by Roy here and see what he  
37 thinks or FADs.

38  
39 **MIGUEL ROLON:** We tried that before and they told us that we  
40 couldn't do it, but we are in 2013 and maybe we can do it now.  
41 It's a matter of asking the right question of can we use those  
42 funds for helping with FADs to the local government to help the  
43 fishers somehow or artificial reefs and see what the answer will  
44 be.

45  
46 **ROY PEMBERTON:** One of the things that we're looking into with  
47 utilizing the funds is two different levels. One is  
48 particularly with legal counsel. As you know, we have no legal

1 counsel assigned to Fish and Wildlife. We usually try to  
2 piggyback with some of the other divisions.

3  
4 Currently right now, we have only one legal counsel for the  
5 entire department and that proposes a certain level of issues  
6 for trying to get a lot of the FAC business checked. One of the  
7 things I would like to use the funds for is to kind of have a  
8 lawyer on retainer outside of that, but Miguel is shaking his  
9 head and saying no.

10  
11 **MIGUEL ROLON:** In order for you to use any funding of the  
12 counsel for the services of a lawyer, you have to go and ask  
13 permission to the NOAA Legal Counsel and usually they don't  
14 allow us to do that. We have a special case that they allowed  
15 us to do it and right now, we are still pursuing that. We have  
16 around \$2,500 that we still can use, but any use of these funds  
17 for legal aid has to be consulted with the NOAA Legal Counsel.

18  
19 We can write an email. Actually, you can write an email to me  
20 and Shep and ask whether -- Just ask the question of can we use  
21 liaison funds to secure legal advice or for the program and  
22 other related issue for the council work. They may say a big no  
23 and they may say maybe or whatever, but I believe that if you  
24 feel strongly about it, we can ask the question. Please send me  
25 an email or tomorrow, when you see Shep, ask him on a sidebar  
26 whether it's doable or not. There you are.

27  
28 **SHEPHERD GRIMES:** If I understood it correctly, you were asking  
29 if you can expend council funds for legal advice. This is  
30 addressed in the regulations, in Part 600, and I think the --  
31 The standard rule is that you can seek outside legal counsel for  
32 issues that fall outside the expertise of NOAA General Counsel.

33  
34 If you're talking about what kind of fisheries, like limited  
35 entry and stuff like that, then I think the answer will clearly  
36 be no, but if it's something novel enough that's related to  
37 territorial laws, then maybe so.

38  
39 **ROY PEMBERTON:** This would be more in line with Act 3330 and one  
40 of the legal binding documents that we've been tossing around  
41 the territory for a long period of time and it doesn't  
42 specifically have to do with federal fisheries or anything to  
43 that effect. It more has to specifically do with VI Code and  
44 how the code is codified and how we can then implement our  
45 regulations into that code.

46  
47 I don't think, Shep, unless you want to come across to the dark  
48 side and get involved in that, if that's something that you want



1 to have your expertise in.

2  
3 **CARLOS FARCHETTE:** We revised Act 3330, which is part of the VI  
4 Code for commercial fishing regulations, but what happened is  
5 that when we sent it to the Attorney General's Office, their  
6 attorneys switch over every two years and it's been put on the  
7 shelf for a long time and we just can't seem to find an attorney  
8 that would review it for legalese to then pass it forward to the  
9 Commissioner.

10  
11 **SHEPHERD GRIMES:** That sounds like your territorial regulatory  
12 process and that's a question for you all. It wouldn't involve  
13 us and we certainly would not be inclined to get involved in  
14 something like that, because you're looking purely at  
15 territorial legal issues.

16  
17 **MIGUEL ROLON:** So yes or no?

18  
19 **CARLOS FARCHETTE:** Would that be a no for getting an attorney to  
20 review it?

21  
22 **SHEPHERD GRIMES:** I guess you would be asking if the council  
23 could pay for funds to hire a lawyer to review it for  
24 consistency with territorial law and you probably could get  
25 approval to do that. You would have to contact -- It would  
26 ultimately be a question for Department of Commerce General  
27 Counsel, but I would question the utility of doing so.

28  
29 Ultimately, you want territorial sign-off on this, which means  
30 you want a lawyer who is representing the interests of the  
31 territory in doing it. You could hire private counsel and pay  
32 them a boatload of money and they will tell you sure, it looks  
33 great, but that doesn't mean that the territory is going to be  
34 okay with it and the opinion from that lawyer will be the  
35 opinion that you paid for and does that then translate to  
36 something that gets accepted by the territorial government?

37  
38 I think ultimately I would want to know, certainly before I  
39 spent the money to do that, what's the territory going to do  
40 with that recommendation? You paid for a private counsel to  
41 look at it and I doubt there are many firms out there that are  
42 looking at this kind of stuff and if you did find one, it would  
43 have to be somebody in the territories who is familiar with your  
44 territorial law.

45  
46 **ROY PEMBERTON:** This was somebody actually who formerly worked  
47 on the FAC as legal counsel from the Attorney General's Office  
48 and so they are very well informed as to the process. They were

1 working on the process beforehand and so it would lend that they  
2 would know pretty much what would go hand-in-hand with the  
3 territorial law.

4  
5 **SHEPHERD GRIMES:** Not to belabor the point or put down my chosen  
6 profession, but there are political questions always intertwined  
7 with the legal questions or frequently. If you're given  
8 numerous possible reasonable interpretations of a statutory or  
9 regulatory provision, the ultimate decision usually about what  
10 interpretation is chosen and what legal path is deemed to be  
11 best, that's every bit as much a political question as a legal  
12 question. I'm sure, Mr. Pemberton, you are well aware of that.

13  
14 **CARLOS FARCHETTE:** We will push it from our side and see if we  
15 can find someone who will help us review the revisions and see  
16 if they're legally binding or not.

17  
18 **ROY PEMBERTON:** One other thing that I wanted to address with  
19 the funding was although I like the interaction with our Chair,  
20 Mr. Farchette, who has been working on the FAC probably for like  
21 the last thirty-odd years as the Secretary, his penmanship has  
22 been lacking somewhat the last couple of years.

23  
24 One of the things I'm looking at in terms of the FAC is to get  
25 possibly a stenographer or somebody who has more skills at doing  
26 it and therefore, we can get the meetings more formalized and  
27 really time stamped in terms of what goes on and when it goes  
28 on. It moves the meeting so much faster and so that was one of  
29 the other areas, along with funding for fishers to get to these  
30 meetings as well. That was one other aspect.

31  
32 **MIGUEL ROLON:** Regarding funding fishers to come to the meeting,  
33 unless they have a presentation, you are not allowed to and so  
34 what is the latest with lawyer thing?

35  
36 **CARLOS FARCHETTE:** I think we decided to follow that up on our  
37 own with the territory but Roy was asking about getting a  
38 stenographer to record or do our FAC meetings.

39  
40 **MIGUEL ROLON:** That you can do. Actually, we gave you a machine  
41 and everything, but I believe that it was misplaced somewhere,  
42 but a stenographer for any activity that is related to council  
43 business, yes, you can do that.

44  
45 **CARLOS FARCHETTE:** I think what we misplaced was the key for the  
46 Dragon program, but since you said it's probably obsolete, then  
47 we should just buy another Dragon program.

1 **MIGUEL ROLON:** I have two more issues. Given the budgetary  
2 constraints and sequestration and all that, we did not give any  
3 step increase to the council members. The way we have it is  
4 that it's by seniority and we adopted the table that the federal  
5 government has and you have the step increases every year,  
6 according to the time that you enter and how much time you have  
7 between period to period. That's the model of the table.  
8 Council staff.

9  
10 I asked Angie here to prepare a table and this would be a one-  
11 time cost for 2013, but then it will be a recurring cost for  
12 future years and we are talking about recurring costs of about  
13 \$11,000 for five people and luckily, I am not involved and so we  
14 have five staff members.

15  
16 If you approve this, then they will have step increases of 2012  
17 and 2013 as of January 1. I consulted with the other councils  
18 and also to Jed Brown and he said given that you have a  
19 cooperative agreement, the council decides whether you do this  
20 or not.

21  
22 Some of us were told in Washington that we couldn't give any  
23 grade step increases and then one of the Executive Directors  
24 asked a question at one of the meetings in Washington and they  
25 said yes, you could do it and usually it's -- It's Kitty. She  
26 always asks these questions that nobody thought about before and  
27 so now people are happy and so we present to you whether -- This  
28 is something that the Chair has the authority to do, but Carlos  
29 wanted to bring it here, to the full council.

30  
31 If we do this, it will chop some of the money that we will send  
32 back to Washington and we are talking about Dr. Graciela Garcia-  
33 Moliner, María de los Irizarry, Diana Martino, Maria Pastrana,  
34 Iris Oliveras. Those are the same group for 2013 and so if we  
35 do the step increase, we are talking about \$17,168.40 for 2013.

36  
37 If you agree by not saying anything, then the Chair can  
38 authorize me to do this and so the money is there and if you  
39 want to say anything --

40  
41 **CARLOS FARCHETTE:** So ordered.

42  
43 **MIGUEL ROLON:** We will do that. What else do we have for  
44 budget? Then we have, regarding budget, I asked Dr. Richard  
45 Appeldoorn to give us a presentation, briefly a presentation, on  
46 a proposal that he brought to the council as a follow-up to the  
47 proposal that we budgeted for and he is here for eight minutes  
48 in a video. Can we see it?

1  
2 This will be very, very brief and Dr. Scharer, Michelle, is  
3 going to give a brief presentation and Richard is here for any  
4 questions you may have on what they are talking about regarding  
5 this project.

6  
7 **MICHELLE SCHARER:** For us to hear the video, which is really  
8 what I want to do, we would have to shut off these microphones.  
9 I would rather just introduce it and let it run and you listen  
10 and then we can ask.

11  
12 This is an eight-minute condensed version of a year of field  
13 work and after we watch it, will show you our plans and then we  
14 will answer questions. Basically, it's the work we've been  
15 doing to listen to Nassau grouper spawning at Bajo de Sico on  
16 the west coast of Puerto Rico. We are using passive acoustics  
17 to listen to their sounds, but we have complemented with active  
18 acoustics, using implanted acoustic tags. All of this is done  
19 with rebreather divers.

20  
21 **RICHARD APPELDOORN:** There is also two techniques that we've  
22 developed. One is using parallel lasers for measuring fish and  
23 another one is for tagging.

24  
25 (Whereupon, the video regarding Dr. Appeldoorn and Dr. Scharer's  
26 work on acoustic tagging was played.)

27  
28 **MIGUEL ROLON:** Is that a successful spawning aggregation or just  
29 a spawning group?

30  
31 **RICHARD APPELDOORN:** I was asked to do this really quickly and  
32 so we'll do just that. This is just a figure to orient you to  
33 what we're going to try and talk about and this is a conceptual  
34 diagram that Rick Nemeth has developed for how the dynamics of a  
35 spawning aggregation work.

36  
37 You think of it as a catchment area. This is the area from  
38 which fish will come to the aggregation site. There is a  
39 staging area where they start coming in at around the time of  
40 the aggregation area and then there's a courtship arena, which  
41 is a very active areas that's used daily and that's where a lot  
42 of the sounds are being made that we're listening to, and then  
43 there's the actual spawning site.

44  
45 The size of these vary depending on the species and so Rick has  
46 looked at a number of species and the arrows there show you  
47 where Nassau grouper is, based on length. These are either from  
48 Grammanik or a place that they've been working in the Pacific

1 and so the staging area for Nassau is about six square  
2 kilometers and it's about two for the courtship arena.

3  
4 This is a generalized diagram. We think there's going to be  
5 actually substantial difference between what he's seen so far  
6 and what we are going to hopefully show on Bajo de Sico, because  
7 they're very different geomorphologies.

8  
9 The goals of the work are basically to provide baseline  
10 abundance and size structure and status information on the two  
11 grouper aggregations, Grammanik and Bajo de Sico, and we're  
12 working toward determining what is the most efficient method or  
13 methods for future monitoring and so how can we simplify this so  
14 we don't have to spend \$30,000 a year, at a minimum, at each  
15 site. How can we optimize that?

16  
17 The specific objectives for what we're proposing for the coming  
18 year are, again, what is the abundance and status of the grouper  
19 populations and what is the size structure? The issues that  
20 we're interested in here obviously are the baseline conditions  
21 and also looking towards future monitoring and, again, how do we  
22 do this?

23  
24 The approach to this part will be diver surveys, using the laser  
25 scaling for size and the passive acoustics and one of the key  
26 things we're trying to do is build up our database, if you will,  
27 on the correlation between the abundance of fish and the  
28 recording levels we're getting from the passive acoustics.

29  
30 The second objective is what are the patterns and movements and  
31 the potential catchment area for Bajo de Sico? Are the fish  
32 just coming from Bajo de Sico, are they coming from all of the  
33 bank, or are they coming from off the bank, especially from the  
34 Tourmaline area, where there is a geomorphic connection.  
35 There's a ridge that runs between the two.

36  
37 What areas are supporting the migrations of Nassau grouper and  
38 what are the pathways that they might be using? What we're  
39 looking at are issues of connectivity, both within the bank and  
40 potentially off the bank, and the stability of the population,  
41 because if we're getting fish from off the bank, our effective  
42 population size can be a lot larger and that, in turn, affects  
43 the vulnerability, both in terms of the population size and  
44 where fishing for the population may be occurring when the fish  
45 are not on the bank. The primary approach for that is going to  
46 be tagging.

47  
48 Again, this shows you the idea of a catchment area, the staging

1 area, and the courtship arena, now with an array of sensors in  
2 there.

3  
4 The next one is what are the courtship and staging areas for  
5 these on Bajo de Sico and, again, we're looking at questions of  
6 vulnerability and when are they really concentrated and where is  
7 that concentration occurring and knowing this is going to be a  
8 focus for future monitoring. How can we optimize where we do  
9 our surveys and when we do our surveys?

10  
11 The approach will be using the tagging information from the  
12 previous objectives coupled with passive hydrophones, because  
13 they will be positioned more toward the area where we know,  
14 general area where we know, spawning occurs.

15  
16 The fourth objective doesn't have anything to do with Nassau  
17 grouper, but in our studies, we think we might have the area  
18 that red hind have focused on for their aggregation. It is not  
19 an area near where we currently have a hydrophone and so we may  
20 have picked them up, but we're not sure and we haven't analyzed  
21 that data yet and so we want to put some hydrophones near the  
22 areas that we actually suspect that they're doing and during the  
23 peak days, we will send some divers, just to confirm whether the  
24 fish are there or not.

25  
26 That's not a major part of the work, but we think it's an  
27 important work, because if we want to do monitoring on that  
28 population, we need to put hydrophones in as much as we can call  
29 the center of the aggregation and so pinpointing where that is  
30 has an important role for that species in the future. That's  
31 what we would like to do.

32  
33 Tomorrow's presentation will have the review of what we have  
34 accomplished this year, at least with the data that we have  
35 analyzed to date. That data is actually still coming in. We've  
36 got the data from Grammanik Bank arriving -- The package was  
37 opened Monday and so that's how timely this is.

38  
39 **CARLOS FARCHETTE:** Thanks to both of you for that.

40  
41 **MIGUEL ROLON:** The idea is whether the council has any quarrels  
42 with allowing the continuation of this project next year and  
43 with the budget that we have, that will be a matter of putting a  
44 formal proposal to the council by Dr. Richard Appeldoorn and  
45 Michelle Scharer. Is there any objections to follow up this  
46 proposal next year? Okay. So we will do so. Richard, I guess  
47 that you and I have to sit down and talk about it a little bit  
48 more with this proposal for 2014.

1  
2 Then the last thing that we have today, Mr. Chairman, is we have  
3 the AP and the Advisory Panel membership to consider. At this  
4 time, the Advisory Panel, we have a couple of members whose term  
5 expired in July and some the term will expire in September of  
6 2013.

7  
8 I have from Puerto Rico Mr. Marcos Hanke and Mr. Greg Enstrong.  
9 They are for reappointment. From St. Thomas, we have Louis  
10 Antonio Blanchard. This is a special case, because, as you  
11 know, he is now a council member and so we have an option there.  
12 There will be a vacancy and I received a letter from the St.  
13 Thomas Fishermen's Association recommending Winston Ledee and  
14 from the Chair himself to consider Winston Ledee as a council  
15 member in substitution of Tony Blanchard.

16  
17 We have Gregory Ledee whose term expired in 2013 up for  
18 reappointment and Daryl Bryan also for reappointment. These two  
19 gentlemen have attended all of the meetings and they have  
20 attended the council meetings whenever necessary.

21  
22 From St. Croix, we have Gerson Martinez and my understanding is  
23 Gerson resigned and he doesn't want anything to do with anybody  
24 for a while. Jens P. Skov and Edward Schuster are July of 2013  
25 and so technically, Edward was not here as the council AP Chair,  
26 but anyway, those are the people that we have for reappointment  
27 and if you have any quarrel with reappointment, all but Ledee, I  
28 can read that and you can say so I move.

29  
30 **CARLOS FARCHETTE:** For the replacement of Gerson is Mike Fuller  
31 from St. Croix.

32  
33 **MIGUEL ROLON:** Let me take then the ones for reappointment and  
34 the motion will be to reappoint Marcos Hanke, Greg Enstrong,  
35 Gregory Ledee, Daryl Bryan, Jens P. Skov, and Eddie Schuster to  
36 the AP for another two-year term.

37  
38 **CARLOS FARCHETTE:** So moved?

39  
40 **TONY BLANCHARD:** So I move.

41  
42 **MIGUEL ROLON:** Is there a second?

43  
44 **MIGUEL GARCIA:** Second.

45  
46 **CARLOS FARCHETTE:** All in favor; anybody opposed. Hearing none,  
47 the motion carries.

48

1 **MIGUEL ROLON:** Then in substitution of Tony Blanchard, we have,  
2 for the group on St. Thomas, the recommendation is to have  
3 Winston Ledee as a member. Gregory Ledee asked me if there  
4 would be any conflict of interest or any problem because he's my  
5 brother, but it's up to you.  
6  
7 The idea is to keep that institution of knowledge within the AP  
8 and close to us and Winston Ledee is a quiet guy, but he knows  
9 the fishery and we need a motion to appoint him to the AP or get  
10 somebody else.  
11  
12 **TONY BLANCHARD:** Motion to put Winston on the AP.  
13  
14 **MIGUEL ROLON:** Any second?  
15  
16 **ROY PEMBERTON:** I second.  
17  
18 **MIGUEL ROLON:** The discussion is Shep is ready to tell us there  
19 is no conflict to have them as brothers.  
20  
21 **SHEPHERD GRIMES:** It's your advisory panel and having brothers  
22 on it is not a problem at all.  
23  
24 **CARLOS FARCHETTE:** All in favor say aye; any opposed. Hearing  
25 none, the motion carries.  
26  
27 **MIGUEL ROLON:** In the case of St. Croix, Gerson Martinez told  
28 everybody who cared to listen that he wants to retire from  
29 activities for a while and he has personal reasons for that.  
30 Respecting his wishes, now we have a vacancy and you don't have  
31 to do anything, because his term expired anyway in July of this  
32 year. Mr. Chairman, you have a name for consideration? We need  
33 the name and some brief bio about him.  
34  
35 **CARLOS FARCHETTE:** That would be Mike Fuller. Mike Fuller is a  
36 member of our Fisheries Advisory Committee on St. Croix. He is  
37 a heavy duty recreational charter fisher and does a lot of  
38 tournaments and stuff and so he showed interest in being part of  
39 the Advisory Panel and I think it will bring perspective from  
40 the recreational side into the AP. Anybody want a motion for  
41 Mike Fuller?  
42  
43 **ROY PEMBERTON:** I motion that Mike Fuller be placed on the AP to  
44 replace Gerson Martinez.  
45  
46 **CARLOS FARCHETTE:** I need a second.  
47  
48 **TONY BLANCHARD:** Second.



1  
2 **CARLOS FARCHETTE:** All in favor say aye; any opposed. Hearing  
3 none, the motion carries.  
4  
5 **MIGUEL ROLON:** The last consideration at this time is the SSC  
6 membership. We have all but two whose term expired in July and  
7 one the term will expire in September. Miguel del Pozo is out.  
8 We have set up a policy that if you do not show up for this  
9 meeting twice in a row without an appropriate excuse, you are  
10 out and so it seems that he is too busy. He's the only social  
11 anthropologist we have.  
12  
13 We have a vacancy of Miguel del Pozo and here is an opportunity  
14 to fill that. We have a list of people that show interest in  
15 being a member of the SSC and someone that our lawyer knows very  
16 well wrote us a note a long time ago. Churchill Grimes would  
17 like to. He wanted to be a member of the SSC.  
18  
19 We had Hunting and we had Joe Kimmel and you all know Joe Kimmel  
20 and David Olsen also wanted to be a member of the SSC. In term  
21 of chronology and order, those are the people and so what is  
22 your wishes?  
23  
24 **CARLOS FARCHETTE:** Does somebody want to make a move?  
25  
26 **ROY PEMBERTON:** A point of clarification, but can you repeat  
27 those names again?  
28  
29 **MIGUEL ROLON:** Let me speak to them. Churchill Grimes is one of  
30 the top scientists we ever had and he was very close. Actually,  
31 I was on a committee and I had the privilege of working with him  
32 in the good old days when we had the three councils working  
33 together to develop the information, the database, for fish and  
34 fish ecology and he is a well known scientist and has a lot of  
35 publications.  
36  
37 **ROY PEMBERTON:** I know who Churchill is.  
38  
39 **MIGUEL ROLON:** I know, but the other people do not. He will be  
40 an asset to the SSC. Hunting is an expert on stock assessment  
41 and other things and he also was associated with some National  
42 Marine Fisheries Service Centers and the universities for some  
43 time.  
44  
45 Joseph Kimmel is an ecologist and well known in the Caribbean  
46 and actually, his PhD, he did at the Puerto Rico University and  
47 you know David Olsen and David is an expert on stock assessment  
48 and he has been working all around the world in fishery issues

1 and fishery matters. He might leave this area in two years, but  
2 he is also available. That's the chronological order. If you  
3 follow the chronological order, the person should be Dr. Grimes.  
4

5 **TONY BLANCHARD:** I am going to bring up Dave, because of the  
6 mere fact that -- I mean some people have a problem with him  
7 with his personality, but if you put that aside, the man is just  
8 a smart man and I can't talk for anybody else, because I really  
9 don't know them. I would just put his name out there and you  
10 decide the fate.  
11

12 **MIGUEL ROLON:** Does anybody else want to say something regarding  
13 the other members?  
14

15 **ROY CRABTREE:** I move to add Churchill Grimes.  
16

17 **MIGUEL GARCIA:** I second the motion.  
18

19 **CARLOS FARCHETTE:** All in favor say aye; any opposition;  
20 abstentions.  
21

22 **MIGUEL ROLON:** One abstention and one no and the motion carries.  
23

24 **CARLOS FARCHETTE:** One no?  
25

26 **MIGUEL ROLON:** One no and one abstention and three in favor and  
27 two absent.  
28

29 **CARLOS FARCHETTE:** The motion carries.  
30

31 **MIGUEL ROLON:** We have six for reappointment and, again, you can  
32 kick these people out and bring six more or you can reappoint  
33 the ones that you have. Their term expired in July and these  
34 are Barbara Kojis, Richard Appeldoorn, Mike Sissenwine, Jim  
35 Berkson, Vance Vicente, and Walter Keithly.  
36

37 Walter Keithly is an economist and Vance Vicente is a marine  
38 ecologist. Berkson, he's an expert in stock assessment and Mike  
39 Sissenwine is an authority on stock assessment and Richard  
40 Appeldoorn is an ecologist and also an expert on stock  
41 assessment and Barbara Kojis, she's an expert on coral reef and  
42 she has been the Chair of the SSC for some time now and we know  
43 Barbara Kojis.  
44

45 **ROY CRABTREE:** Is Mike Sissenwine still willing to do it? He  
46 was appointed to the New England Council and so I expect his  
47 time is going to be limited.  
48

1 **MIGUEL ROLON:** As a member or a member of the SSC?  
2  
3 **ROY CRABTREE:** A council member.  
4  
5 **MIGUEL ROLON:** In that case, we need to, in deference to him,  
6 wait and ask him whether he would be willing to spend some time  
7 and then report back. Probably what we should do is keep Mike  
8 Sissenwine in check until we have information from him and then  
9 the staff will write a letter to Dr. Sissenwine and how about  
10 the other guys? Do you want to reappoint them or kick them out?  
11  
12 **MIGUEL ROLON:** Barbara and Richard, could you step out so we can  
13 talk about you? Again, if you're happy with these five or six  
14 names, you can have a bulk motion and reappoint them, except for  
15 Mike Sissenwine. You want to wait until we have a statement  
16 from him whether he would like to continue or not or whether he  
17 can continue or not.  
18  
19 Then the others, I will read them again and see if you have  
20 anything to say, but Barbara Kojis, Richard Appeldoorn, Jim  
21 Berkson, Vance Vicente, and Walter Keithly. Do you want to  
22 reappoint those guys?  
23  
24 **ROY PEMBERTON:** I motion to put them all forward as  
25 reappointments for the SSC.  
26  
27 **MIGUEL GARCIA:** Second.  
28  
29 **MIGUEL ROLON:** So the motion will be to reappoint Dr. Barbara  
30 Kojis, Richard Appeldoorn, Jim Berkson, Vance Vicente, and  
31 Walter Keithly for a three-year term for the council SSC.  
32  
33 **CARLOS FARCHETTE:** All in favor say aye; any opposition?  
34  
35 **TONY BLANCHARD:** I abstain.  
36  
37 **CARLOS FARCHETTE:** The motion carries with one abstention and  
38 two absent.  
39  
40 **MIGUEL ROLON:** That concludes the SSC table and at the next  
41 meeting in December, we can address the issue of Dr. Mike  
42 Sissenwine and whether he stays or not. Is there any Other  
43 Business?  
44  
45 **ROY CRABTREE:** I would like to request that we modify how we put  
46 the agendas together and I would like to request, Miguel, that  
47 before the agenda is sent up to Silver Spring that a draft of it  
48 be distributed to all of the council members for an opportunity

1 to review it and comment on it before you send it up.

2  
3 **MIGUEL ROLON:** I forgot to mention that. That was a request by  
4 Bill and your office and so what we are going to do now is that  
5 thirty days before the council meeting, we will circulate a  
6 draft agenda to everybody and you will have a chance to --

7  
8 **DIANA MARTINO:** It will have to be thirty-five days, because I  
9 need --

10  
11 **ROY CRABTREE:** However much.

12  
13 **MIGUEL ROLON:** Let's say thirty-five days and so for the  
14 December meeting, we will circulate a draft agenda and people  
15 can incorporate whatever agenda items they would like to see in  
16 the agenda and that will do two things. We log the meetings  
17 during the year, but Bill suggested to have this and so from now  
18 on that will be -- I was going to say that this morning and I  
19 forgot.

20  
21 **BONNIE PONWITH:** I am not on the council at all, but if you  
22 could include me on the circulation of the draft, that would be  
23 really helpful in terms of our ability to weigh in and also  
24 prepare for the meeting.

25  
26 **MIGUEL ROLON:** We will do so, yes.

27  
28 **CARLOS FARCHETTE:** Any other business? I know we have a whole  
29 list from Bill and do you want to do that today or tomorrow for  
30 Other Business?

31  
32 **ROY CRABTREE:** Tomorrow.

33  
34 **MIGUEL ROLON:** The Other Business is tomorrow.

35  
36 **CARLOS FARCHETTE:** Okay. Any other business for today? Hearing  
37 none, this meeting is adjourned for today and I will see you all  
38 tomorrow morning bright and early at 8:30 and I will pass the  
39 word out to the other members that it's 8:30.

40  
41 - - -

42  
43 August 14, 2013

44  
45 WEDNESDAY MORNING SESSION

46  
47 - - -

48  
116

1 The Caribbean Fishery Management Council reconvened at the  
2 Hilton Ponce Golf and Casino Resort, Ponce, Puerto Rico,  
3 Wednesday morning, August 14, 2013, and was called to order at  
4 8:30 o'clock a.m. by Chairman Carlos Farchette.

5  
6 **CARLOS FARCHETTE:** Good morning. We're going to get started if  
7 everybody can take their seats. It is August 14, 2013 and we're  
8 going to continue the 147<sup>th</sup> Caribbean Fishery Management Council  
9 in Ponce, Puerto Rico. We have a couple of items to finish up  
10 from yesterday afternoon. I think we're going to continue with  
11 Dr. Olsen's presentation. Please, a reminder if you can put  
12 your cell phones on silent or vibrate. We are going to do a  
13 roll call and I'm going to start on my left.

14  
15 **LT. MORGAN FOWLER:** Lieutenant Morgan Fowler, U.S. Coast Guard.

16  
17 **MIKE MASTRIANNI:** Mike Mastrianni, Coast Guard.

18  
19 **TONY BLANCHARD:** Tony Blanchard, St. Thomas.

20  
21 **ROY PEMBERTON:** Roy Pemberton, DPNR.

22  
23 **MIGUEL GARCIA:** Miguel Garcia, council member, Puerto Rico DNER.

24  
25 **DAVID OLSEN:** David Olsen, STFA.

26  
27 **CARLOS FARCHETTE:** Carlos Farchette, council chair.

28  
29 **MIGUEL ROLON:** Miguel Rolon, council staff.

30  
31 **DIANA MARTINO:** Diana Martino, council staff.

32  
33 **SHEPHERD GRIMES:** Shepherd Grimes, NOAA Office of General  
34 Counsel, Southeast Section.

35  
36 **ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

37  
38 **BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.

39  
40 **NELSON CRESPO:** Nelson Crespo, Puerto Rico.

41  
42 **BILL ARNOLD:** Bill Arnold, NOAA Fisheries.

43  
44 **NATALIA PERDOMO:** Natalia Perdomo, council staff.

45  
46 **GRACIELA GARCIA-MOLINER:** Graciela Garcia-Moliner, council  
47 staff.

48

1 **MARIA DE LOS IRIZARRY:** María de los Irizarry, council staff.  
2  
3 **ALIDA ORTIZ:** Alida Ortiz, Outreach and Education Panel Chair.  
4  
5 **EDWARD SCHUSTER:** Edward Schuster, AP Chair.  
6  
7 **BARBARA KOJIS:** Barbara Kojis, SSC Chair.  
8  
9 **MICHELLE SCHARER:** Michelle Scharer, University of Puerto Rico.  
10  
11 **ANGEL BOLQUES:** Angel Bolques, musician.  
12  
13 **FRANKLIN TULLOCH:** Franklin Tulloch, filmmaker.  
14  
15 **CARLOS VELAZQUEZ:** Carlos Velazquez, fisherman, Puerto Rico.  
16  
17 **HECTOR PADRO:** Hector Padro, fisherman, Puerto Rico.  
18  
19 **HELENA ANTOUN:** Helena Antoun, independent contractor.  
20  
21 **CHARLES STEINBACK:** Charles Steinback, Ecotrust.  
22  
23 **EMILY HELMICK:** Emily Helmick, Pew Charitable Trusts.  
24  
25 **SEAN CASHELL:** Sean Cashell, Sector San Juan, Enforcement.  
26  
27 **THIERRY LEDEE:** Thierry Ledee, STFA.  
28  
29 **JULIAN MAGRAS:** Julian Magras, St. Thomas Fishermen's  
30 Association, Chairman.  
31  
32 **DARYL BRYAN:** Daryl Bryan, STFA.  
33  
34 **HOWARD FORBES:** Howard Forbes, Director of DPNR Enforcement.  
35  
36 **LIA ORTIZ:** Lia Ortiz, NOAA Coral Program Contractor.  
37  
38 **LEDA DUNMIRE:** Leda Dunmire, Pew Charitable Trusts.  
39  
40 **TONY IAROCCI:** Tony Iarocci, commercial fisherman.  
41  
42 **OTHA EASLEY:** Otha Easley, NOAA Office of Law Enforcement.  
43  
44 **PHIL STEELE:** Phil Steel, NOAA Fisheries.  
45  
46 **KATE QUIGLEY:** Kate Quigley, council staff.  
47  
48 **CARLOS FARCHETTE:** Okay, David.

1  
2 **UPDATE ON THE CFMC/STFA LOBSTER STUDY**  
3

4 **DAVID OLSEN:** This is the third progress report on the lobster  
5 project the council funded and I would like to start off by  
6 acknowledging my partners in this project, Daryl and Jessica  
7 Bryan. Daryl kind of coordinates all the actions with the  
8 fishermen and Jessica is a real tough data entry person that  
9 doesn't really tolerate any errors in data.

10  
11 I would like to start where we left off in December. At that  
12 meeting, Bill pointed out that in both islands, St. Thomas from  
13 about 2003 to 2006 and St. Croix from 2009 to 2011, periods of  
14 really high landings have been followed by declines in catch.

15  
16 I also want to point out this last point for 2011 that Bill and  
17 I have very different numbers for the landings that year and  
18 those, definitely given the fact that there's accountability  
19 measures being proposed, those need to be resolved. There's  
20 about a 5,000-pound difference.

21  
22 The question that I posed to Josh when he came out this time was  
23 were those periods of really high landings -- Was that  
24 overfishing and if it was overfishing, then what levels can be  
25 sustained?

26  
27 Now, the two islands are really different. In St. Thomas, over  
28 90 percent of the lobster are landed by -- Almost 100 percent  
29 are landed by traps and in St. Croix, over 90 percent are landed  
30 by diving.

31  
32 The number of fishermen landing 90 percent of the lobster catch  
33 is also very different. About twelve people in St. Thomas land  
34 90 percent of the catch and in St. Croix, it's like 28 percent  
35 and thus, the accountability measure is going to impact a much  
36 larger number of people in St. Croix.

37  
38 When we started the project, I was seeing consistent landings  
39 around forty pounds and I really couldn't figure out how the  
40 Cruzan fishermen could come up with those really high landings  
41 figures until I looked at the number of trips. Again, in St.  
42 Thomas, the red line, the number of trips is just barely above  
43 1,500, while in St. Croix they've gone as high as 3,500.

44  
45 The fishermen in St. Croix, if you look at almost any aspect of  
46 it, work very hard and they have lots of trips and lots of  
47 effort to bring in the fish and thus, 3,500 times forty is  
48 landing more fish than a hundred or so times 1,500.

1  
2 We looked at the lobster carapace length and after I presented  
3 this in December, the Cruzan fishermen basically just quit being  
4 involved in the project. I think it points out one of the  
5 problems is St. Croix is they have a real suspicion of any  
6 efforts to manage the resources and I think this stems from a  
7 very long period when Fish and Wildlife's only relationship to  
8 the fishermen was to try and regulate them and there was no kind  
9 of positive feedback into it.

10  
11 I think one of the successes in St. Thomas comes from, and I  
12 hired both of these people in the 1970s, but it comes from a  
13 woman who established a really good relationship with fishermen  
14 throughout her career there and so they had a very different  
15 view of the government and management.

16  
17 Now, in St. Croix, over 30 percent of the catch is harvested  
18 basically as soon as it becomes legal, while in St. Thomas, 15  
19 percent of the catch is already almost at 100 millimeters and  
20 it's quite a bit larger and so you have two very different  
21 fisheries in terms of the resource being harvested.

22  
23 There is an island difference between the average size of 101 in  
24 St. Thomas and ninety-one in St. Croix. One of the questions  
25 that was raised is a feeling that divers harvest smaller  
26 lobsters than traps do.

27  
28 I took all of the TIP samples from 1997 to 2006 and compared  
29 them. There was a total of 3,500 lobsters and I think in my  
30 forty-five years of comparing groups of things, I have never  
31 seen two groups that were more alike. The difference is about  
32 six-tenths of a millimeter and there is no significant  
33 difference between traps and dive lobsters.

34  
35 The monthly landings in St. Thomas really peak throughout the  
36 tourist season. As soon as it snows in -- The determinant of  
37 lobster sales in St. Thomas are snows up in New York. As soon  
38 as people start coming down and filling the hotels and  
39 restaurants, the market for lobsters goes way up and you see  
40 these really strong November, December, January, February, March  
41 and then it starts to drop off, with real low sales in September  
42 and October.

43  
44 It's much less true in St. Croix, where the harvest -- Although  
45 it peaks in the late summer, there's not as pronounced a thing  
46 and there's a lot more year-to-year variability.

47  
48 The one thing that we've gotten out of this project is the catch



1 per unit effort for berried females and shorts and what we see  
2 is that there's a real influx -- I am really looking forward to  
3 this end of the curve that we start to get this coming month,  
4 but a real -- Most of the shorts came in September and October  
5 and December and then it really fell, until right now. We're  
6 having trouble getting shorts to stock the Coral World study.

7  
8 The reproduction, we had a peak in October of last year, which  
9 the fishermen said was kind of usual, but normally, March,  
10 April, May, June is a real definite peak in females with eggs,  
11 i.e., reproduction, and starting to fall off in July.

12  
13 Now, the tags and recaptures, these are by month, because I use  
14 it to estimate the population, but we've had 238 recaptures in  
15 the project and thirty-three outside the project and this last  
16 month, my phone was ringing regularly with people, divers and  
17 stuff, outside the project who had recaptured lobsters.  
18 Basically, 12 percent of all of our St. Thomas recaptures are  
19 from people that are not involved in the project.

20  
21 We started a Coral World study to assess tag retention during  
22 molting and we put twenty-two lobsters at Coral World and we had  
23 four molts with no tag loss and about July 15, some UVI students  
24 were cleaning up a project they were doing with lionfish in the  
25 area where we had our lobsters and they removed the barrier  
26 between the pump intake and our lobsters and we had a lot of tag  
27 loss, but the lobsters got sucked up in the pump and so we're  
28 now trying to get some shorts. This is a problem, that there  
29 are not many shorts around to restock that, but we tagged --  
30 This week, we tagged ten very small Coral World lobsters,  
31 smaller than we're tagging in the project, actually.

32  
33 These are the recaptures, the days at large. We're starting to  
34 see recaptures at 320 days, a number of them at about 240.  
35 We're starting to see some pretty long recaptures. We're still  
36 getting the bulk of our recaptures are less than sixty days.

37  
38 I am giving this information as an estimate of kind of what  
39 percent of the catch we're sampling. Between 2003 and 2006,  
40 STFA members, who are our basic sampling base, landed between 80  
41 percent and 95 to 97 percent of all the lobster catch and so our  
42 membership is seeing a very high percentage of the samples.

43  
44 We are getting significant recaptures from outside the project,  
45 other fishermen and sport divers and things like that. I think  
46 that we're seeing a very high percentage of all the lobsters  
47 that are caught in St. Thomas.

48

1 These are month-by-month the project pounds that are caught and  
2 during April and December, we were catching between 45 and 50  
3 percent of the total expected catch for those years and so the  
4 project itself has got the main lobster fishermen in it and  
5 itself is sampling a high proportion of the catch.

6  
7 Now, this is a simple Peterson estimate of the population,  
8 adjusted for the monthly mortality, which I will get into in a  
9 little while, and the numbers of lobsters that are kept. In  
10 essence, there's a little bit of redundancy there, because the  
11 lobsters that are kept are part of the total mortality, but  
12 we're seeing a population estimate of between 400,000 and  
13 450,000 lobsters.

14  
15 The average carapace length in St. Thomas dropped a little bit  
16 in the 1980s and 1990s it recovered and now it seems to be  
17 fluctuating around a fairly constant figure.

18  
19 St. Croix, where port sampling has been continuous, was fairly  
20 constant until 2011 and it started to drop in 2011 and in 2012,  
21 the yellow circle is our project lobsters and the red circle is  
22 the TIP-sampled lobsters and there was a really substantial drop  
23 in average size, from around 108 millimeters to ninety-five.

24  
25 One of the questions that I initially posed to Josh was if that  
26 was overfishing, what levels are sustainable? That's what we're  
27 trying to arrive at.

28  
29 This is just how I developed the natural mortality figure. I  
30 solved the von Bertalannfy growth equation for T, time, and that  
31 lets you, for any length of lobster, estimate the age. We are  
32 still using the Cuban figures for the von Bertalannfy equation,  
33 because of its huge sample size. There's almost a million  
34 lobsters in it and we're having trouble with our recaptures,  
35 getting them to resolve into a growth equation.

36  
37 If we force an L infinity, we get growth rates really very  
38 similar to the growth rates that I got back in the 1970s, which,  
39 if you look in the literature, seem very high. It is  
40 conceivable that in fact Virgin Islands lobsters are growing  
41 fast, but I don't feel, at this time, that we have been  
42 successful in resolving the growth equation.

43  
44 These are those mortality rates. As you can see, St. Thomas and  
45 St. Croix were very similar for a long period of time and then  
46 in about 2005, the Cruzan mortality values increased a little  
47 bit, but the St. Thomas mortality values decreased.

48

1 Now if you look at yield per recruit with the difference in the  
2 mortalities, you see St. Thomas is really close to what the  
3 maximum yield per recruit would be and St. Croix is less so.  
4 It's a less efficient fishery.

5  
6 To sum, on both islands, periods of high lobster landings were  
7 followed by decreased landings, which have not returned to prior  
8 levels. Did these levels represent overfishing and what levels  
9 can be sustained? Again, this is an analysis that Josh Nowlis  
10 carried out and it is basically the model that you approved back  
11 in December and anyone that has any questions about the model,  
12 again, I can give you Josh Nowlis's phone number.

13  
14 One of the problems we have in this analysis is trap fishing  
15 effort and in the database, if you take the blue line, which is  
16 the traps hauled by St. Thomas fishermen that's in the database,  
17 and compare it to a survey that I did of the fishermen that had  
18 really high trap haul reports, you're seeing a really  
19 substantial difference, a difference between 250,000 and  
20 450,000.

21  
22 If you look at the lobster traps in one year, the lobster trap  
23 hauls the fishermen actually felt they hauled, it was 150 and  
24 the CCR data were 350. We've had to go around this.

25  
26 I have tried since December to get data so that we can resolve  
27 this and I've been totally unsuccessful and this is the latest  
28 stuff that was sent to me that is simply not applicable to  
29 solving the problem.

30  
31 What we did is I assembled all of the available reports that  
32 have numbers of traps hauled per day per fisherman, going back  
33 to Jack Damon's 1968 report, all of the stuff that was in the  
34 TIP data of traps hauled per day. These are the adjusted  
35 figures that we had from 1996 to 2006 and this is the MRAG one  
36 and this is the MARFIN figure. We used the regression of that  
37 to fill in the blanks after the 2006, where we actually had  
38 adjusted figures.

39  
40 We get total St. Thomas/St. John lobster landings. Again, it's  
41 almost all traps and there is this period of high landings  
42 followed by decreases.

43  
44 In the model, Josh has got a pretty good fit to his model.  
45 These are where we've used the calculated effort estimates and  
46 this is his trap index, which is quite a good fit. The diver  
47 stuff, as we've seen, particularly in St. Croix, where divers  
48 are -- They can go after anything, so that a diver trip that has

1 lobster in it may also have a lot of conch and may have a lot of  
2 spearfishing and it's very hard to develop an effort measure for  
3 the diver fisheries, even in St. Thomas.

4

5 In St. Thomas, the divers are mostly -- If divers catch lobster,  
6 it's what they've gone after. They are more focused on it than  
7 in St. Croix.

8

9 We have these stock health indicators. We have the trap CPUE  
10 kind of fluctuating pretty constant across this whole period and  
11 the diver CPUE is fairly constant and the carapace length, the  
12 average size, is pretty constant and this is the minimum size  
13 way down here and below that is the size at which 50 percent of  
14 the lobsters are mature.

15

16 You can see that even though they had this period of pretty  
17 significant landings, it's not showing up in the sizes and it's  
18 not showing up in the CPUE figures and so it appears that those  
19 landings, while they've resulted in a decrease, may have  
20 resulted in a decrease, they haven't really affected the  
21 resource.

22

23 Now if we go to St. Croix, he, again, with the traps, has a  
24 pretty good fit to his model. Even with the diver landings  
25 figures, he has a pretty good fit to his model, but then from  
26 about 1995 on, there's a real separation between the model and  
27 the actual diver index.

28

29 Here is the St. Croix landings. You can see this little line of  
30 trap landings and the big line of diver landings and a big  
31 decline in landings. Here is the stock health indicators. You  
32 see that there's been, after 2005, there's been a real increase  
33 in trap CPUE and the legend isn't showing there, but the other  
34 is diver CPUE. You have a fairly constant average size,  
35 followed by these precipitous drops, where you're getting right  
36 down around the minimum size and you're starting to approach the  
37 level at which 50 percent of the lobsters are reproductive.

38

39 Again, to remind you, that's basically two independent sources  
40 of measurement, too. That's the trap sampling and the data in  
41 our project and so on St. Thomas, Josh feels that those peaks  
42 did not show consistent signs of decline in catch per unit  
43 effort or average size of catch.

44

45 The average size remained well above the minimum and the size at  
46 first -- In his opinion, the catches of 130,000 pounds a year  
47 appear to be sustainable. The current overfishing limit is only  
48 115,000 pounds and so according to his analysis, the overfishing

1 limit could be raised by 15,000 pounds.

2  
3 There needs to be, and this is probably true of every single  
4 thing, the catch reporting and the port sampling need to --  
5 There needs to be greater investment in seeing that we get catch  
6 reporting and port sampling.

7  
8 For St. Croix, you had those high landings and the drop in  
9 landings he feels is concerning, but if you go back to a period  
10 of time when landings were still high, they were slightly above  
11 the overfishing limit, he thinks that a level of 120,000 pounds  
12 is sustainable over there, but that's a few hundred pounds above  
13 the current overfishing limit. Basically, in St. Croix, the  
14 current regime of the ACL and the overfishing limit seems to be  
15 appropriate. It's less than 800 pounds difference between the  
16 overfishing limit and the level that he feels is sustainable.

17  
18 One of the things about -- I want to talk about the  
19 accountability measure closure and I think that maybe Carlos and  
20 Ed can talk a little bit about it, but this closure is going to  
21 come right in the middle of St. Croix's Christmas festival and  
22 it is really sending a bad community message that the closure  
23 has to take place at this particular time. Thank you.

24  
25 **CARLOS FARCHETTE:** Thank you, David. Any questions for Dr.  
26 Olsen?

27  
28 **MIGUEL ROLON:** David, this is your update and when do you think  
29 you will finish?

30  
31 **DAVID OLSEN:** I asked for an end-of-year no-cost extension and  
32 what I'm hoping is that somehow there will be a beneficent deity  
33 that will result in us resolving this trap issue and so that  
34 Josh can run the models without us having to use that regression  
35 of trap things there.

36  
37 We are going to give a paper at the GCFI in November and in my  
38 mind, outside of collecting a few recaptures and things, that  
39 will be the end of the project. I would like to go to the GCFI  
40 and not have those charts about the difference between actual  
41 landings and what's in the catch records, but as I told Steve  
42 Turner, I surrender and I'm not going to fight that battle  
43 anymore.

44  
45 **MIGUEL ROLON:** Yes, but a couple of things. Then this project  
46 will be peer reviewed at the GCFI or you will have a section of  
47 peer review?

48

1 **DAVID OLSEN:** I guess it could, yes.  
2  
3 **MIGUEL ROLON:** A peer review?  
4  
5 **DAVID OLSEN:** Yes, that seems to be an option available at GCFI.  
6  
7 **MIGUEL ROLON:** I encourage you to do that, because I believe  
8 that by publishing this as a peer review at GCFI, it turns into  
9 best available data and it merits that. Then the other question  
10 I have is I would like to see a reaction from Bill and Bonnie  
11 about the difference, the 5,000-pound difference.  
12  
13 **TONY BLANCHARD:** I think we have a big problem here with the  
14 recording of the data and that throws a lot of these charts off,  
15 because obviously there is a big flaw in who was recording the  
16 data at the time, because when Dave came to me and he asked me  
17 my numbers, what I was recording hauling for the day, it was  
18 double and this seemed to have been the problem with everybody's  
19 numbers.  
20  
21 We was actually -- They were actually recording twice as much as  
22 we were hauling and now, I don't know how that had come to pass,  
23 but when you put these on a scale like what we have here, this  
24 completely throws the numbers off and so it could sway it from  
25 one end to the other end and that's where a big part of this  
26 problem is.  
27  
28 **BONNIE PONWITH:** Just a comment on GCFI. That's a remarkable  
29 opportunity and we take advantage whenever we can afford to send  
30 someone there to go and give papers and hear papers, but that's  
31 a conference setting and it wouldn't necessarily represent a  
32 peer review process.  
33  
34 **MIGUEL ROLON:** GCFI does have a peer review section of the  
35 papers. It depends on how you send it, but they do have a  
36 session on peer review.  
37  
38 **BONNIE PONWITH:** Where they peer review research studies? We  
39 will have to take a look and see, but one of the things that we  
40 are going to talk about in Other Business is some ideas for the  
41 council to look at for just that exact thing and that is good  
42 ways to -- A methodical way of how to handle third-party studies  
43 that are coming in to the council process, because there's a  
44 wealth of information and we want to be able to take advantage  
45 of it, but for it to be used for management purposes, it has to  
46 be peer reviewed at a level that's as if you did it yourself  
47 through SEDAR and that's just to make sure that when you're  
48 making measurement measures based on something that you're

1 basing it on a really firm foundation, but, like I say, that  
2 will come up in Other Business.

3  
4 **GRACIELA GARCIA-MOLINER:** You mentioned that you had few  
5 returns, and I can't remember it was a few or a lot, from the  
6 sport fishermen and what was the percentage? Can you estimate  
7 that number?

8  
9 **DAVID OLSEN:** 12 percent of the returns are from outside of our  
10 project and I would say that 10 percent are coming from sport  
11 divers. My phone number is on the tags and I was at GCFI in  
12 Columbia and somebody called me with a recapture and I had to  
13 tell him that he was going to pay a lot of money for that call.

14  
15 **GRACIELA GARCIA-MOLINER:** The reason why I'm asking is because  
16 Puerto Rico, through MRIP, has a special project to look at the  
17 spiny lobster and queen conch landings from the recreational  
18 harvest. We don't have the same thing included, I don't think,  
19 in the USVI and so we might be thinking about a special project,  
20 especially if it's such a high percentage or might represent a  
21 high percentage.

22  
23 **DAVID OLSEN:** We had a poster that the council helped us  
24 translate into Spanish that we put around, but I am getting the  
25 feeling that almost of these recaptures are coming from people  
26 that are just calling my phone number.

27  
28 **TONY BLANCHARD:** I think we need to look at this presentation  
29 that Dave just brought forward here and seriously take a look at  
30 it. I know some of us and sometimes personalities clash, but I  
31 think we've got to bypass that and seeing that Josh, as far as I  
32 know, was -- He used to work for NOAA and if you don't want to  
33 deal with one, maybe you should deal with the other and let's  
34 seriously take a look at this and look at it as what it is,  
35 instead of who presented it.

36  
37 **BONNIE PONWITH:** To that very point, to have made an investment  
38 that is as significant as this in a question that the council is  
39 very interested in knowing the answer to, it's imperative that  
40 we take a really close look at this and so my recommendation  
41 would be that it's good for the council to see the presentation,  
42 but I would be interested in asking the council if they have an  
43 interest in the actual process, the entire study, go to the SSC  
44 to take a closer look at the methodology and the analysis and  
45 the results and not just the results and come back to the  
46 council with some advice, based on what they learn from a more  
47 thorough presentation of this.

48

1 **CARLOS FARCHETTE:** David, have you received any calls from like  
2 Puerto Rico on recaptures?

3  
4 **DAVID OLSEN:** One of the fishermen from Puerto Rico, and I don't  
5 have his name right now, has captured I think three north of  
6 Culebra and I've gotten coordinates and sizes of two out of the  
7 three, but he is fishing -- They are all lobsters that were  
8 tagged by Gregory Ledee, who is fishing out in that area.

9  
10 **MIGUEL ROLON:** I would like to go back to what Bonnie is saying  
11 and also, I just asked, on the side, Dr. David Olsen here  
12 whether we can send this paper to Marine Fisheries Review or  
13 some of the papers that are peer reviewed.

14  
15 **BONNIE PONWITH:** I think publishing this paper is always a smart  
16 thing. It's the last step in any scientific research, is to get  
17 it published and get it disseminated. It's very important, but  
18 there's a distinction between the type of review that you get  
19 when you send a paper in to be published versus the type of  
20 review you get when you are interested in taking scientific  
21 results and basing management on it.

22  
23 Those are two separate things and so I would be thrilled to see  
24 this in the peer-reviewed literature, but in terms of its  
25 utility for making management decisions, my recommendation to  
26 the council for the consideration would be to actually get the  
27 study before the SSC, so that they can see it from beginning to  
28 end and kind of walk through it and give it the type of review  
29 that we would give a normal stock assessment. That's just a  
30 more methodical review than you get, including looking at the  
31 data and the assumptions and things like that, that you may not  
32 get when you simply publish the paper.

33  
34 **MIGUEL ROLON:** I know that some people around the table are  
35 wondering what we're talking about, but I personally believe  
36 that we should do both and the mechanism for us to receive data  
37 and use it is to present it to the SSC.

38  
39 The SSC role, under the MSA, is to declare whether something is  
40 the best available data for management or not and the Center  
41 also has a role to play, but I believe that this an excellent  
42 opportunity to publish a paper like this and I personally  
43 believe that one of the reasons why I insist on publishing a  
44 peer-reviewed paper is that it will disappear.

45  
46 Usually, when you have something that is a report given to the  
47 council and paid by the council and given to the SSC, that's it  
48 and five years from now, if any graduate student wants to do



1 research, it will be difficult for that person to get that  
2 information.

3  
4 This way, we will do both. We will comply with the legal  
5 requirement and at the same time, we will present to the general  
6 public, scientists and students, something that I believe is of  
7 value for years to come and I believe that we can do both and I  
8 will work with David and get some help from Bonnie and the  
9 others to send it to be published in a peer review.

10  
11 We can start with GCFI. GCFI has a special session and,  
12 Graciela, do you know if this year they have a special peer  
13 review session or we will have to wait for next year?

14  
15 **GRACIELA GARCIA-MOLINER:** I don't know, but we will find out  
16 soon enough, but I do have one question for David regarding the  
17 data. That's the data from the Southeast Fisheries Science  
18 Center, the catch reports?

19  
20 **DAVID OLSEN:** I have catch report data from the Science Center  
21 and the TIP data on the lobsters from the Science Center. We  
22 had an excellent thing going until Roy inserted himself into the  
23 middle of it and it all died.

24  
25 The paper is going to be presented at GCFI in the session on  
26 collaborative research and we had an interesting time in  
27 Columbia. They kept talking about co-management and stuff like  
28 that and someone came up to us and said that you're not asking  
29 for co-management, but you took it and this -- In fact, by the  
30 definition of collaborative research, it's not, because it's  
31 just us doing a study, but the Science Center, Steve Turner and  
32 David Gloeckner, in the very beginning of this, we were getting  
33 information and it was working pretty well and it's not anymore.

34  
35 **TONY BLANCHARD:** I think it's a good statement that Miguel just  
36 made. I think it needs to be published, number one, so it don't  
37 disappear. Number two, I think it needs to go to the SSC if  
38 that's the route it needs to take, because if that ain't the  
39 route it takes, I think we just dumped a whole lot of money in a  
40 project that we ain't serious about that's coming from two  
41 respected scientists. I think that is the route we need to  
42 take.

43  
44 **ROY PEMBERTON:** David pointed out several things in his talk and  
45 I think one of the more important things is the issue about the  
46 catch report data and that doubling effect and Tony mentioned  
47 it.

48

1 It throws your effort calculation way off and if you're having  
2 situations where folks are hauling half of the amount that's  
3 being reported in terms of what's on the sheet, that's a  
4 problem, because now you're going to think that the effort is  
5 much more higher for the amount of yield and automatically, that  
6 starts talking the ACLs and everything.

7

8 It's an immediate situation that both Steve and I, we really  
9 want to address and are starting to address in terms of looking  
10 through those catch reports.

11

12 In terms of the efficiency, divers -- I keep saying there's a  
13 complete difference between trapping and diving and divers are  
14 going to be a lot more efficient overall. They're not going to  
15 waste their time catching bigger lobster that they can't move in  
16 the market and so they're going to focus on right at the size  
17 limit they want to catch that's going to sell.

18

19 Now, I understand David has shown a lot of different  
20 calculations, but if you're focusing on a five-time dive, you're  
21 not going to waste your time catching twelve-pound and ten-pound  
22 lobster. You're going to catch the minimum size you can catch  
23 and get it to market.

24

25 In terms of my insertion into the issue with the data  
26 collection, there was a question that came up about  
27 proprietorship of the data and folks not having the ability to  
28 say yes or no to David in terms of whether they wanted to give  
29 the data to him.

30

31 Several fishers had called me and they were concerned about him  
32 getting data and having information and when he released the  
33 information at the FAC and he had names attached, a lot of folks  
34 were a little uncomfortable about that and so in order to get  
35 around that, I suggested to Steve we just get the data and get  
36 it to him and remove the names and pass it on and there was no  
37 problem in doing that at all.

38

39 He came by my office and we sat down and worked on it and we  
40 never had an issue. I personally don't have a problem with any  
41 of the stuff he does, but it's just that you have to be  
42 cognizant of fishers that are not necessarily okay with it and  
43 work with them, even if it's just a minus 3 or 4 percent that  
44 are not members of the STFA. I have to look out for everyone  
45 and not just STFA.

46

47 **DAVID OLSEN:** This difference between divers and trap fishermen  
48 has been tested with 4,000 lobsters and there is no difference.

1 It's three-tenths of a millimeter. This is basically a rumor  
2 that's been tested. You basically said in December that we  
3 should look at this. Well, I did. I looked at it and there is  
4 absolutely no difference.

5  
6 **CARLOS FARCHETTE:** Thank you. Any more questions for Dr. Olsen?

7  
8 **MIGUEL ROLON:** What are the next steps to clear this up between  
9 the 5,000-pound difference? David, is that any significance  
10 between those two or just scientific curiosity? Will that  
11 affect the -- I know you said it already, but will that affect  
12 the outcome of the way that we will implement closures, for  
13 example, or the way that we look at the ACLs versus the data  
14 that we have?

15  
16 **DAVID OLSEN:** I have talked to Bill about it at length and  
17 apparently the Science Center keeps receiving data and the data  
18 that I have is just more recent than his and so it reflects  
19 whatever data forms came in. Yes, it's a 5,000-pound difference  
20 in the landings.

21  
22 I would hope that some time not too long after the end of 2012  
23 will be the total landings and it won't continue to evolve  
24 through 2013 and 2014. You all need to -- I keep saying I want  
25 to see the data on your website, because it's going to force a  
26 point in time when the Science Center says this is the 2008,  
27 2009, 2010 landings.

28  
29 It's interesting that I got the TIP data from Steve for the  
30 groupers and it didn't include the coneys, which are the second-  
31 most abundant thing. They had gone through the original TIP  
32 data and didn't identify the fish by family. It wasn't in the  
33 database and you had to look them up species-by-species and they  
34 had gone through and designated which were the groupers and they  
35 had missed the coneys.

36  
37 Then when I got the data for the early years, there was a lot of  
38 -- Not a lot, a relatively inconsequential amount, but there was  
39 yellowmouth groupers and yellowedge grouper and there was about  
40 four or five species that were not in the TIP data that I got  
41 later and at some point, the data have to be final. This is a  
42 very inconvenient event and peculiarly enough for St. Thomas, he  
43 and I have exactly the same figures, down to the pound.

44  
45 **TONY BLANCHARD:** I think part of the problem was we don't  
46 realize how fishermen think. When fishermen go and they say  
47 they catch grouper, they don't identify every species of  
48 grouper. Most of us don't even know them by the names that you

1 would call them and so we call them a grouper. We might call  
2 them this and we might call them something else, but they all  
3 come under the same classification.

4  
5 Part of the problem is we don't identify them by the names you  
6 call them and so they ain't going to show up on the paperwork  
7 and I think a big part of the data collection problem is that  
8 some of us don't know what you call them to begin with, because  
9 we call them by a different name. Before putting down something  
10 else, they don't get recorded, because we don't know what to  
11 call them.

12  
13 **ROY PEMBERTON:** Again, David has pointed out a very important  
14 thing here. We have to address this data issue, particularly  
15 with the groupers and the separation by species. It's not a  
16 hard thing to go into the fish market and find out the common  
17 names and put them on the paper and get these guys to do it and  
18 separate it out.

19  
20 I suggest that's what we do with the catch report from now on,  
21 to make sure that is something that you guys can feel  
22 comfortable with. I am glad that Mr. Blanchard brought that up.

23  
24 The other issue is also with this doubling effect and we have to  
25 make sure that this is taken care of, not just in the lobster  
26 data, but it's also prevalent in the trap data for the fish  
27 traps and we definitely need to associate that issue with a  
28 serious problem that we have to address and it should be top  
29 priority.

30  
31 **CARLOS FARCHETTE:** I remember when Nancie Cummings was involved  
32 in the development of the CCR and helping us and Bonnie and  
33 Steve and Schuster and I did go out and get common names listed  
34 for them and so something has got to make it work.

35  
36 **DAVID OLSEN:** Just in regards to the TIP stuff and Tony's  
37 observation that they don't know them by the accepted common  
38 names, this is TIP data though. This is port-sampled data and  
39 the port samplers have identified them and there are not really  
40 a lot of these things and they were more common a long time ago,  
41 but they're there and I suspect that the same reason that the  
42 coneyns were there that first go-around is that they've just kind  
43 of gotten missed in designation as groupers. It's not like some  
44 grand conspiracy, but it just -- If they've gone to the trouble  
45 to go through that whole TIP database -- There's like 80,000  
46 samples or something. That's really a laborious process and a  
47 fairly rare species back a long time ago could have easily  
48 simply not been designated as a grouper.

1  
2 In the stuff that was sent to me, for example, the Caribbean red  
3 snapper was designated as a grouper and it had just been missed,  
4 but the data -- The Science Center are the custodians of a lot  
5 of really important data and as much as I fight with them and I  
6 like to call them names, but ultimately, the Science Center is  
7 where we're going to go for this data forever and there really  
8 needs to be an effort to help them get it right and to settle.

9  
10 The difference between what you and I have is simply a matter of  
11 time. I got a later set of data than you did and it's funny to  
12 think that 2011 data would continue to be evolving in 2012, that  
13 late in 2012, but it would be interesting to get Steve to kind  
14 of give us a feeling for the flow of forms.

15  
16 I think that Charles of Ecotrust is going to talk at some point  
17 about an electronic submission and I've fought for not just  
18 doing it as a project, a pilot project, but about starting right  
19 now, next month he says, and submitting data, so we're getting  
20 daily data submitted daily.

21  
22 That will help, but there are going to be people that are not  
23 going to be submitting data electronically and when does it get  
24 to you? It gets to you at the end of the fishing year. When I  
25 was Director last time, I just basically told people they  
26 couldn't renew their licenses if they didn't have all of their  
27 data forms in.

28  
29 A number of people that we dropped that year hadn't really been  
30 fishing and it didn't matter to them that we didn't let them  
31 renew their license.

32  
33 **MIGUEL ROLON:** I have two questions, to get this over. One, is  
34 do we have an issue and, number two, especially to Bonnie and  
35 Bill, how do you see it can be solved and third is can the  
36 council help in any way?

37  
38 **BONNIE PONWITH:** Again, I would really like to capitalize on the  
39 things that were learned through this study and my  
40 recommendation to the council for their consideration would be  
41 to ask for a pretty thorough -- Not this presentation.  
42 Certainly this presentation captures the fine points of  
43 materials, methods, and results, but to actually do a thorough  
44 review of the methodology and ask questions and dig into the  
45 data inputs and how they were managed and what the assumptions  
46 were and really do a thorough peer review of this, to give the  
47 council some guidance as to the long-term utility of what was  
48 learned through these results, in the event that you wanted to

1 make some decisions based on this study.

2  
3 I think that's almost a prerequisite to actually being able to  
4 take what we learned here and use it for making decisions and so  
5 that would be my recommendation to the council, would be to  
6 request the SSC to review this.

7  
8 **MIGUEL ROLON:** I was referring to the other part, the difference  
9 between the timing and the way that the Center receives the data  
10 and the categories. I was thinking, for example, can we hire  
11 somebody that can help the Center? I know you are way up there  
12 with a lot of work, but maybe if you can identify as scientists  
13 something that the council can help with and what it is and how  
14 can we do it between here and 2014, December 31. We have some  
15 money that we can set aside for that.

16  
17 **BONNIE PONWITH:** To tackle the problem of the timing, and it is  
18 an uncomfortable problem, because if you do want to do studies  
19 like this, which we all benefit from, you have to know what you  
20 have in your hand and if a database continues to evolve a year  
21 after the fishing year, it's a sign that there's a problem.

22  
23 What I would like to do is get staff from the Southeast  
24 Fisheries Science Center together with Director Pemberton and  
25 talk about determining what the root cause of these straggling  
26 data -- What the root cause or causes are and tackle it from  
27 that approach.

28  
29 I think getting our two shops together and talk about the flow  
30 of the data would help us resolve that and then once we have an  
31 understanding about that, then we can, together, work through  
32 the council to approach the fishers, if that's going to be the  
33 course of action that we need to take.

34  
35 It would help us kind of refine the plan of what we do to try  
36 and improve that timing, so that we can hit a point and say this  
37 is the final number for the year.

38  
39 Ultimately, our goal would be to have all of the commercial data  
40 posted to a website and it would be posted in a way that would  
41 be rolled up, of course, so that we don't have data  
42 confidentiality issues, but so those data are readily available,  
43 so that if a graduate student wanted to do a study or something  
44 like that, those data are available for further inquiry.

45  
46 **MIGUEL ROLON:** Mr. Chairman, may I offer then -- Because it's  
47 not only the Virgin Islands, but it's also Puerto Rico and so  
48 maybe what we could do -- It will be easier to send people over

1 to Miami than bring Miami people to here.

2  
3 My recommendation is we allow Dr. Ponwith to set some time and  
4 coordinate with the local authorities so we can send -- The  
5 council can pay for Miguel's and Roy's staff, both of you also  
6 included, to participate in this workshop and it will be how to  
7 improve the timeliness of availability of data for this area. I  
8 believe that Miguel Garcia and the Secretary already sent a  
9 letter, at the beginning of year, addressing these issues and if  
10 you agree, Bonnie, then the Chair and -- We can put it together  
11 as soon as you can send us an email and then I can coordinate it  
12 with the local folks.

13  
14 **TONY BLANCHARD:** You know Daryl just come up here to me a while  
15 ago and he asked me a good question. He asked me why is it that  
16 we need, on our CCRs, the total number of traps that we have  
17 while they are asking us the total number that we have for the  
18 day and he says it's a little confusing and I would tend to  
19 agree with him. I guess the question is if it can be removed  
20 from the CCR, if it's that big of a deal.

21  
22 The second part of the statement is I don't understand why in  
23 this day and age, with all this modern technology, it takes so  
24 long for information to get from one place to go to the other  
25 place. That's just my question.

26  
27 **DAVID OLSEN:** We have made, in the two presentations, two fairly  
28 significant recommendations for changes in management of the  
29 groupers and of the lobsters, an increase of 15,000 in the St.  
30 Thomas overfishing limit and quite a different way of managing  
31 the groupers in St. Thomas.

32  
33 Both of those are based on Josh Nowlis's model, which I am not  
34 going to go to the SSC and explain, because I couldn't. I think  
35 that if you want to have someone go to the SSC, it has to be  
36 Josh Nowlis and we have paid every single day of Josh Nowlis's  
37 time and there's no reason for him to donate time.

38  
39 I think somebody needs to address the issue of compensating not  
40 only for his travel and stuff, but for his time, because the --  
41 The stock assessment questions that are going to be asked there  
42 need to be answered and I am not going to try and answer them.

43  
44 **MIGUEL ROLON:** Barbara and Graciela, let's make a note for the  
45 next SSC, to put this in the agenda. Then we can contact Josh  
46 Nowlis and I believe that we can invite David and Josh to come  
47 to the SSC for that presentation. If David is allergic to the  
48 SSC, we can just invite Josh Nowlis and he can give that

1 presentation and then after that meeting, have a report made to  
2 the council. I believe that the SSC meeting will be between  
3 here and December.

4  
5 **GRACIELA GARCIA-MOLINER:** If I may also request it, it would be  
6 a very good idea to have a written report on what the SSC is  
7 going to see, so that they can receive that information  
8 beforehand, before coming to the meeting. That would be very  
9 helpful.

10  
11 **MIGUEL ROLON:** If you can have the written report -- Can you  
12 have the written report without Joshua Nowlis or we need to have  
13 Joshua Nowlis do the written report?

14  
15 **DAVID OLSEN:** He and I can work together on a written report.  
16 We're going to work together on a paper for GCFI and basically  
17 we're going to do that as a continuation of what we've been  
18 doing.

19  
20 The council is going to get, at the end of this, it's going to  
21 get a look at the GCFI paper and if it wants more than that -- I  
22 think that I will assemble a report that has all the data in it  
23 and everything so that you can have the entire product.

24  
25 It's just Josh sends me his model and it's a huge spreadsheet  
26 full of an infinite amount of numbers and one thing I have  
27 learned a long time ago is the respect for expertise. I don't  
28 claim to have expertise in everything and Josh has expertise in  
29 that and I paid Josh a bunch of money.

30  
31 He is helping me with the yellowtail snapper stuff and he's  
32 helped with the grouper and he's helping with the lobster and  
33 he's in the business of stock assessment and I don't have any  
34 more money to pay him.

35  
36 **MIGUEL ROLON:** Mr. Chairman, I offer this to finish the  
37 discussion. David can send us the report, as much as he can, to  
38 the extent that his expertise allows him, and then I will  
39 contact Josh Nowlis to see if he can come to the SSC and discuss  
40 with the SSC the intricacies of the model and, David, you and I  
41 can work this out with the Chair.

42  
43 Graciela, just put that in the agenda of the SSC. Mr. Chairman,  
44 we have some time to allow a presentation on the electronic data  
45 form and system that has been mentioned here and can we have  
46 that now?

47  
48 **CARLOS FARCHETTE:** We are going to go forward with Charles



1 Steinback on the Pilot Project for Electronic Data Logbooks.

2  
3 **PILOT PROJECT FOR ELECTRONIC DATA LOGBOOKS**  
4

5 **CHARLES STEINBACK:** Good morning. I am just going to give a  
6 brief overview of a project that we're just starting now. My  
7 name is Charles Steinback and I'm Director of Marine Planning  
8 for Ecotrust. We are an NGO based in Portland, Oregon. It's  
9 the west coast and so it's 7:00 a.m. for me right now and so  
10 bear with me.

11  
12 I am going to give, like I said, just a brief overview on a  
13 project that we're just starting now. We started in July and  
14 basically what the project is, it's a pilot project to develop,  
15 test, and implement an electronic catch report mobile  
16 application.

17  
18 The idea is that by doing this, we'll be able to help support  
19 collaborative fishing efforts, better track and manage fisheries  
20 data, and hopefully start to address some of the issues that  
21 were just discussed previously, to be able to provide  
22 information in a more timely way to help management decisions  
23 around annual catch limits.

24  
25 Also, how we're designing the system is to also allow for  
26 fishermen to have access to their data as well and so not only  
27 will they use the system to submit their data, but then we'll  
28 also create a mechanism for them to be able to access their data  
29 and work with fishermen, as part of this project, to get a  
30 better understanding for how they might want to be able to use  
31 that data for their own business purposes.

32  
33 In terms of kind of partners and who we're working with and the  
34 timeline, we're working with fishermen in St. Croix, St. Thomas,  
35 and Puerto Rico and collaborating with local fishing  
36 associations, the Division of Fish and Wildlife, hopefully the  
37 Bureau of Fish and Wildlife here in Puerto Rico, as well as the  
38 council and NOAA staff, both liaisons like Lia Ortiz, as well as  
39 NOAA Southeast Fisheries Science Center.

40  
41 It's a twelve-month project and so starting last month and it's  
42 kind of broken up into four main phases. The first one is  
43 really a needs assessment kind of phase. That's just getting a  
44 better understanding of the fisheries and how they're prosecuted  
45 and the catch report forms and how data flows from the catch  
46 report form to the various agencies in St. Croix and St. Thomas  
47 and Puerto Rico and then how that data gets to the Southeast  
48 Fisheries Science Center and then back to the agencies and to

1 fishermen.  
2  
3 Really, the first part is for us to do a bit of education,  
4 listen and learn, and then start designing the system and we've  
5 already started to kind of get into that prototyping with the  
6 app and how it would function and work. There's been little  
7 time on the actual design or the look and feel of the app.  
8  
9 The system design is basically -- Initially, what we're doing is  
10 just replicating the existing catch forms and not making any  
11 changes or anything related to that. We're taking the existing  
12 forms and turning that into an app.  
13  
14 I touched a little bit on where we're at. Last month, we  
15 attended the fishery registrations in St. Croix and St. Thomas.  
16 Every hour on the hour, we presented a similar presentation  
17 here. We presented the project and then asked if fishermen were  
18 interested to sign up and so we got nineteen fishermen in St.  
19 Croix and fourteen in St. Thomas.  
20  
21 We will work with those fishermen to basically form a working  
22 group that will help us design and test and build and implement  
23 the system. We are currently building the catch report entry  
24 form for use on -- We'll be able to use it on phones, tablets,  
25 laptops, or desktop systems. It will work on Android and IOS  
26 systems as well.  
27  
28 Kind of our next and most immediate step is to go back to St.  
29 Thomas and St. Croix and meet with those fishermen that signed  
30 up and introduce them to kind of what we've done so far in terms  
31 of designing the application and discuss with them what that  
32 test plan actually is and what their involvement might look like  
33 and provide devices where needed and kind of get the project  
34 kicked off at that level.  
35  
36 That last point is we just received additional funding to expand  
37 the project to Puerto Rico and so we're looking to work with  
38 agencies and fishermen here in Puerto Rico on the best ways to  
39 expand that project here.  
40  
41 Just to give you a sense, we've put little design or any sort of  
42 design usability into it, but it's essentially just -- What  
43 we've done so far is take the three catch reports and kind of  
44 combined them into essentially like a survey, so fishermen will  
45 be able to go in and select the -- This is just a couple of  
46 snapshots. Instead of having to fill things out, they just  
47 touch what island they're from and it selects it and then it  
48 moves them on to the next phase and then they would select which

1 gear type. They would click it, using the desktop with a mouse,  
2 or just touch with a finger on a phone or a tablet.  
3  
4 We're just mimicking and figuring out which questions to group  
5 on the catch forms together on one view. This is all stuff that  
6 we're going to be working with the fishermen to figure out  
7 what's going to work best for them.  
8  
9 That's it. My contact information is there and I'm happy to  
10 answer questions. Our funding for this project is from the  
11 National Fish and Wildlife Foundation as well as NOAA and I'm  
12 happy to answer questions now or I will be around most of the  
13 day today to answer questions. Thanks.  
14  
15 **EUGENIO PIÑEIRO:** How much time will it take to fill out that  
16 form?  
17  
18 **CHARLES STEINBACK:** Just messing around with the prototype that  
19 we've built, it takes -- Given that I'm making up answers as I'm  
20 going through it, in terms of number of traps hauled and number  
21 of fish caught and whatnot, but it shouldn't take any more than  
22 five minutes. It's pretty straightforward, as far as I can  
23 tell.  
24  
25 **EUGENIO PIÑEIRO:** Are you putting charter operators in  
26 fishermen, too?  
27  
28 **CHARLES STEINBACK:** That is what is on the catch report in St.  
29 Croix and St. Thomas. There's a whole set of questions up on  
30 the right-hand side that I think they fill out towards the end  
31 and it's just a yes or no for paying customers or not.  
32  
33 **EUGENIO PIÑEIRO:** Paying customers means charter, right?  
34  
35 **ROY PEMBERTON:** Some of these commercial guys have charterboat  
36 businesses and so they have a commercial license where they will  
37 take folks out to fish and then they will sell the catch.  
38  
39 **EUGENIO PIÑEIRO:** You mean they take clients out to fish, right?  
40  
41 **ROY PEMBERTON:** Some do, yes.  
42  
43 **EUGENIO PIÑEIRO:** What do they do with the catch?  
44  
45 **ROY PEMBERTON:** They sell the catch.  
46  
47 **EUGENIO PIÑEIRO:** That shouldn't be.  
48

1 **ROY PEMBERTON:** They have a commercial license.

2  
3 **EUGENIO PIÑEIRO:** In Puerto Rico, that's not the case. If you  
4 go with clients, you don't sell the catch.

5  
6 **MIGUEL ROLON:** We are going to have a mini session with Charles  
7 Steinback at lunchtime and I encourage those of you who are  
8 interested -- We are going to discuss the project with him and  
9 so I believe Roy and Genio and some of the key people who are  
10 going to be working with this project and we can discuss with  
11 him thoroughly some of the issues that you -- Whatever you want  
12 to discuss. The idea is to make sure that he has the best  
13 context for the project and see how we can expand it.

14  
15 **CARLOS FARCHETTE:** We're going to take a quick, ten-minute break  
16 and then we're going to continue with Fishery Workshops with  
17 Carlos Velazquez and Helena Antoun.

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

20  
21 **CARLOS FARCHETTE:** We're going to get started again. I have a  
22 couple of announcements to make. One is that because of the Go  
23 to Meeting, instead of having the little box for translation,  
24 for everyone who doesn't know Spanish, what we're going to do is  
25 Helena Antoun will be doing the translation verbally on the mic,  
26 so that Go to Meeting can understand the translation and also  
27 for you all here.

28  
29 Also, for our guests sitting in the back, if you have sidebar  
30 conversations, can you please take it outside, because there is  
31 some interference with other people that can't hear because of  
32 the sidebar conversations. We are going to move forward with  
33 Fisheries Workshops Around Puerto Rico by Carlos Velazquez and  
34 Helena Antoun.

35  
36 **FISHERY WORKSHOPS AROUND PUERTO RICO**

37  
38 **CARLOS VELAZQUEZ (TRANSLATED BY HELENA ANTOUN):** Good morning,  
39 everyone, and hello. My name is Carlos Velazquez and I'm here  
40 to present the project that we'll be developing that we would  
41 like to develop here in Puerto Rico developing workshops and  
42 training programs for commercial fishers. I am the President of  
43 the Fishing Association in Naguabo, Puerto Rico.

44  
45 I would like to thank the council for giving me the opportunity  
46 to present this project here in front of all of you, which I  
47 understand it will be very helpful and very useful for our  
48 fisheries development in Puerto Rico.

1  
2 I participated in the GMRI, Gulf of Maine Research Institute,  
3 Marine Resource Education Program on April 2 to 4 and it was an  
4 opportunity to -- I participated in the Marine Education Program  
5 in St. Petersburg and the program provided workshops and  
6 trainings and it was an opportunity to learn a lot about the  
7 fisheries and we would like to -- For the sake of educating  
8 fishers in fisheries and marine resources and a little bit of  
9 background.

10  
11 I would like to focus a little bit on how we could apply a  
12 similar program, a program that is a professional development  
13 program for fishers. This will also provide an opportunity for  
14 information exchange between fishermen, scientists,  
15 charterboats, and other people in the fisheries industry.

16  
17 The idea would be to present it twice a year and it would cover  
18 various themes within the fisheries area. The program would be  
19 an information exchange between fishermen and scientists and  
20 some of the themes, some of the examples of themes, that we had  
21 while I participated in the workshop in St. Petersburg were, for  
22 example, stock assessments, sample and survey methods,  
23 population biology, bycatch avoidance strategy and others.

24  
25 Why develop a similar program here in Puerto Rico? Because in  
26 Puerto Rico, there is a huge need for capacity-building programs  
27 for fishers and others in the industry and being president of my  
28 fishing association, I am very much aware of these needs.

29  
30 One of the observations I will make is we have a new generation  
31 of fishers, at least in the case of my fishing association in  
32 Naguabo. One thing that I have been observing is that this new  
33 generation of young fishers that are coming into the business  
34 are lacking a lot of educational information and are in need of  
35 capacity building programs.

36  
37 Once again, this program, there is a very clear need of the need  
38 of developing capacity building programs in the island and not  
39 only just for commercial fishers, but also recreational fishers,  
40 sport fishers, and others that are involved in the fishing  
41 industry.

42  
43 Having a lot of friends that are in sport fishing and  
44 recreational fishing, I have seen that they also are in need of  
45 outreach and education and capacity building workshops and  
46 trainings.

47  
48 Why develop a program? We need to develop a program so as to

1 help better understand the science behind fishery management and  
2 the tools used to regulate the fisheries. Open the channels of  
3 communication, which is very important, between fishers and  
4 scientists and/or scientists and fishers and attend all user  
5 needs.

6  
7 One of my recommendations would be to develop a fishers training  
8 program in Puerto Rico modeled after the GMRI educational  
9 program that I participated in in April.

10  
11 We would also need to identify stakeholders and stakeholder  
12 needs, such as the commercial fishers, recreational fishers,  
13 sports fishers and others involved in the fishing industry and  
14 by others involved, I would refer to owners of fishing villas,  
15 restaurants, restaurant owners, fishing dealers who are also in  
16 need of education and outreach and are lacking in that area.

17  
18 We would also want to identify the community leaders of these  
19 regions to give them the information and provide the information  
20 and do the outreach and education with them and also use them as  
21 the source of disseminating the information to others within  
22 their community.

23  
24 This opportunity would be an opportunity that would provide  
25 collaborative efforts between various agencies and particularly  
26 enforcement and others. As an example, we could have the  
27 Caribbean Fishery Management Council and one example would be it  
28 would be an opportunity to explain what the council is, who the  
29 council is, what they do.

30  
31 In my experience, I have seen that many of the fishers do not  
32 understand the council and they do not know the council and  
33 thankfully, through my experience and being a member of the AP,  
34 I am able to explain this information to them.

35  
36 The Puerto Rico Department of Natural Resources could also help  
37 in providing information on the procedures and requirements, for  
38 example procedures and requirements in applying for your fishing  
39 license and permits, the responsibility of the fishers and what  
40 they need to do and what they need to provide to the department,  
41 the data statistics information, what the data statistics  
42 information is and its importance in fisheries.

43  
44 The Department of Agriculture could help in explaining what the  
45 role of the department is, what their role is, the different  
46 programs the Department of Agriculture provides to fishers and  
47 their incentives.

48

1 The Health Department could help in providing information on,  
2 for example, good management practices of the fish and the risks  
3 involved in not properly handling your fish. I have seen that  
4 in the fishermen in my area, that many of them do not practice  
5 proper management, in the sense that they do not put their fish  
6 on ice. They do not store in ice and many times they are out  
7 all day long and the fish are just in a live well and they are  
8 not aware of the risks involved in not properly storing and  
9 handling their fish.

10  
11 In the area of enforcement, we have the Ranger Corps from DNR,  
12 we have the U.S. Coast Guard, and we have U.S. Customs, which  
13 are all enforcement agencies that we interact with and one thing  
14 that they could provide in this kind of workshop would be to  
15 explain the role and responsibility of each one of those  
16 agencies and their intervention protocol, what they're supposed  
17 to do and how they're supposed to board a boat.

18  
19 Also, another thing that would be good to develop and discuss  
20 between them would be the relationship between officers and  
21 fishers, mutual respect. As a fisherman, and speaking from the  
22 experience of many, there have been a lot of confrontations  
23 between the way many times fishermen are boarded by some of the  
24 officials.

25  
26 Another example would be Sea Grant, UPR Mayaguez, University of  
27 Puerto Rico Mayaguez Campus, Humacao Campus, and the American  
28 educational institutions that could also provide help in field  
29 trips, laboratories, workshops. They could provide classrooms  
30 if we need classrooms and marine education.

31  
32 They could also provide the marine education and here, we can  
33 come in and age fish and their reproductive cycles and also  
34 evidence of the effectiveness of seasonal closures, which is  
35 very important, to provide the proof or studies that show the  
36 results of these seasonal closures and how they are influencing  
37 the fisheries.

38  
39 One of the complaints that many of the fishers have is that  
40 there are these seasonal closures and closed areas, but there is  
41 nobody explaining to them or showing them the hard data that  
42 says how effective these closed seasons and these closed areas  
43 are. They would need something not only theoretical, but also  
44 practical.

45  
46 I really want to focus on the education. I understand it's very  
47 important and here, these are pictures that show examples of  
48 some of the things that were given to us while we were over

1 there participating in the workshop.

2  
3 The picture to the right is really one of the ones that marked  
4 me the most, because the fishing technique that he is showing  
5 here -- The photo on the right is showing a fishing technique  
6 that was demonstrated there that is a great example of what we  
7 are lacking here.

8  
9 That is in the information exchange and the education that these  
10 people can provide. In the example here, what he was showing  
11 was how when you bring up the red grouper, when you fish a red  
12 grouper, how you can release the red grouper, release it back,  
13 without harming it and without it getting eaten up by a  
14 barracuda or a shark and letting it go back into the water, into  
15 its habitat, alive and well and safe.

16  
17 Here in the workshop, in the bottom right photo, you can see  
18 that Gerson and Nicky from Santa Cruz, he was also with me in  
19 that workshop and he's a great person and I had the opportunity  
20 of seeing one of their fishing vessel and going on the fishing  
21 vessel and experiencing it.

22  
23 I had the opportunity to see how they would manage their trawl  
24 net management. The trawl net management here in Puerto Rico is  
25 a big issue. There's a lot of debate on it, but yet, here they  
26 gave examples on how they can effectively manage it and have a  
27 sustainable fishery using the trawl net.

28  
29 Once again, I thank you for the opportunity and I think this is  
30 a great opportunity for the fisheries here. This will help us  
31 maintain a healthy, sustainable fishery and a fisheries system  
32 that will not only benefit the present fishers, but future  
33 generations.

34  
35 Now we're going into the questions and comments section, but I  
36 would just like to emphasize the education is one of the points  
37 that I really want to emphasize here and with the fishermen in  
38 my zone, my area, the Naguabo fishermen.

39  
40 I got these posters of the queen conch reproduction cycle. It  
41 was given to me by the council and I posted it up in my fishing  
42 house and the fishers there had the opportunity to see the  
43 posters and actually see the reproductive cycle of the queen  
44 conch.

45  
46 So you can have an idea of how important education is, the  
47 fishermen did not realize that when the female conch had her lip  
48 protruding out, that that was a sign that she is ready to



1 release her eggs and those are about 300,000 eggs that are in  
2 the process of being released.

3  
4 Before the seasonal closure, the queen conch seasonal closure,  
5 began, after the fishermen had been explained the significance  
6 of the lip, the protruding lip, they had gone out and they came  
7 back and they reported that they had seen queen conch with the  
8 protruding lip and because now they understood that this meant  
9 that the queen conch was reproducing, they left it alone and  
10 they did not take it. They saw several and they came back and  
11 they said thank you, because now we understand that that is a  
12 female conch that is at the point of reproducing and we left her  
13 there. Thank you and do you have any questions?

14  
15 **CARLOS FARCHETTE:** Okay. Thank you, Carlos.

16  
17 **NELSON CRESPO:** Thank you very much, Carlos, for your  
18 presentation. Definitely I agree with you that outreach and  
19 education is the key to have a better fishery and maybe in the  
20 future this council maybe can create short workshops around the  
21 islands and depending on what every island, every area, needs.  
22 It's going to be a great idea and I think it's going to be very  
23 useful to protect the fisheries and have, in the future, better  
24 healthy fisheries.

25  
26 **ALIDA ORTIZ:** I think this is a project that is a long, long,  
27 long time overdue in Puerto Rico, a long time. When we talk  
28 about translating scientific information to the fishers, it is  
29 not just a poster and it's not just a presentation, but it is  
30 that communication and so I do hope that the council takes this  
31 to their hearts and that this will be one of the big projects  
32 that the council will sponsor.

33  
34 **EUGENIO PIÑEIRO:** Carlos, we have a recreational and sport  
35 fishing -- How would you define the difference between both and  
36 how would you do some outreach and what different kind of  
37 outreach would you use with them? I noticed that you don't have  
38 subsistence and why so and what would you do with that?

39  
40 **CARLOS VELAZQUEZ (TRANSLATED BY HELENA ANTOUN):** I will start by  
41 addressing the recreational fishery. That is a big issue in  
42 Puerto Rico, because everything is based on the commercial  
43 fishing statistics.

44  
45 Addressing both fisheries, the sports and recreational  
46 fisheries, I must say that they are very different, since we  
47 have been able to see that the recreational fishers usually go  
48 out and they do fish excessively with no control, while the

1 sports fishers are actually more aware of what they can and  
2 cannot do.

3  
4 I wanted to specify or to address these two fisheries, the  
5 recreational and the sports fisheries, because I believe that  
6 they should be included in the statistical records and not just  
7 have everything be based on the commercial fishery statistics.

8  
9 **ROY CRABTREE:** In Puerto Rico, we do have separate ACLs for  
10 recreational fisheries and commercial fisheries and we do have  
11 catch estimates for recreational. It's in the Virgin Islands  
12 where we don't have the recreational catch estimates.

13  
14 **CARLOS VELAZQUEZ (TRANSLATED BY HELENA ANTOUN):** We do have the  
15 programs to establish them, but here, we have Miguel from the  
16 Department of Natural Resources and he can tell you that indeed  
17 there is no database for recreational or sports fisheries.

18  
19 **MIGUEL ROLON:** We do have that information in Puerto Rico with  
20 the MRIP program. Actually, I will say something to that  
21 effect. What we are lacking, until we have the project in the  
22 U.S. Virgin Islands finished, is the USVI component. We do not  
23 have that information available, but in the case of Puerto Rico,  
24 we do have that, through MRFSS before and now through the Marine  
25 Recreational Information Program.

26  
27 We probably need to beef it up a little bit and fine tune it,  
28 but the information is there. Actually, that information was  
29 the one used by the staff to provide some of the numbers that  
30 they got in previous meetings regarding the stock and so that's  
31 Puerto Rico and the relationship with the data that we collect.

32  
33 **EUGENIO PIÑEIRO:** Carlos, I really enjoyed your presentation.  
34 It's exactly what we need in this 21<sup>st</sup> century. We've got to  
35 keep up to date with the data. It's a great effort and I thank  
36 you for that and here today we have representatives from the  
37 Department of Agriculture who are engaging all the commercial  
38 fishing villages and also we have personnel from the Governor's  
39 Mansion and so I would suggest to you that after the  
40 presentation you might want to talk to them and meet with them  
41 and perhaps invite them to go over to your place, because there  
42 is a very interesting project that is booting up. Helena Antoun  
43 has been involved in that project and the Caribbean Council and  
44 Sea Grant. It would be a very good opportunity for you to make  
45 some connections here today.

46  
47 **MIGUEL GARCIA:** I would like to say thanks to Carlos and the  
48 people from Naguabo. Just for the record, we do have

1 recreational and sport fishermen data. We know that it's an  
2 opportunity that needs to be improved and we are aware of that.  
3 That is something that is linked to the recreational and sport  
4 license and something that our Secretary, with the help of the  
5 Governor, are looking to push forward for this year, but yes, we  
6 are aware there is a lot of data that we are missing from that  
7 sector and it's our commitment to finally take care of that.

8  
9 **CARLOS FARCHETTE:** Thank you. Excellent presentation and  
10 thanks. Helena, good job. You have another title. Before I  
11 continue, we have, from the Governor's Office, the Honorable  
12 Andres Santos Ortiz, who is going to give a brief statement from  
13 the Governor's Office in San Juan, Puerto Rico.

14  
15 **ANDRES SANTOS ORTIZ:** Good morning, everyone. My name is Andres  
16 Santos Ortiz and I don't know about the honorable part. I know  
17 I am honorable, but I haven't been called that before. On  
18 behalf of the Governor, I am here just to make a statement about  
19 the work that we have been doing here with the different  
20 agencies and working with the different fishermen and  
21 fisherwomen.

22  
23 One of our commitments is to draw the strategic ways to make a  
24 better use of the environment here in Puerto Rico to have a  
25 larger local fish use in Puerto Rico and this being here today  
26 is very useful, because I know that the terms that you are  
27 talking about here are in the same track of what we have been  
28 working for the last six months.

29  
30 I am talking about education. Right now, I am very glad to hear  
31 the last presentation, because we are developing a program with  
32 the Department of Education in Puerto Rico, because one of the  
33 biggest problems that we have acknowledged is that the fishers  
34 in Puerto Rico are worried about the next generation and what's  
35 going to be the following youngsters that are going to do their  
36 jobs.

37  
38 The Department of Education has shown interest in developing  
39 programs in the vocational programs for the new generations and  
40 also, we have been working with the Department of Agriculture,  
41 the Environment Department, to do what you just have been  
42 talking about of educating and promoting the better ways of the  
43 fishing practices.

44  
45 On behalf of the Governor's Office, I am really glad to be here,  
46 to be invited, and I don't know if you later can speak with me,  
47 but my office telephone number, which we are very glad to  
48 receive all the comments and all the help that you can give us

1 to coordinate with other agencies or with the fishermen groups,  
2 but it's 787-721-1748. That's the direct phone number of our  
3 office and you can ask for Andres Santos, which is me, and we  
4 are very interested in working to promote the local -- People in  
5 Puerto Rico who consume the local fish, but without putting in  
6 danger the environment. Thank you.

7  
8 **CARLOS FARCHETTE:** Thank you, sir. Perfect. In continuing  
9 outreach and education, the Outreach and Education Committee for  
10 the council, and that's one of their goals, to educate everyone,  
11 from the stakeholder, the user, the consumer, even to those  
12 people that don't eat fish, but just to educate them of the  
13 importance of the resource.

14  
15 Now we're going to move forward to Don't Stop Talking Fish Video  
16 for the U.S. Virgin Islands with Lia Ortiz, Franklin Tulloch,  
17 and Angel Bolques. I guess you're going to see the symbiotic  
18 relationship between music and corals.

19  
20 **DON'T STOP TALKING FISH VIDEO FOR THE USVI**

21  
22 **LIA ORTIZ:** Exactly. Good morning, everyone. As Carlos said,  
23 my name is Lia Ortiz and I am a NOAA Coral Program Contractor.  
24 I have been working in the capacity as the USVI Fisheries  
25 Liaison for about the past two years, where I've been  
26 coordinating an initiative called Marine Outreach and Education  
27 USVI Style in collaboration with several local and regional  
28 partners, ranging from resource managers to community-based  
29 organizations.

30  
31 The idea behind this initiative is to build the greater  
32 awareness and appreciation for the marine environment and the  
33 fisheries resources as well as the fishing community members and  
34 the fishers.

35  
36 There are several projects that fall under that initiative.  
37 Don't Stop Talking Fish happens to be one and that Don't Stop  
38 Talking Fish initiative is sort of a mini initiative within that  
39 bigger umbrella that is marine outreach and education USVI  
40 style.

41  
42 Within Don't Stop Talking Fish, there are several components.  
43 This includes development of a film that targets building  
44 appreciation throughout the fishing community and for the  
45 fishers and so it's basically highlighting a day in the life of  
46 a fisherman and actually showing what it takes for a fisher to  
47 go out to sea and bring that fish home to the community to then  
48 enjoy.

1  
2 Also part of this initiative is development of a theme song,  
3 which we are actually not working towards developing at this  
4 point, because we've actually started to partner with Angel  
5 Bolques and Franklin Tulloch, who I am going to introduce to you  
6 in a moment.

7  
8 Also part of this initiative is a cultural event and this  
9 cultural event is going to be happening in St. Croix at the East  
10 End Marine Park in June of 2014, in this upcoming year, with  
11 funding from the Coral Reef Conservation Program.

12  
13 We have been partnering with the Caribbean Fishery Management  
14 Council as well, on behalf of the Outreach and Education  
15 Advisory Panel, trying to move forward some of the components of  
16 this initiative, one being the development of that film, which  
17 we're working towards, and I am going to now introduce you to  
18 Angel Bolques and Franklin Tulloch.

19  
20 They are the newest addition to the partnership that is the  
21 Don't Stop Talking Fish initiative and they have been working  
22 diligently for the past few years to develop a community-based  
23 project to address outreach and education within St. John, which  
24 they are now working towards bridging throughout the territory.

25  
26 They have developed a song and music video that highlights the  
27 importance of the marine environment and its resources and what  
28 it means to the local communities and so I'm not going to hold  
29 up the show anymore. This is their show and so I'm going to go  
30 ahead and have them introduce themselves briefly and then we'll  
31 get to the video and then they will talk about their project a  
32 little bit more.

33  
34 **ANGEL BOLQUES:** Good day, ladies and gentlemen. My name is  
35 Angel Bolques and I'm a musician and I am here to -- First and  
36 foremost, I want to say thank you to the Caribbean Fishery  
37 Council to having us and to all the departments, NOAA, Fish and  
38 Wildlife, DPNR. Most of all, a million thanks to Lia for  
39 inviting us, of course, and all her hard work and diligence and  
40 professionalism.

41  
42 The video itself, the Rhythm of Life, is part of a documentary  
43 which is broken down into six parts. Franklin is going to touch  
44 base on all of that with you in a little while, but basically,  
45 the video creates a very powerful social awareness component,  
46 which goes straight across the spectrum to tourists, locals,  
47 children, adults, straight across the board, regardless of your  
48 socioeconomic backgrounds. It doesn't really matter.

1  
2 The video itself showcases the ocean and it shows a lot of the  
3 importance of taking care of the ocean and all the beauty it  
4 holds within it. It is a very beautiful, well-coordinated video  
5 and I'm not saying that because I sung the song or anything, but  
6 I just really love the video. I have never seen anything like  
7 it and I'm just really happy to be a part of it and I'm happy to  
8 be here right now and so there's nothing but love flowing around  
9 here in Puerto Rico today with all of these great people.

10  
11 I want to tell you guys thank you so much for all your hard work  
12 for keeping the ocean as beautiful and full of life and  
13 abundance as it is right now, because our ocean in the Caribbean  
14 is the best ocean in the entire world. All the best to you guys  
15 and thank you so much for all your hard work and determination.

16  
17 That's all I really have to say. The video will speak for  
18 itself and I hope you guys enjoy it and if we can just go right  
19 ahead and start it up.

20  
21 (Whereupon, the Don't Stop Talking Fish Video was played.)  
22

23 **FRANKLIN TULLOCH:** Thanks, everyone. I hope you enjoyed that as  
24 much as I did making it. My name is Franklin Tulloch and I'm a  
25 filmmaker. Just a little background on me. I've been behind  
26 the camera and doing films for about fifteen years now. I have  
27 lived down in the Caribbean. My family moved down to the  
28 Caribbean in the late 1980s and my last film premiered a year-  
29 and-a-half ago at the San Francisco Ocean Film Festival in San  
30 Francisco and so that's just a little bit on me.

31  
32 As far as the paperwork that you have in front of you, I came up  
33 with an idea a couple of years back called Under St. John. A  
34 lot of this was based on just my joy of being underwater and my  
35 passion for it and my passion for film. I really didn't care  
36 whether there was a budget. I was going to do it anyway,  
37 originally, kind of like this music video that Angel and I did.

38  
39 As it grew and as I realized that a lot of the parts of the  
40 documentary actually crisscrossed a lot of you all's initiatives  
41 and once realizing that, I realized that we should expand the  
42 project a little bit more and instead of just keeping it to St.  
43 John, we wanted to expand it throughout the VI and hopefully  
44 cover a lot more of the initiatives that you all have brought  
45 forward and get away from just St. John. We love all the Virgin  
46 Islands.

47  
48 Basically, what I decided to come up with was Beneath the VI and

1 this is a project actually that covers all three islands. The  
2 same basic ideas for the six parts will stay the same and  
3 hopefully we'll get some funding and we'll be able to spread it  
4 out across the islands.

5  
6 Just to go over a couple of points, I have heard some wonderful  
7 stuff this morning about education. I don't know if any of you  
8 all have ever had the chance to come to the VI or had an  
9 opportunity to meet Guy Benjamin, who started Guy Benjamin  
10 School.

11  
12 He was a dear friend of mine and I was sorry when he passed. We  
13 used to have wonderful conversations together on his front porch  
14 and so I decided to dedicate a portion of the project to Guy  
15 Benjamin. The reason for that is because obviously education is  
16 an important thing.

17  
18 The outreach program for education is important and so one of  
19 the main parts of the film that we wanted to do was immediately  
20 involve the educational system in it.

21  
22 As you will see at the bottom of the sheet, and we'll give you  
23 some more information that you can check online or just get in  
24 touch with me afterwards, but I started what's called the Living  
25 Classroom, which basically brings the educational system right  
26 into the involvement of what we're doing in the project and  
27 allows them firsthand to get in the water, which I know has been  
28 a problem at times, and to move forward on that side of it and  
29 to have them be a part of it.

30  
31 They are not only being shown production and value and how to  
32 get stuff out there, but they're being part of the educational  
33 system that deals with underwater and everything that you all  
34 are looking to improve and take care of over the next few years  
35 or forever, I guess I should say.

36  
37 If you're interested in a lot more of the parts, we can go over  
38 that later on, but I'll just touch on a couple of them which  
39 actually relate to some of the things that have been said here  
40 today.

41  
42 The first of those is Hook and Line, which has to do with the  
43 fisheries, ironically, a look at the historical side of old hand  
44 lining and all the way through now, bringing the education to  
45 the children, who we want to be the future in the fisheries.

46  
47 Another part is the Breeding Grounds, which has to do with,  
48 again, looking at the fish and looking at the reefs and making

1 sure that we give them time to grow, which kind of reminded me  
2 of the conch story that we heard. That education for children  
3 will have a huge benefit later on.

4  
5 The other main one that I wanted to focus on, which is one that  
6 I've actually been filming for a number of years, which is the  
7 lionfish problem that we all have. I have worked with coral for  
8 the last couple of years and we've made it a point to film  
9 almost every dive that we've done and that's probably the first  
10 one that we'll end up finishing, just because of all the work  
11 that we've done on it.

12  
13 Our hopes are to gain some funding to really push this to cover  
14 the entire Virgin Islands. As you can see by our work, it's top  
15 notch, thanks to Angel and his incredible talents, and we have a  
16 lot of people over the past couple of years that I've gotten  
17 involved in the project on a much smaller level in sponsorship  
18 and we're hoping that all those people will still stay onboard  
19 if we can push this into a much larger project.

20  
21 Does anybody have any questions about anything? I would much  
22 rather give you an opportunity to go online and watch it again  
23 when you get the chance and contact me to get much more of a  
24 layout of the actual project. The sheets in front of you just  
25 give you kind of a basic layout without the parts.

26  
27 I wanted to thank everybody here for having us and hopefully we  
28 will see you again in the future. Does anybody have any  
29 questions about anything?

30  
31 **MIGUEL ROLON:** Thank you both for coming and giving your  
32 presentation. To the council, the idea to bring this up to you  
33 is that we, at the Outreach and Education AP and through  
34 conversations, especially with Lia, is we believe that such a  
35 video will do more for promoting the idea of conservation than  
36 the thick books that we throw at people in our meetings.

37  
38 The combination of your talent with Lia's ideas and our support,  
39 I believe that we can come up with some good products that we  
40 can say we understand also that there are copyrights and all  
41 that, but in the famous thirty seconds, they could be used.

42  
43 The idea is that we will continue working with these two  
44 gentlemen and see if we can move some products for outreach and  
45 education in the U.S. Virgin Islands. Culturally, we understand  
46 the difference between Puerto Rico and the U.S. Virgin Islands  
47 and people need to understand that. That music and the dancing  
48 of the corals, that was a stroke of genius and I don't know how



1 you did it, but to me, it was --

2

3 **FRANKLIN TULLOCH:** A lot of work.

4

5 **MIGUEL ROLON:** In Puerto Rico, maybe we will have salsa and  
6 other fish dancing with salsa, but anyway, at this time, we  
7 wanted to inform the council what we are doing and if you have  
8 any quarrels with this, let us know, because we intend to  
9 proceed, as budget permits, with this kind of project.

10

11 I hope that Lia -- That this is not the last time we see you  
12 guys and that we can work on something between here and the end  
13 of December, something that we can present to the council. For  
14 example, suggestions have been made that you can include  
15 subtitles, especially for little kids and older folks that are  
16 not in tune with the music, but they can have that. That's all  
17 we have, Mr. Chairman.

18

19 I would encourage you to have any questions or clear anything  
20 right now. We have the benefit of having the three of them  
21 here, in case you have suggestions to improve this project.

22

23 **FRANKLIN TULLOCH:** Just one thought and thank you, Miguel, for  
24 that. I couldn't agree more. We're talking about moving stuff  
25 into the 21<sup>st</sup> century and we're already there. The reality is  
26 that media is the way to put it out there and as much as we want  
27 to sit in a conference and have a chat and talk about things,  
28 the way to get this sort of stuff out there is through the  
29 media.

30

31 If we can come up with a project that really incorporates all of  
32 your initiatives with my love of the sea and passion for  
33 filmmaking and the musical backgrounds of Angel and a number of  
34 other artists that we work with over in the Virgin Islands, we  
35 really, really believe that this will be more beneficial than  
36 anything else that you guys could do.

37

38 We can incorporate research studies from what you all are doing  
39 and put it in a much more beautiful view that people can really  
40 relate to more and I think that's really, really important and  
41 so I have to push the digital world forward, because that is the  
42 way we're going.

43

44 **ANGEL BOLQUES:** Thanks again, Miguel, and touching base on what  
45 Franklin was saying as well, it starts from the media component  
46 and build in social awareness and then branching out into  
47 different areas, such as education, culture. Culture would  
48 definitely be the music, but the template is basically there.

1  
2 Like it was said, it might move to salsa. I can't dance salsa,  
3 but you might have a musician that could really break it down  
4 that way, so that people here will be able to relate to it more  
5 than they would to my music. I am not saying that they wouldn't  
6 relate to my music as well, but the template is basically there.

7  
8 You could put it to a salsa and like you said, break down the  
9 lyrics in Spanish so that people could relate to it a little bit  
10 more, but it all boils down to caring. People take care of  
11 things that they care about and so if we use something like this  
12 to build that awareness with the people, regardless of if they  
13 are young or if they're old, because we want to make sure it's  
14 friendly across the spectrum for everyone.

15  
16 Then they're more knowledgeable about it and they want to take  
17 care of things that they love and who doesn't want the ocean  
18 around? Based on what people say, our life began in the ocean  
19 and the world was water before it became earth and dirt and here  
20 we are. Our bodies are made up of water.

21  
22 We want to take care of our oceans as the beginning of our life  
23 and if something happens to the ocean right now, we're just  
24 going to go kaput. Like I said, thank you guys for all the hard  
25 work that you're doing to keep our oceans beautiful and full of  
26 life like they are right now and whatever we can do to try to  
27 help you with what we do as well -- We have our professions and  
28 you have your professions and we would love to help you as best  
29 as we can, whatever we can do and apply our expertise in that  
30 area. We would love to work with you guys.

31  
32 **FRANKLIN TULLOCH:** I just want to make one final note. A couple  
33 of you have commented on the dancing corals and all that. This  
34 music video took four years. I have been in the sea filming for  
35 years and years and it took that long for us to actually get to  
36 something like this.

37  
38 To take everything that I've been filming for the last four  
39 years and create something that was four minutes long, imagine  
40 what we could create with an hour or an hour-and-a-half or a  
41 six-part series or the ability to take that to the San Francisco  
42 Ocean Film Festival and show our place on this Earth in one of  
43 the biggest atmospheres that you can.

44  
45 By the way, I've already started doing the closed-captioning and  
46 the words for the music video and so that will be out really,  
47 really soon, in the next couple of days.

48

1 **TONY BLANCHARD:** I would just like to show my support for the VI  
2 here. We were well represented and I know some of us here  
3 probably don't want to admit it, but we wanted to jump out of  
4 the chair and start dancing.

5  
6 **FRANKLIN TULLOCH:** More than anything, Angel and I have known  
7 each other for almost eight years I think at this point and we  
8 began discussing doing work together eight years ago when we  
9 first met and luckily, we got the opportunity to get together  
10 and work on something like this that really shows both of our  
11 passions for our work and also our passion for the island  
12 itself.

13  
14 There was no budget for this. We did it for us and we're just  
15 really, really happy that it got passed up the line and that  
16 everybody has had a chance to see it and they can take their  
17 passions of what they do and incorporate it into what we do and  
18 we all benefit. Thanks again for having us.

19  
20 **ROY PEMBERTON:** Frank and Angel, when you guys came to the  
21 office and met with me and the Director, I told you then that  
22 this was a breath of fresh air. This is something well needed  
23 and you guys hit it right on the button and, of course, me  
24 transferring it over to Lia, she done and run with it.

25  
26 It's great and I think it was a great showcase for St. John and  
27 also, like I said, it was a good potential for DPNR and also for  
28 the council, because the way you produced your message and how  
29 you're trying to transfer it to the people is great. It had a  
30 good storyline and a good background to it and so I really  
31 appreciate you coming forward and hopefully we can continue this  
32 working relationship.

33  
34 **CARLOS FARCHETTE:** I am in full support. It makes you wonder  
35 how everything got here.

36  
37 **MIGUEL ROLON:** Thank you again and we will be in touch to Lia  
38 and Dr. Alida Ortiz in the future and the council could feel  
39 confident that we will provide you with all the product that we  
40 can get.

41  
42 A word of advice and don't say anything else, but never come  
43 here and say you work for free. People will hit you with  
44 peanuts, but I understand there is a lot of work and you had  
45 your heart in the right place when you did this. Lia, I believe  
46 that through you we can keep working on this project. Roy is  
47 always looking for a place to spend the liaison funds and this  
48 is one. It will benefit everybody and I believe that there are

1 other videos and other campaigns that we can work together,  
2 along the lines of what you just presented today and so thank  
3 you.

4  
5 **FRANKLIN TULLOCH:** Thank you and, Miguel, I did prove that the  
6 sea dances to reggae, but I might be able to prove it dances to  
7 salsa, too.

8  
9 **CARLOS FARCHETTE:** We are going to break for lunch, but first we  
10 have Bill.

11  
12 **BILL ARNOLD:** I am just going to take a risk here. We have got  
13 a lot of stuff to cover this afternoon and so we better get to  
14 lunch and get back here and get to work, okay?

15  
16 **CARLOS FARCHETTE:** So ordered.

17  
18 **MIGUEL ROLON:** Just briefly before we go, you know that Julian  
19 Magras suffered an incident yesterday and luckily is doing all  
20 right and I just want to thank Genio Piñeiro. It's good to a  
21 lawyer with some friends and so he was able to get the right  
22 people at the right time and they did what they were supposed to  
23 do in this case and thanks to Genio and Crespo, who was driving  
24 back, we were able to help a good friend and a member of the  
25 Caribbean family and so thank you, Genio.

26  
27 **JULIAN MAGRAS:** Actually, I would like to say thank you to  
28 everyone in this room, because everyone actually stepped up to  
29 the plate. It was amazing to see how fast that everybody  
30 responded to my needs and I am very appreciative of that. I  
31 would do the same thing for anyone in my hometown, but like  
32 Miguel was saying, it's good to know people within your own  
33 neighborhood that can help speed up the process and there was  
34 never one opportunity yesterday during my incident where  
35 somebody wasn't trying to speed up the process and I would like  
36 to say thank you to everyone.

37  
38 **MIGUEL ROLON:** I took a picture of something that to me was  
39 emotional. Daryl Bryan, the big guy that likes to say F-word  
40 once in a while holding the head of his companion and trying to  
41 stop the blood. To me, that's the icon of friendship and thank  
42 you, Daryl. I know you did it out of your heart and it was  
43 something beautiful to see and so we have Julian for a while.  
44 Whether people like it or not, we will have you around.

45  
46 **CARLOS FARCHETTE:** We are going to break for lunch and be back  
47 at one o'clock sharp. Thank you.

48

1 (Whereupon, the meeting recessed for lunch on August 14, 2013.)

2  
3 - - -

4  
5 August 14, 2013

6  
7 WEDNESDAY AFTERNOON SESSION

8  
9 - - -

10  
11 The Caribbean Fishery Management Council reconvened at the  
12 Hilton Ponce Golf and Casino Resort, Ponce, Puerto Rico,  
13 Wednesday afternoon, August 14, 2013, and was called to order at  
14 1:00 o'clock p.m. by Chairman Carlos Farchette.

15  
16 **CARLOS FARCHETTE:** I want to thank everybody for returning on  
17 time and we're going to continue with the 147<sup>th</sup> Caribbean Fishery  
18 Management Council in Ponce, Puerto Rico.

19  
20 **MIGUEL ROLON:** Mr. Chairman, we have some requests to move  
21 forward the presentation by Dr. Richard Appeldoorn and Dr.  
22 Scharer and then Mr. Piñeiro asked us to move his presentation  
23 to the December meeting and to substitute his presentation, I  
24 asked Bill Arnold to cover three of the items that they have for  
25 Other Business, because they need some guidance from the  
26 council.

27  
28 I will also, before he talks, very briefly tell you what we are  
29 going to do with the Marine Recreational Information Program.  
30 At this time, if you so order, we will have the presentation  
31 before the presentation by Hector Padro. We would like to hear  
32 the presentation by Dr. Richard Appeldoorn.

33  
34 **CARLOS FARCHETTE:** Thank you, Miguel. We will adopt the changes  
35 to the agenda with Dr. Appeldoorn and Dr. Scharer.

36  
37 **SPAWNING AGGREGATION PROJECT UPDATE**

38  
39 **MICHELLE SCHARER:** Good afternoon. This is a long version of  
40 what some of you saw yesterday and so we've been working in  
41 Puerto Rico and Rick Nemeth in the U.S. Virgin Islands regarding  
42 Nassau grouper spawning aggregations.

43  
44 The plight of the Nassau grouper is almost thirty years old. In  
45 1991, it was listed as a species of concern. In 2000 and 2003,  
46 it became threatened and endangered and finally on the IUC and  
47 red list, which is international recognition of its status. It  
48 was declared overfished by NMFS and in 2010, there was a

1 petition to list the species as an endangered species and that  
2 process is still ongoing.

3  
4 The data we have to show how the plight of Nassau grouper has  
5 been for the past years is mainly from the fisheries data from  
6 Cuba. This is from Claro et al. and the dotted line is the  
7 catch of Nassau grouper over time and this is the total finfish  
8 catch and so the Nassau used to be the major part of the  
9 fisheries and I think a lot of islands this was true, but you  
10 can see it starts going down after the 1970s.

11  
12 In Puerto Rico, the information that we have is basically that  
13 in the 1970s it was the fourth most commonly captured fish and  
14 in the 1980s and by 1988, it was considered commercially  
15 extinct.

16  
17 This is from Sadovy, where the main reason it is thought that  
18 these Nassau grouper disappeared is because they were fishing  
19 the spawning aggregations. This map actually has -- The stars  
20 are the places where we still have Nassau grouper spawning  
21 aggregations and the squares are where they have been reported  
22 to disappear.

23  
24 We have two sites near here, actually, where there used to be  
25 Nassau grouper spawning aggregations and they could no longer be  
26 found. This is from David Olsen, where they were able to count  
27 between 1,000 and 2,000 fish spawning at what is called now the  
28 Old Site at the Red Hind Marine Conservation District, but  
29 today, we probably have this left.

30  
31 Of the aggregations that we do have left, we have some numbers.  
32 One of the most abundant ones is in the Little Cayman Islands  
33 West End Aggregation, where they have counted up to 3,000 fish.  
34 Glovers Reef in Belize, they have counted up to 1,000 in the  
35 latest census.

36  
37 There are areas in the Bahamas which also number in the  
38 thousands, but in over in our little piece of the Caribbean, the  
39 numbers are a lot lower, between 100 and 200 fish.

40  
41 The method we're using is coupling passive acoustics, actually  
42 the sounds that the grouper produce. This is one of the  
43 instruments that we use to record these sounds underwater and  
44 this is developed by Loggerhead Instruments in Sarasota,  
45 Florida. Maybe some of you know Dr. David Mann. He used to be  
46 in St. Petersburg and the University of South Florida.

47  
48 These actually have a hydrophone that sticks up in the water and

1 it's full of batteries, which can last up to a year, depending  
2 on your recording scheme. We actually are using them for six  
3 months so that we can include all the months before and after  
4 the spawning aggregation and then we pick them up and we analyze  
5 the data.

6  
7 The other instrument that we use is basically a spying camera  
8 with external hydrophones. We can actually see what the  
9 behavior of these grouper is and we can couple that with the  
10 sounds, which are very low in frequency, and this recorder in  
11 particular can go on for sixteen hours and so we put it in the  
12 water one day and pick it up the next day and see what happened  
13 that evening, but new developments with Loggerhead, we're  
14 getting recorders that we can leave one day and go pick up a  
15 week later and get different pieces of the day recorded and  
16 they're not continuous and so hopefully that helps us when we  
17 have really bad weather and we can't get out there, but our  
18 cameras are checking out what they're doing.

19  
20 These are some of the grouper sounds that we have published  
21 already. This is the variation in the sounds of the red hind  
22 and so these sounds are believed to be mainly by the males when  
23 they are courting the females or the males when they are  
24 defending their territories to attract later the females. This  
25 actually was published in aquatic biology in 2010 with David  
26 Mann.

27  
28 We have also the yellowfin grouper. The sound is a little bit  
29 different and the main differences are in the frequency. Bigger  
30 fish produce lower frequency sounds, but also the patterns are  
31 species specific and if we have a good recorder down there, we  
32 can look at those differences afterwards.

33  
34 We have also described the sound for the black grouper. We  
35 don't have too many of those here, but we were lucky enough to  
36 have them show off in front of our cameras.

37  
38 For Nassau grouper, that's the sound of their alarm call and so  
39 many grouper have the ability to make this sound. This one is  
40 not as species specific, but if you look at the frequency, where  
41 most of the energy is being produced, you can see how relative  
42 the size could be. The second sound, the lower one, is actually  
43 the courtship sound.

44  
45 These are very low-frequency sounds and you need special  
46 equipment to pick them up. For the case of the red hind, you  
47 can actually hear it underwater if you get close enough and they  
48 actually do it close to you. All of these sounds are coupled

1 with behaviors which have already been described for these  
2 species during the spawning aggregation.  
3  
4 The places where we are working, the Grammanik Bank, which most  
5 of you know where it is, south of St. Thomas, right next to the  
6 Red Hind Marine Conservation District, and this work is actually  
7 being performed by the group from UVI with Rick Nemeth.  
8  
9 This is a close-up of the Grammanik Bank where the Nassau  
10 grouper are now aggregating, but it's mainly a yellowfin grouper  
11 site, although there are also some tiger grouper there.  
12  
13 At Bajo de Sico, the area that we're focusing on, these are the  
14 three MPA sites on the west coast of Puerto Rico. Bajo de Sico  
15 is mostly in EEZ waters and so the pink part is the PR waters  
16 and we also have some hydrophones at Abrir la Sierra, where we  
17 mainly focus on monitoring the red hind aggregation.  
18  
19 Bajo de Sico is a submerged seamount and so it doesn't come up  
20 the surface and it has very little divable shallow habitat and  
21 we've had to go to rebreathers to be able to sample the deeper  
22 areas around, which are up to sixty meters in depth.  
23  
24 The Bajo de Sico regulations prohibit fishing from October to  
25 March 31. At the Grammanik, fishing is prohibited from February  
26 through April and one detail is that there's no anchoring at  
27 Bajo de Sico to protect the benthic habitat, the essential fish  
28 habitat.  
29  
30 Our methods are basically being there when the fish are supposed  
31 to aggregate, so that we can get a good estimate of how many  
32 fish are there and we do that by doing either drift surveys,  
33 belt transects, and point counts. This also depends on the  
34 oceanographic conditions, because sometimes the current doesn't  
35 let us do a belt transect and so we have to deal with  
36 reconciling those two methods in the Grammanik and Bajo de Sico  
37 so that we can compare these numbers afterwards.  
38  
39 We also try to identify what are the different color phases.  
40 This is the same species, the Nassau grouper. They have four  
41 different color phases, which indicate their state. Sometimes  
42 it can be due to their habitat, but mostly this color phase is  
43 indicative that they're ready to spawn. They only do that when  
44 they're aggregated and they're ready to spawn.  
45  
46 These are our preliminary results from this year's grouper  
47 spawning season. The red bars are our maximum counts for Nassau  
48 grouper at Bajo de Sico and the blue bars are the maximum counts



1 for Nassau grouper at the Grammanik and this is over time.  
2  
3 We had a maximum number of a hundred at Bajo and a maximum  
4 number of 213 at the Grammanik and there you can see a little  
5 bit of a hint of two different peaks in abundances for the  
6 species.  
7  
8 When we look at these numbers lumped into the months, we have  
9 pretty good background of Nassau grouper at Grammanik from  
10 January through May, with a very significant peak in March. For  
11 Bajo de Sico, we had a significant peak in February, but March  
12 had almost the same number of fish, but it's just really hard to  
13 get them all and see them all when you're doing the diving and  
14 so that's why we want to couple this with the sound.  
15  
16 We only have the sound data analyzed for Bajo de Sico right now.  
17 We still have a lot of work to do with the Grammanik, but the  
18 blue bars are our visual counts, our maximum numbers per day,  
19 and this orange-reddish bar is actually the number of courtship-  
20 associated calls per day and so we listen through the whole day  
21 and we count how many times we hear this grouper and we lump  
22 that in by day.  
23  
24 These peaks in abundance are matching pretty well with their  
25 peaks in sound production and we definitely saw them and suspect  
26 they spawned in those two months and this here is actually when  
27 the full moon was during each one of those months.  
28  
29 When we look closely at one of those peaks, we have the maximum  
30 abundances for each one of the days that we were able to sample  
31 and we have here the curve of what those sounds were.  
32  
33 One of the most significant things that we've also seen for red  
34 hind and for yellowfin grouper is how dramatically they drop  
35 right after we think they spawned. We still have no  
36 confirmation that they spawned, because most of the sound  
37 production is actually after 8:00 P.M. and so we're not diving  
38 at that time.  
39  
40 This is also temperature data that we're recording there and  
41 these two rectangles, this is when they were aggregated in  
42 February, the peak in abundances, and this is the peak in  
43 abundance for March and in both cases you can see that the  
44 minimum temperature, which is this dotted line, dropped  
45 significantly, almost a whole degree in February and almost a  
46 whole degree in March, right when they were aggregated and so I  
47 think this is important and we really need to look at these  
48 cues, including currents and including moon phase, but

1 temperature may be a significant factor there that we have to  
2 keep in mind.

3

4 This is a regression between the number of calls that we  
5 recorded at each one of those days where we sampled and the  
6 number of fish and so there is a significant correlation there  
7 of how the increase in sound is basically because there's an  
8 increase in abundance of fish and so over the long term, we can  
9 use this to, one know exactly when the maximum abundance of fish  
10 was there, but also where and in cases where we have a suspected  
11 aggregation, we can actually listen through the season and see  
12 if those numbers can make it up there, to try to say that yes,  
13 we have an aggregation or measure changes over time.

14

15 One of the other things that we're doing while we're down there  
16 is using lasers mounted on a video camera. I don't know if you  
17 can see those two points there, but we can get a better estimate  
18 of the fish size with the aid of these lasers.

19

20 Between these two points is about twenty centimeters and later,  
21 in post-processing, with Photoshop software, we can actually  
22 measure the size of each fish and we can do this repeatedly and  
23 have a good idea of what our size structure is and we don't have  
24 to kill the fish.

25

26 This is an example of twenty fish that were videoed during one  
27 of the aggregation days in February and this is sort of what  
28 their distribution in size was. Hopefully we can get a lot of  
29 data that's important for the fishery from these spawning  
30 aggregations.

31

32 Other species that we're seeing aggregated or with signs of  
33 aggregating at Bajo de Sico include the red hind, the tiger  
34 grouper, the black grouper, schoolmaster snappers. There is  
35 very few, but they were actually interacting. There are rainbow  
36 parrotfish and something that first we didn't know what it was  
37 and it sort of looked like the surface of the moon and it was  
38 these pits in the regolith habitat and when we actually went  
39 back and took a closer look, it was the ocean triggerfish making  
40 nests and it's a significant part of the bank where this is  
41 occurring and so this needs further research.

42

43 One thing that we expected and we didn't see was yellowfin  
44 grouper aggregating, but we did find a significant number of  
45 juveniles there and so it looks like this may be serving as a  
46 recruitment habitat for the species, but we still haven't heard  
47 them. We have a lot of work to do still, but hopefully we'll  
48 hear something.

1  
2 Unfortunately, we did record the reproduction of lionfish and  
3 they are all over the bank and now, I'm going to show a very  
4 short five-minute video and then we'll open it to questions and  
5 hopefully you will be able to hear what I'm talking about.

6  
7 (Whereupon, a short video was played.)  
8

9 **MICHELLE SCHARER:** That's the video. The idea was that we share  
10 with you a little bit of the methods and how we do things and  
11 also request that there be more enforcement at the site, because  
12 the anchoring and the fishing is going on, actually, and the  
13 only time we saw interventions, twice, was with us. Thank you  
14 and I will take questions.

15  
16 **MIGUEL ROLON:** Michelle, the meetings that we held some years  
17 back, I guess in 2007 in Belize, we had a special session on  
18 Nassau grouper sponsored by us and at that time, some of the  
19 scientists that work with Nassau grouper told us that in order  
20 to make the aggregation feasible, you need at least a thousand  
21 animals. Is this true or have you found spawning? Like you  
22 mentioned, there were some of them changing color, indicating at  
23 least they were ready to spawn and have you found activity with  
24 lower numbers that you have seen in Puerto Rico?

25  
26 **MICHELLE SCHARER:** All the evidence we have suggests that they  
27 were spawning. The question is if their spawning is effective  
28 at those low number and so that was something that Colon  
29 proposed, that there could be a threshold that their spawning  
30 events are just not successful because there's so few fish and  
31 there's not enough sperm and egg in the water to make it  
32 fertilize and for them to be fit and survive as larvae. That's  
33 an important question that needs to be looked at, but they were  
34 definitely doing all the behaviors that have been reported that  
35 would have led to spawning, except that we weren't able to see  
36 it.

37  
38 **TONY BLANCHARD:** I've got a couple of questions and a couple of  
39 statements. Bajo de Sico, how much water do you have the  
40 recorders on? What's the depth of the water?

41  
42 **MICHELLE SCHARER:** The recorders we have are between 100 and 160  
43 feet.

44  
45 **TONY BLANCHARD:** What's the shallowest water?

46  
47 **MICHELLE SCHARER:** The shallowest divable part of the platform  
48 is about seventy-five or eighty feet.

1  
2 **TONY BLANCHARD:** Okay. Have you ever tried coming up on the  
3 shallower water?  
4  
5 **MICHELLE SCHARER:** Right. That's the part of the bank where  
6 they have seen the grouper, but we dove there and that's not  
7 where they are aggregating. They are aggregating at 160.  
8  
9 **TONY BLANCHARD:** Okay and another thing that I want to touch  
10 base on is I see that you had Grammanik Bank I think it was 200  
11 fish and in all honesty, I don't know where you get that number  
12 from, because it just don't look right to me.  
13  
14 Now, my thing is this. At the same time you're checking the  
15 Grammanik Bank, my suggestion would be to check the Hind Bank  
16 and see if the fish ain't coming up on the Hind Bank as well,  
17 because the number 200, in my opinion, that rang a bell to me.  
18 It just don't look right and I'm not saying that the numbers  
19 ain't right, but I'm just questioning how you get the numbers.  
20 On the Grammanik Bank, what's the depth of water in which you  
21 have the recorders?  
22  
23 **MICHELLE SCHARER:** The work that Rick Nemeth is doing there is  
24 140 feet they have the recorders and the way that they get the  
25 numbers, they do repeated diving and yes, they were diving at  
26 the Hind Bank, but they only saw eight fish.  
27  
28 **TONY BLANCHARD:** Okay. Did Rick dive on the shallowest water in  
29 the Grammanik Bank?  
30  
31 **MICHELLE SCHARER:** I don't have that data to share with you, but  
32 I am sure we can talk to him and figure that out.  
33  
34 **TONY BLANCHARD:** I am pretty sure he didn't, because the numbers  
35 just don't look right and as for the Hind Bank, you've got a  
36 fourteen-square-mile stretch. The fish will come up on  
37 different places on the bank and so what that's telling me is on  
38 Bajo de Sico, more than likely the fish -- You probably didn't  
39 hit the full aggregation and what's that telling me? In St.  
40 Thomas, it's that you need to monitor the Hind Bank from the  
41 head of the bank to the tail of the bank and then tell me what  
42 you come back with, what kind of numbers you've got.  
43  
44 For the recorders, I am just curious -- You say that the  
45 recorders last a year time with the battery or six months with a  
46 battery and my question is this. Why don't you have the  
47 recorder record twenty-four/seven? It might shut off at 8:30,  
48 but you don't know what is going on at twelve o'clock and so

1 that would be my other suggestion.

2  
3 **MICHELLE SCHARER:** The way we're recording right now, with these  
4 automated recorders, is a segment of twenty seconds every five  
5 minutes twenty-four/seven. The reason we leave them for six  
6 months is so that after the spawning season we can get them back  
7 and look at the data, but we can replace it with another one and  
8 check if the rest of the year they are aggregating, which is  
9 actually something we are doing at Bajo, in case they come back  
10 in the summer to aggregate.

11  
12 The way we get the counts and the places we decide to count are  
13 basically to be able to match that data to our recorders and so  
14 if we ever put recorders somewhere else, we can calibrate and  
15 know or estimate around how many fish are there, based on this  
16 work that we're doing, pilot work, right now. That's the idea,  
17 that we can listen in multiple places at the same time and  
18 discard or confirm other aggregation sites.

19  
20 **EDWARD SCHUSTER:** Tony asked one of the questions, which was  
21 depth, but what about predators when the spawning took place?

22  
23 **MICHELLE SCHARER:** We did pick up on the cameras various species  
24 of reef shark and we do have an acoustic signal, a special  
25 sound, that occurs when the sharks attack and so we do have  
26 records of how many fish runs are being harassed by these  
27 sharks. We did not see direct predation on Nassau grouper by  
28 the sharks, but I think also Rick has some observations there of  
29 the types of sharks and I think he has tagged some of them  
30 feeding at these aggregations.

31  
32 **CARLOS FARCHETTE:** Any more questions? Hearing none, thank you.

33  
34 **DAVID OLSEN:** This is really intriguing to me, because when I  
35 was doing the work -- Tony just asked me if I had seen any  
36 shallower and I didn't see any fish shallower. They were all  
37 130 or 140 feet, but the aggregation, the three years I studied  
38 it, every year the spawning took place the first full moon after  
39 the winter solstice and the yellowfin spawned about when these  
40 seem to be spawning right now.

41  
42 I had talked to Rick one time and he was of the opinion that  
43 maybe the yellowfin had trained these few remaining groupers  
44 into spawning on their size and we were -- Julian dropped a line  
45 on the historic Nassau Bank and right away had some fish bite,  
46 which he, of course, let go and did you put hydrophones on the  
47 historic bank?

48

1 **MICHELLE SCHARER:** Rick did. There was one at the historic site  
2 this year, one at Grammanik and one at MCD. Both sites were  
3 surveyed and we still haven't looked at that data.  
4  
5 **DAVID OLSEN:** Did you see groupers on the historic site?  
6  
7 **MICHELLE SCHARER:** A total of eight.  
8  
9 **DAVID OLSEN:** It's just curious to me. When I was doing my  
10 work, it was when there was groupers there and did I really say  
11 it was 2,000 to 3,000? Is that what I said?  
12  
13 **MICHELLE SCHARER:** 1,000 to 2,000.  
14  
15 **DAVID OLSEN:** I've been saying 10,000 to 15,000, but anyway, it  
16 was a lot of damn fish. People were just filling their boats  
17 with them and there wasn't even a market for that much fish and  
18 I probably can barely remember it, but there were some really  
19 big fish there and have you looked at the size distribution from  
20 your measurements and looked at it compared to mine? It seemed  
21 to me like you had some pretty big fish in your sample.  
22  
23 **MICHELLE SCHARER:** The part on the connection between the MCD  
24 and the Grammanik for the Nassau grouper I think is a very  
25 important question. The ones that can find their partners at  
26 the MCD may move over to the Grammanik and back and forth and  
27 that's something that should come up with the acoustic tagging  
28 and with this passive acoustic research that we're doing and so  
29 hopefully that will show up.  
30  
31 **DAVID OLSEN:** It's amazing to me. When I was doing the work, we  
32 didn't even have BCs and we just had the straps and I was diving  
33 alone because you couldn't fit anyone else in the boat and Joe  
34 LaPlace was free diving down when he got nervous.  
35  
36 The technology that you have available and the questions that  
37 you're able to ask are just fascinating to me and I want to  
38 congratulate you and Rick and everyone on bringing this  
39 technology to bear in this way.  
40  
41 **MICHELLE SCHARER:** The other part of your question is the size  
42 data. This was pilot for this year and hopefully next year  
43 everybody will have videos equipped with lasers and we'll get  
44 really good estimates of the size structure, but at least at  
45 Bajo de Sico, there were some very big fish that are probably  
46 very old, because they live deep.  
47  
48 **CARLOS FARCHETTE:** Any more questions?

1  
2 **MIKE MASTRIANNI:** Just a quick question. Do you happen to  
3 remember or do you have the data on where you saw those people  
4 anchoring and people fishing, which areas they were?  
5

6 **MICHELLE SCHARER:** Everything was on the bank itself and we did  
7 call NOAA Law Enforcement every time.  
8

9 **CARLOS FARCHETTE:** Thank you. We are going to go with the  
10 Artificial Reef Project and Two Prototypes of Traps with Octopus  
11 and Spiny Lobster from the Yabucoa Fishers Association and  
12 Hector Padro.  
13

14 **ARTIFICIAL REEF PROJECT AND TWO PROTOTYPES OF TRAPS: OCTOPUS AND**  
15 **SPINY LOBSTER**  
16

17 **HECTOR PADRO (AS TRANSLATED BY HELENA ANTOUN):** Good afternoon,  
18 everybody, and thank you all for inviting me and thanks to  
19 Miguel Rolon and everybody here on the council for having me  
20 here. My name is Hector Pedro and I am President of the  
21 Asociación de Pescadores Juan Sánchez de Yabucoa Puerto Rico and  
22 we, as part of the association, are working to develop a  
23 sustainable fishing practice.  
24

25 First of all, I would like to show you a type of octopus trap  
26 that was designed and is being used in other parts of the world.  
27 It's a sustainable trap and it's a trap design that we would  
28 like to begin to implement here in Yabucoa, Puerto Rico.  
29

30 We all know that our corals are going through a lot of  
31 contamination from industrial waste that's being emptied out  
32 into the oceans and we would like to do our part in helping to  
33 protect these reefs and use sustainable techniques of fishing.  
34

35 Everyone knows that many times there are fishers, sometimes they  
36 are not really commercial fishers, but people that fish, and  
37 they use Clorox to fish for octopus.  
38

39 Many times, what the people that use the Clorox do is they fill  
40 regular dishwashing soap or liquid detergent bottle with Clorox  
41 and they go to the reef, they go to the little cave where the  
42 octopus is, and they squirt the Clorox into the cave and that  
43 makes the octopus shoot out and that's how they catch them, but  
44 we also know that the Clorox is very damaging to the reefs.  
45

46 Through this, we want to promote a sustainable way of fishing  
47 octopus and give the younger fishers, the younger generation, a  
48 tool that will allow them to fish and catch octopus, but without

1 damaging the reefs.

2  
3 One of the advantages that this sort of trap has is that usually  
4 the octopus that gets trapped inside this trap is the male  
5 octopi and not the female.

6  
7 There are other techniques that are used in other countries to  
8 catch octopus, such as clay jars or PVC pipes, but we found  
9 that, in many cases, the female is the one that hides in there  
10 and she can deposit up to 50,000 to 100,000 eggs. That would be  
11 damaging to the octopus population if we are fishing out the  
12 females and pulling out these clay jars that are filled with  
13 eggs.

14  
15 The advantage that we have with this kind of octopus trap is the  
16 type of octopus that go in there is an octopus that is larger in  
17 size and usually male and if it's a small octopus, it will  
18 usually just be able to squeeze itself out and so it will limit  
19 itself to the capture of large-sized male octopus, mostly male.

20  
21 The other advantage is that as a bait, you can use fish or  
22 crabs, because the octopus, they go after that, and so that's  
23 another advantage that this kind of trap has.

24  
25 The other advantage we have with this kind of trap is that in  
26 terms of shape, it's quite flexible. You can have the  
27 cylindrical shape, you can have the round shape, or you can have  
28 the square shape. The advantage with the one that we have here  
29 in demonstration now is that practically everything that we're  
30 using to build that trap is recyclable or reusable material.

31  
32 Now I'm going to switch over to the presentation of the lobster  
33 casitas. This kind of lobster casita is being used since  
34 approximately 2003 in Yucatan, Mexico. The lobster casita that  
35 we're showing here in this slide is made of cement and it has a  
36 low pH and provides shade for the lobster, which is what they  
37 like. They like the shady, cave-like structure of it. As you  
38 can see, they hide underneath it.

39  
40 What would be the benefit of using the lobster casitas here in  
41 Puerto Rico? One of the advantages we have in using lobster  
42 casitas is that right now, currently the types of lobster traps  
43 that are being used in the island are metal traps that get lost  
44 many times in rough seas and they become ghost traps.

45  
46 The lobster casitas can be used in twenty, thirty, or forty feet  
47 of depth, but if you go to forty feet, you would have to use  
48 scuba gear to go down and get the lobster.



1  
2 Another advantage of using the lobster casitas, in terms of  
3 sustainability is that, for one, you don't fish on the reefs.  
4 You can stay on the reef and not damage the reefs and you can  
5 get the lobsters from the casitas and another thing is that the  
6 equipment that is used to fish lobsters, the hooks and the  
7 lassos, they can sometimes be damaging. In my case, I had an  
8 example of one of the lobsters, the switch was damaged and when  
9 I shot it out to catch the lobster, it literally just ripped the  
10 lobster in half.

11  
12 One of the things is us, as fishermen of Yabucoa, we are  
13 committed to promoting the sustainable fishery of the lobster  
14 casitas and not to say that we would be eliminating the original  
15 lobster traps that are being placed at a hundred feet of depth,  
16 but this would be a sustainable alternative to fishermen who  
17 want to fish for lobster.

18  
19 As I mentioned earlier, an example of a casita, construction of  
20 the casita, would be, for example, this one, which is made of  
21 cement and it's about six feet wide and about four feet wide and  
22 so we can guarantee a sustainable fishery for future  
23 generations.

24  
25 Now I'm going to show you where we would be placing these  
26 lobster casitas and octopus traps and it's an area where we are  
27 undergoing -- We are undergoing a reef restoration project and  
28 we will be placing those traps in that area, in an area that  
29 suffered environment impact from the Shell Corporation, where  
30 they released four drums of benzene into the water, damaging the  
31 surrounding reefs, killing thousands of fish and marine life and  
32 many sea turtles and many fish. This led us, the community, to  
33 fight against Shell and now, thankfully, Shell is no longer  
34 operating in that area.

35  
36 Our reef still has not been able to restore itself to its  
37 original fullness, although Shell is no longer there, but there  
38 are still other sources of pollution that are being emptied out  
39 into the water, which is affecting the surrounding area.

40  
41 As you can see there in the white square that you can see, this  
42 is where the old Shell tanks used to be and there's the channel  
43 where they would empty out their waste deposits and along that  
44 area there, following the coast line, that is where they would  
45 place their octopus traps.

46  
47 What we would like to do is create a reserve in that reef area  
48 that we have to protect it, because if we do not take these

1 measures, what little is left of the reef will totally  
2 disappear.

3  
4 Because of that, we, the fishing association of Yabucoa,  
5 together with Dr. Alfredo Torruella, a physical oceanographer,  
6 we have embarked on the project of developing an artificial reef  
7 right alongside of the large reef that was severely impacted by  
8 the contamination. This will not only benefit the reef and the  
9 marine ecosystems, but it's also an area that would also benefit  
10 tourism and future research in the area.

11  
12 The plan is not to allow any fishing in the area where they're  
13 building the artificial reefs and use the area to develop  
14 tourism and have charterboats in that area for recreational use.

15  
16 With all respect, I would like to publicly open an invitation to  
17 everyone here to come to Yabucoa and see our reefs and see the  
18 beautiful beaches that we have there and the beautiful area and  
19 also see what the community has been fighting for to protect  
20 that has been damaged over the years because of the Shell  
21 Company.

22  
23 This project has touched base in many universities from the  
24 mainland and we are proud to say that Yale University is very  
25 much interested in the reef restoration project and the  
26 government has also endorsed the project.

27  
28 Dr. Torruella is working on helping us identify the area where  
29 we will be depositing the artificial reef and he will be doing a  
30 bathymetry study, current studies, and we will be placing the  
31 artificial reefs in the area where the old pipeline used to run,  
32 which no longer exists, but it's where the old pipeline used to  
33 be.

34  
35 The type of design that we are planning on using are the reef  
36 balls, as you can see here, they are made also of cement  
37 material and are low in pH and they are very similar in form to  
38 the natural formation in the ocean, in the reefs, and they are  
39 also good at helping create habitats for fish and other marine  
40 organisms. Thank God that this project has been endorsed by the  
41 USDA and by -- from Atlanta and has told us that the first part  
42 of the budget has been approved for this project. So far this  
43 is the presentation and thank you very much and if you have any  
44 questions or comments --

45  
46 **MIGUEL ROLON:** Hector, thank you for an excellent presentation.  
47 What is the weight of the casitas and how many can be  
48 transported on a fishing vessel?

1  
2 **HECTOR PADRO (TRANSLATED BY HELENA ANTOUN):** Each casita weighs  
3 thirty to forty pounds and every single fisher can be  
4 transporting fifty to sixty of those.  
5  
6 **MIGUEL ROLON:** That's a lot of weight.  
7  
8 **HECTOR PADRO (TRANSLATED BY HELENA ANTOUN):** Yes, that is  
9 correct and we are preparing a twenty-eight footer with a  
10 platform to transport these casitas. Right now, we have eleven  
11 of the casitas which have been already placed and we are just  
12 testing them now and so far, they have given us very good  
13 results.  
14  
15 The advantage that we have with them is with a lasso we can go  
16 by and pull them up. With a snare we can pull them up and then  
17 we have sustainable fishing and in that way, the small-sized  
18 lobsters remain in the water.  
19  
20 **MIGUEL ROLON:** The way that you envision is that rather than  
21 pulling the casita up, you will leave the casita and then the  
22 diver will go down and select the ones that the size is legal  
23 and then leave the small ones in the casita?  
24  
25 **HECTOR PADRO (TRANSLATED BY HELENA ANTOUN):** There are different  
26 methods. This one would have a buoy to mark it or we can mark  
27 it with a GPS. Yes, that is correct. They would be left in the  
28 water and just take the lobsters that are the right size.  
29  
30 **EDWARD SCHUSTER:** With the octopus traps, I have a question.  
31 After you put the bait, how many days after you check it and do  
32 you put weight in the trap?  
33  
34 **HECTOR PADRO (TRANSLATED BY HELENA ANTOUN):** Yes, we do bait in  
35 and we also need to put weight on it so that the current doesn't  
36 take it away. Usually three days.  
37  
38 **CARLOS FARCHETTE:** Okay. Thank you. If there are no more  
39 questions, we're going to move on to Bill Arnold.  
40  
41 **MIGUEL ROLON:** As I said, Genio will give his presentation at  
42 the next meeting and we asked Dr. Arnold to pick the top three  
43 of the items in Other Business so we can discuss it now.  
44  
45 Before he does that, very briefly, to inform you that the Marine  
46 Recreational Information Program Workshop held in Washington and  
47 attended by Graciela and myself, we decided, with the group that  
48 was there, that the Caribbean Council can adopt the same

1 strategy as the Western Pacific Council for the Marine  
2 Recreational Information Program.

3  
4 What we are going to do is we are going to have a committee of  
5 the key persons and that will be the two government  
6 representatives, some of the PIs working in this area, the  
7 Southeast Fisheries Science and the Regional Office and the  
8 council.

9  
10 That group will meet twice a year, once to decide on a  
11 management strategy or not a management strategy, but an outline  
12 of the priorities for the recreational fishing program,  
13 collection of information program, and the second time around is  
14 to have updates of these projects.

15  
16 The first thing that we are going to do is we will have an  
17 inventory of all the people working in the Caribbean toward  
18 obtaining information on the recreational fisheries and as I  
19 said before, we have two projects going on in the Virgin Islands  
20 totally something like half-a-million dollars between the Virgin  
21 Islands and Puerto Rico.

22  
23 We will report to you at the December meeting and between here  
24 and December, I intend to hold a meeting of this group. I will  
25 coordinate with Mr. Pemberton and Dr. Garcia and Bonnie and Bill  
26 at the office to see when would be the best time to meet and go  
27 over what we have in terms of recreational fishing information  
28 and what we can do and then the next steps.

29  
30 We can report back to the Steering Committee of the Marine  
31 Recreational Information Program and see if we can set this  
32 group that will last as long as the members decide to meet and  
33 this will constitute the mechanism for deciding on what projects  
34 and how we are going to collect the information for the marine  
35 recreational fisheries in the U.S. Caribbean.

36  
37 **CARLOS FARCHETTE:** Okay, Bill, it's all yours.

38  
39 **LANDINGS AND ACL PRESENTATION**

40  
41 **BILL ARNOLD:** The first of the presentations I want to put in  
42 front of the council has to do with -- I emphasize this, but  
43 these are preliminary landings that have been provided by the  
44 Southeast Fisheries Science Center regarding the yearly catches  
45 of the various managed units in the U.S. Caribbean and we will  
46 deal with each of the three island groups separately: Puerto  
47 Rico, St. Thomas/St. John, and St. Croix.

48

1 All I'm really trying to accomplish with this presentation is to  
2 give you guys an idea of where the landings are relative to the  
3 annual catch limits and which units or species groups might be  
4 subject to accountability measures for the 2014 fishing year.

5  
6 We anticipate getting the final landings probably sometime in  
7 mid-August or something like that. We have to have the data  
8 completed and ready for the, and this was established by the  
9 council, but ready for consideration by the Scientific and  
10 Statistical Committee by October 1 of each year and so that's  
11 when the data must be ready.

12  
13 I want to make clear on this that the data we are using for the  
14 snappers and groupers in particular, for those species I call  
15 the 2010 species, are an average of the landings in the calendar  
16 years 2010, 2011, and 2012.

17  
18 For the rest of the species, the ones I call the 2011 species,  
19 those species that were not designated as undergoing overfishing  
20 by NOAA's National Marine Fisheries Service, we will use the  
21 average of years 2011 and 2012 and those year sequences are by  
22 regulation and so keep that in mind.

23  
24 The first thing we're going to look at is we're going to look at  
25 Puerto Rico average annual commercial landings. Again, this is  
26 for 2010, 2011, and 2012. They are for queen conch, which is  
27 pretty much irrelevant, since queen conch harvest is not allowed  
28 in the Puerto Rico EEZ.

29  
30 For grouper, which is grouped together -- All the grouper  
31 species are piled into one group and for parrotfish, which also  
32 are combined into a single group, all the species are in a  
33 single group, and then the four units of snapper that we were  
34 able to break out in Puerto Rico, due to the species-specific  
35 reporting of each of those individual species in Puerto Rico  
36 fisheries data.

37  
38 What I have done is species that are over the ACL, I have  
39 highlighted those in red. Those that are close to the ACL, 90  
40 percent or more of their allowable catch has been harvested by  
41 the June 25 date of these landings, and that's when we asked for  
42 the data from the Science Center, but that's the date through  
43 which these data are accurate. Any that had achieved 90 percent  
44 or more of their landings by that date, I highlighted in yellow.

45  
46 The others, those that are not highlighted, are less than 90  
47 percent and these are full years of landings, but as we talked  
48 about earlier, landings do tend to trickle in. You might have

1 some additional reports come in from the fishers and the local  
2 government may have some additional reports to submit and the  
3 Science Center may do some quality control on their data and  
4 find additional landings that should be added and so there are a  
5 variety of things that can cause these landings to change.

6  
7 Generally they change upward and not downward. It would be  
8 possible for landings to go down, but I would consider that a  
9 highly unusual situation, whereas landings going up is common.  
10 The June 25 dataset, the total landings will usually be less,  
11 and maybe slightly less, but less, than a dataset that's looked  
12 at on August 25 or September 25.

13  
14 What we saw for Puerto Rico commercial was that the only species  
15 that really has any likelihood of having accountability measures  
16 applied for the year 2014 is Snapper Unit 2 and, of course, that  
17 goes back to what we already discussed in previous council  
18 meetings about the entry of basically recreational fishers  
19 through the beginners commercial fishing license into the  
20 commercial fishery for deepwater snapper in western Puerto Rico.

21  
22 That really drove the commercial landings up somewhat  
23 arbitrarily, but it did drive them up and so last year, when we  
24 were talking about accountability measures for 2013, the average  
25 landings for Snapper Unit 2 was right around 190 percent of the  
26 allowable catch, the annual catch limit.

27  
28 This year, what we're seeing is about 154 percent above that and  
29 so last year, for the 2013 season, we will close the season on  
30 September 21 of this year. I would say that if we reduce the  
31 overage by 40 percent, that doesn't directly translate into  
32 days, but I will think that we will have a longer season in  
33 2014.

34  
35 There's a lot of other factors that may play into that,  
36 including recent moves by the DNER Secretary to get these pseudo  
37 commercial fishers out of the fishery, thereby reducing the rate  
38 of harvest. If the rate of harvest is reduced, then the length  
39 of the closed season would almost certainly be similarly  
40 reduced, but all these things remain to be determined by the  
41 availability of the final data, by consideration by the  
42 Scientific and Statistical Committee, and by a final evaluation  
43 by the council that will take place in December of this year.  
44 That's what we're looking at for Puerto Rico commercial. The  
45 only real problem I see would be for Snapper Unit 2.

46  
47 For St. Croix, like I said, there is harvest of conch in federal  
48 waters off of St. Croix in the Lang Bank area, but we have

1 separate accountability measures for queen conch. We close the  
2 season when the 50,000-pound combined state and federal quota is  
3 met and so we deal with that separately.

4  
5 The only potential problem in St. Croix is with the grouper.  
6 They are at 99 percent of their ACL and maybe that won't change,  
7 in which case accountability measures don't need to be applied.

8  
9 I would expect, and I could be wrong, and I know that's hard to  
10 believe, but I could be wrong, but I would expect landings to go  
11 up at least a little bit and so I would similarly expect that  
12 our grouper in St. Croix will exceed their ACL and probably not  
13 by much, but they will exceed their ACL and some level of  
14 accountability measures will have to be applied to grouper in  
15 St. Croix.

16  
17 Parrotfish and snapper are nowhere near their allowable annual  
18 catch and so, again, I can't predict the future, but I would  
19 anticipate no need for accountability measures for those units  
20 in 2014.

21  
22 For St. Thomas/St. John, it's a very similar pattern and not  
23 identical, but very similar. We've got grouper and no allowable  
24 harvest in federal waters around St. Thomas and St. John.  
25 Grouper is right up against their ACL and they have not yet  
26 exceeded it and maybe they won't. If they do, I would not  
27 expect it to be a large exceedance.

28  
29 Of course, I keep in mind that every day is an impact on the  
30 fishers, but this is just a preview of what's potentially to  
31 come and I would not expect any problems with parrotfish or  
32 snapper on St. Thomas.

33  
34 Here's the Puerto Rico other species, the species that have not  
35 been determined to be undergoing overfishing. For those, none  
36 of them are really near their annual catch limit and I would not  
37 anticipate that accountability measures would have to be applied  
38 for any of these commercial species in Puerto Rico waters.

39  
40 For St. Croix species, all the other species that were not  
41 designated as undergoing overfishing, and, again, these are 2011  
42 and 2012 landings averages, we have three that are over and two  
43 that are close.

44  
45 The two of these, the two that are close, actually matter. The  
46 three, angelfish, squirrelfish, and wrasses, these are species  
47 that I'm pretty sure were added to the form and so, as with last  
48 year, the Scientific and Statistical Committee, along with the

1 Southeast Fisheries Science Center and the council, determined  
2 that these high overages were due to improvements in reporting  
3 rather than due to actual increases in landings.

4  
5 They weren't on the forms before and so they never reported. We  
6 based our ACL establishment on those very low landings and now  
7 we've got new landings coming in and they're much higher and we  
8 would respond to that by not applying accountability measures.  
9 Instead, what we really need to do with these species is  
10 establish new annual catch limits. For these, the landings is a  
11 two-year average.

12  
13 Lobster is at 91 percent and they've still got almost 10 percent  
14 to go in St. Croix waters before they hit their annual catch  
15 limit. I don't know if we'll achieve that by the time the final  
16 numbers are in. That's a lot and so it could go either way.

17  
18 Triggerfish and filefish, they are pretty close. I would not be  
19 surprised if they exceed the annual catch limit when the smoke  
20 clears. I would not expect it to be a substantial overage, but  
21 even a half a percent requires application of accountability  
22 measures. What that translates into as far as a reduction in  
23 the season length remains to be determined and I would not want  
24 to predict and so that's St. Croix.

25  
26 St. Thomas/St. John, we've got angelfish, squirrelfish, and  
27 wrasses. Again, those are species that have been added to the  
28 forms or we would consider these species for which data  
29 improvement is the cause rather than actual increases in  
30 landings. Other than that, it's unlikely that any of these  
31 other units would have accountability measures applied to them  
32 for the 2014 fishing season.

33  
34 **DAVID OLSEN:** All three of those things were species groups that  
35 were confused in the prior forms and so are they all going to be  
36 covered under this improved reporting thing?

37  
38 **BILL ARNOLD:** It's not my decision to make. It's up to the SSC  
39 and the Science Center and higher powers, but I would think that  
40 they would look at those factors and likely consider it due to  
41 improved reporting, but that's up to them and not me, David.

42  
43 **TONY BLANCHARD:** I've got a question for you, Bill. I have seen  
44 that they've got the triggerfish and the filefish all linked up  
45 together. In the previous form, it wasn't just the triggerfish  
46 by itself, because I didn't remember the filefish and them  
47 having a category in the old CCRs.



1 **BILL ARNOLD:** That may be the case, but in the data we use, they  
2 are compiled. In the data we've used since 1998, 1999, 2000,  
3 the data with which we established the annual catch limits,  
4 that's how they were provided and that's how they were  
5 developed.  
6

7 **TONY BLANCHARD:** I've got another question for you. I've seen  
8 tilefish here and my question is what's a tilefish? I don't  
9 even know what you're talking about when you say a tilefish.  
10

11 **DAVID OLSEN:** They catch them on hook and line and use them as  
12 bait.  
13

14 **BILL ARNOLD:** There are, I believe, three species of tilefish in  
15 that unit and they are, I believe, mostly caught off of Puerto  
16 Rico. We did not have good USVI data and so tilefish is a  
17 Caribbean-wide ACL.  
18

19 **DAVID OLSEN:** We have a 14,000-pound ACL for tilefish?  
20

21 **BILL ARNOLD:** That's U.S.-Caribbean wide. That's including  
22 Puerto Rico, St. Thomas/St. John, and St. Croix. Most of it is  
23 coming out of Puerto Rico waters.  
24

25 **DAVID OLSEN:** Why is it in the table at all then?  
26

27 **BILL ARNOLD:** I am just trying to keep a complete record of what  
28 we do. If you would like it taken out, we can take it out.  
29

30 **DAVID OLSEN:** I will bet you if you look in the CCRs, there are  
31 no tilefish -- You've seen there are no tilefish landings, so  
32 that our ACL for tilefish would be 90 percent of zero.  
33

34 **BILL ARNOLD:** It would likely be 100 percent of zero.  
35

36 **DAVID OLSEN:** Well, we get 10 percent, because it's not  
37 overfished.  
38

39 **BILL ARNOLD:** If somebody went out there and caught tilefish off  
40 of St. Thomas or St. Croix waters, they would all be piled into  
41 this.  
42

43 **DAVID OLSEN:** St. Thomas or St. John that is.  
44

45 **BILL ARNOLD:** St. Croix is the same way. It's a U.S. Caribbean-  
46 wide annual catch limit and so wherever they come from in the  
47 U.S. Caribbean, they all get piled into the same landings data  
48 and they all get compared against a single annual catch limit.

1 That's just for tilefish and aquarium trade species and not for  
2 all of these other species.

3

4 **DAVID OLSEN:** That's just weird.

5

6 **BILL ARNOLD:** Welcome to my world. These are the recreational  
7 landings information and this is just for Puerto Rico. Keep in  
8 mind that for USVI waters, recreational harvest activities,  
9 specifically the season length, is governed by the commercial  
10 activities and the commercial annual catch limit.

11

12 If we close the commercial fishery for St. Thomas grouper on  
13 December 20, then recreational fishing in EEZ waters for grouper  
14 around the island of St. Thomas is also closed. In Puerto Rico,  
15 we have separate sector ACLs. We have a recreational annual  
16 catch limit and we have a separate commercial annual catch  
17 limit.

18

19 In Puerto Rico, the commercial guys could exceed their ACL and  
20 accountability measures would have to be applied. That may have  
21 no effect at all on the recreational fishery and so until we  
22 start getting good recreational data from the USVI and we can  
23 develop annual catch limits from those data, this is the way it  
24 will stay.

25

26 This is just for Puerto Rico recreational landings data and as  
27 you can see, only the wrasses come close to exceeding their  
28 annual catch limit. They're at about 90 percent. I should have  
29 highlighted that. That was my mistake, but otherwise, they're  
30 all well below their established annual catch limit and so we  
31 would not anticipate, except for maybe the wrasses, hogfish, for  
32 example, we don't really anticipate any closures for  
33 recreational fisheries in Puerto Rico EEZ waters.

34

35 I would note that Snapper Unit 2 has a 34,000-pound annual catch  
36 limit. Their total reported catch is 5,000 pounds, and this may  
37 be partially due to the shift of recreational fishers into the  
38 commercial component, but they're leaving 75 or 80 percent of  
39 their annual catch limit on the table.

40

41 Finally, the recreational landings are final. We get those much  
42 more rapidly than we get the commercial data. The commercial  
43 landings are preliminary. As I said, they are based upon a June  
44 25, 2013 dataset.

45

46 David, just an aside to you is I would always advise that when  
47 you get a dataset from the Science Center that you get that  
48 provision date and include it in everything you do, so that you

1 can compare apples to apples when you're talking about your  
2 data. That's not a criticism, but it's just a tip that I always  
3 try to do. It's not a criticism.

4  
5 It is likely that additional data will come in, for a variety of  
6 reasons that I explained. Additional species, because of that,  
7 may exceed their ACLs. The final determinations have to be made  
8 no later than October 1, by council decree, and these  
9 accountability measures derived from this will be applied to the  
10 2014 fishing season.

11  
12 **DAVID OLSEN:** The species which were protected under the  
13 improved reporting criteria, it might be worthwhile to start  
14 developing ACLs for those species. We now have a couple of  
15 years of that data.

16  
17 **BILL ARNOLD:** I absolutely agree, David.

18  
19 **ROY CRABTREE:** That's something we're going to need to talk  
20 about, because there are some ACLs we need to revisit, but the  
21 question is whether we do that as part of the island-specific  
22 fishery management plans, which is my suggestion, because we  
23 don't want to spend time doing new ACLs on species that we then  
24 decide we're not going to even manage in some of the units.

25  
26 **TONY BLANCHARD:** I think that's a good suggestion by Mr.  
27 Crabtree.

28  
29 **BARBARA KOJIS:** I think that's also a good suggestion, because  
30 we will have extra data and we have data using the new forms as  
31 well, which are species-specific. This gives us other  
32 opportunities.

33  
34 I just want to make a point with respect to this. When the SSC  
35 recommended the ABCs for the USVI, it was based on an average or  
36 median catch of species units, which were mostly families of  
37 fish, and this was based on data that was collected by catch  
38 report forms when the ACLs were first required.

39  
40 For most fish, fishers in the USVI only reported pounds of fish  
41 by family, i.e., pounds of fish by snapper, grouper, or  
42 parrotfish. The new forms list species instead of fish  
43 families. However, not all species in each of those fish  
44 families are listed. This is especially true for St. Thomas/St.  
45 John and especially true for like the trap fishery form.

46  
47 For example, on the St. Thomas/St. John trap fishery form, red  
48 hind is the only grouper species listed on the trap catch report

1 forms. There is a category for other species and with a little  
2 caveat saying "write in" so that other species can be included.

3  
4 However, I have a question of how is Fish and Wildlife and the  
5 Southeast Fisheries Science Center making sure that fishers are  
6 entering the names of these other species and the pounds of  
7 species these fishers caught?

8  
9 For example, the other groupers, like coney is an important part  
10 of the grouper catch, and are people putting coney into this  
11 write-in category so that the council is actually getting  
12 comparable data with the new form and the old forms?

13  
14 **DAVID OLSEN:** To revisit the issue of the new forms, the new  
15 forms were put together with the idea that these indicator  
16 species would then be used with the TIP data to figure out what  
17 the other landings were and that was always the intention and  
18 that was the reason it was negotiated that way.

19  
20 Basically, you end up with, for trap fishing, a form with fifty-  
21 five species in it and experience has shown that it's going to  
22 be highly unlikely that you're going to get people to sort out  
23 the catch and weigh the catch that way and so the most accurate  
24 data come from port samplers actually laying their hands and  
25 measuring the fish rather than fishermen deciding that I've  
26 weighed the oldwife and I've weighed the hind and I've got these  
27 other fish here and I'll just kind of make something up.

28  
29 **TONY BLANCHARD:** I am going to address Barbara's statement as a  
30 fisherman. I think that the whole idea behind this, because I  
31 was one of them that decided some of the species on this list,  
32 but the whole idea was just like Dave said, to basically look at  
33 the most popular fish that we catch or that's in high demand,  
34 along with some other throw-ins and then it would be revisited  
35 and if that wasn't the information that was needed, then we  
36 would come back and revise it again, after I think it was three  
37 years that we had agreed to. Don't quote me on the three years,  
38 but that was the intention, just like he said, to be verified  
39 with the TIP data.

40  
41 Now, I think that's another thing we need to look into, whether  
42 this data is actually working how we need it to work, before we  
43 keep going down the same road and now, ten years down the road,  
44 we said we just did this for ten years and it ain't working and  
45 we need different data.

46  
47 That definitely needs to be revisited and as for the write-ins,  
48 I write in some of the species. Now, I'm going to be honest

1 with you and I can't guarantee that I write in every species  
2 that I catch, but after my day's catch, I write in what I feel  
3 was not on the list with the amount of pounds I think I caught.  
4 I don't individually weigh every set of fish and that's how I do  
5 it.

6  
7 Now, for the rest of the guys, I can't verify whether they write  
8 it in or not. I could only ask them to do the best that they  
9 could do and it's really in their hands to decide how they want  
10 to deal with it.

11  
12 **ROY PEMBERTON:** The write-in component is something that we've  
13 been looking at recently, since I came onboard. One of the  
14 things that we at least wanted to do was get the more popular  
15 write-in candidates and make sure those are included on the  
16 forms.

17  
18 Secondary to that was also to make sure that we got more of the  
19 grouper species listed, like what Barbara was talking about,  
20 because of the problems and looking down the road towards the  
21 ACLs and that would still be an issue.

22  
23 I understand Dr. Olsen's point. That was what was told to me,  
24 because I looked at the forms when I first came in and I could  
25 compare -- I've got the two of them right here and the trap form  
26 for St. Croix compared to the trap form for St. Thomas/St. John  
27 district is much more species than the one for St. Thomas/St.  
28 John.

29  
30 I don't see it as a problem to include, at least similarly, the  
31 same number of species, but, again, just to make sure that we  
32 don't run into problems of not having that data down the line,  
33 because we're going to run into the same issues with this ACL if  
34 we don't have any information on the fish.

35  
36 **BONNIE PONWITH:** Thanks for bringing that up, from the  
37 standpoint of the SSC that concern. I want to couch the  
38 comments from the standpoint of we don't want uncertainty to  
39 create a disadvantage for the fishermen and that uncertainty is  
40 a bad thing that I think all of us are working hard together to  
41 try and reduce.

42  
43 The better the data we have, the more certainty we have and the  
44 more powerful the management measures this body can create. The  
45 write-ins, it's rare the words leave my mouth, but today, I  
46 agree 100 percent with Dr. Olsen and that is we have to be able  
47 to rely on TIP data for dockside validation of the data forms.  
48 That's the good news.

1  
2 The bad news is that we are in a shrinking economy and the  
3 federal budgets are shrinking and we all agree and no one -- I  
4 have never met anyone who disagrees that more TIP data isn't  
5 absolutely essential for our success in what we're trying to  
6 accomplish here, but it's going to be a while.

7  
8 I think we need to remember that as we go into the future, that  
9 there's a unified vision that we need more TIP data, but we need  
10 to have a Plan B while we're waiting for the economy to pink up  
11 and be able to make that happen.

12  
13 So from that standpoint, I understand the notion of using one  
14 concrete species on the form as an indicator of what's happening  
15 with the other species, but these fisheries are dynamic and  
16 those relationships may be stable for a while, but if they do  
17 change, then you're using a fixed premise to try and describe  
18 something that's changing and there are risks and uncertainties  
19 with that.

20  
21 For that reason, I think that analysis that we talked about and  
22 when we originally negotiated it, it was to let some time go by  
23 and let the data accumulate and analyze the data and see what  
24 those relationships look like and one of the things that Dr.  
25 Olsen had mentioned was that he believed by leaving those lines  
26 blank instead of cluttering the data form that people would be  
27 inclined to do write-ins.

28  
29 What we're finding is there are some people who are very good  
30 about that, but for the most part, the number of write-ins we're  
31 getting are very, very, very sparse and so for that reason, I  
32 think it may be time to sit down with the fishermen again and  
33 revisit what that form looks like, to make sure that we've got  
34 really good, solid data that shrinks that area of uncertainty.

35  
36 **ROY PEMBERTON:** I would have to concur with Bonnie, after  
37 looking through the dataset. There is a lower number, in terms  
38 of the folks that write in. The fishermen do it. Tony, he is  
39 one of them and he has been excellent at that and there are a  
40 couple of other fishermen that I could say offhand, Daryl and a  
41 couple of other folks, that have actually excellent records in  
42 terms of write-in candidates.

43  
44 We have been looking at those folks in terms of using them as  
45 indicators of what are some of the more popular write-in  
46 candidates to make sure that we include to add to the form.  
47 That could help with the Plan B.

48

1 Funding is always an issue, although in the St. Thomas/St. John  
2 district, I have almost 100 percent compliance from a lot of the  
3 fishermen in terms of giving up TIP information and port  
4 sampling. St. Croix, as Dr. Olsen likes to say, are a bunch of  
5 renegades and I do have some problems over there, that's but  
6 that's going to be corrected shortly with staff increases over  
7 on that side of the pond.

8  
9 I do think, in relation to making sure that we get the best  
10 available data possible, it's important to add maybe a couple  
11 more species on the list, just so that we don't fall short in  
12 getting a lot of those indications that we need to deal with the  
13 ACL issue.

14  
15 **CARLOS FARCHETTE:** Thank you and do you want to continue, Bill?

16  
17 **PRESENTATION ON THE PROPOSED MECHANISM TO ADJUST ANNUAL CATCH**  
18 **LIMITS BASED ON THE NMFS STATUS OF U.S. FISHERIES REPORT**

19  
20 **BILL ARNOLD:** Just a quick acknowledgement, and thank you,  
21 Graciela, for reminding me that I is the National Marine  
22 Fisheries Service and NOAA and it's not me and I would also like  
23 to acknowledge Mike Larkin and Steve Turner's staff at the  
24 Science Center for putting these data together and just a  
25 general acknowledgment to Brittany Tokotch and Maria Lopez and  
26 Miguel Lugo for doing all the work that goes into these  
27 presentations and the plan amendments and regulatory amendments  
28 that we prepare. Don't tell Roy this, but I do very little  
29 work.

30  
31 That's it for the annual catch limits and next, I would like to  
32 go into a topic that just flows right from this and this is the  
33 framework action we have discussed to change the buffer that we  
34 use to reduce from the OFL to the ACL.

35  
36 Now, that's just sort of a reduction to give us some breathing  
37 room between the overfishing level and we had talked about  
38 previously, at a previous council meeting, that -- As I said,  
39 there were two groups of species. There is a 2010 group of  
40 species and these species had been designated by NOAA as  
41 undergoing overfishing.

42  
43 They included the snappers, the groupers, the parrotfish, and  
44 the queen conch. When we established annual catch limits for  
45 those species, in most cases and not all cases, but in  
46 particular with the snappers and the groupers, we reduced by 15  
47 percent from the overfishing level, which is the average catch  
48 during the designated time period, to -- We reduced by 15

1 percent to derive that annual catch limit.

2  
3 The next group of species, the 2011 species, jacks, triggerfish  
4 and filefish, squirrelfish, et cetera, these species were not  
5 designated as undergoing overfishing. In most cases, they had a  
6 10 percent reduction.

7  
8 Since we've applied annual catch limits, the application of  
9 these annual catch limits and the accountability measures that,  
10 ideally, prevent us from exceeding the annual catch limits means  
11 that we have effectively ended overfishing and so the question  
12 that's raised is if snapper and grouper are no longer undergoing  
13 overfishing, then why should they have a 15 percent reduction  
14 applied to them and why not a similar 10 percent reduction?

15  
16 That's what this framework action is all about. Do we or do we  
17 not reduce that buffer from 15 percent to 10 percent? That  
18 pretty much takes care of this slide and on to the next slide.  
19 The status of stocks, these are just examples of -- Pay  
20 particular attention to --

21  
22 **CARLOS FARCHETTE:** Bill, we've got a question.

23  
24 **TONY BLANCHARD:** I don't want to put you on the spot, Bill, but  
25 I'm going to put you on the spot anyway. We can't say that the  
26 species of fish is not in trouble, but we still want the 15  
27 percent reduction. Do you understand what I'm saying? You  
28 can't say that it's not being overfished but we still want a 15  
29 percent reduction. That has to change.

30  
31 **BILL ARNOLD:** You do still want a 15 percent reduction or you're  
32 saying why would we want a 15 percent reduction?

33  
34 **TONY BLANCHARD:** Why would we want a 15 percent reduction?

35  
36 **BILL ARNOLD:** That's exactly what we're dealing with here, is  
37 should we change that reduction from 15 percent to 10 percent.

38  
39 **TONY BLANCHARD:** Let me clarify it. We should change it from 15  
40 to 10.

41  
42 **BILL ARNOLD:** Tell your fellow council members. Anyway, I want  
43 to make a clarification real quick that there's a big difference  
44 between undergoing overfishing and overfished and so you will  
45 hear me constantly refer to undergoing overfishing.

46  
47 The stock may be in good shape, but we're catching them so fast  
48 that if we keep catching them at that rate, the stock is not



1 going to be in good shape eventually, versus overfished, where  
2 the stock is already lower than it needs to be to maintain its  
3 long-term health. Those are two completely different things and  
4 today, in my presentations, I'm dealing with undergoing  
5 overfishing.

6  
7 **MIGUEL ROLON:** Bill, a question to expedite this. Where do you  
8 need, in your presentation, council action? If you need council  
9 action, then can we stop and let them decide and you can  
10 continue or do we have to wait for the whole presentation before  
11 they take any action and how would you prefer to do that?

12  
13 **BILL ARNOLD:** I would like to go through the entire presentation  
14 first, kind of like everybody else got to do. That's what I  
15 would prefer. My staff work very hard on these presentations  
16 and they contain a lot of important information that has direct  
17 implications for the fishers and everybody else who relies on  
18 these resources in the U.S. Caribbean and so these are really  
19 important action items and I would suggest we go through them.

20  
21 **MIGUEL ROLON:** My suggestion for the council members is to take  
22 notes, so you have all the information as presented by Dr.  
23 Arnold, and then we can come back and address the items one-by-  
24 one.

25  
26 **BILL ARNOLD:** Thanks, Miguel. Here, I want you to pay attention  
27 to the undergoing column and don't worry about overfished, but  
28 the undergoing overfishing group here.

29  
30 You will see in the first quarter of 2012 that the  
31 classification we were using when we were setting up our annual  
32 catch limits, Grouper Unit 1 was undergoing overfishing and  
33 that's Nassau grouper. Grouper Unit 4, which has been  
34 reconstituted, was undergoing overfishing and Snapper Unit 1,  
35 which includes silk snapper, was undergoing overfishing, et  
36 cetera, et cetera.

37  
38 Now, you notice the most important thing is none of them are now  
39 classified as undergoing overfishing and so that's what I'm  
40 talking about with the change in status and this is a formal  
41 change in status that can have direct implications for how we  
42 manage these species.

43  
44 We have set up four actions, four alternatives, four options,  
45 for this action. Some of them you may have no interest in, but  
46 until we get very specific direction from the council, we would  
47 like to give you as many alternatives or options as we can from  
48 which to choose.

1  
2 The first option is our typical no action option and we leave  
3 the buffer reduction at 15 percent. The second option is the  
4 reduction from 15 percent to 10 percent and the third option  
5 just reflects what we did with surgeonfish and angelfish. They  
6 were ecologically important species and so we set a 25 percent  
7 reduction for them. To be complete, we included that in here  
8 and the council does not have to leave it. Just tell us to take  
9 it out and we're more than happy to do so.

10  
11 The fourth option is leave the buffer at one and no reduction.  
12 Again, this is just for completeness and it's not a very  
13 realistic approach, because it would result in us exceeding the  
14 OFL constantly and creating real management problems down here,  
15 but this is a reasonably complete -- You could always come up  
16 with more options, but I would say this covers the range of  
17 potential options.

18  
19 Those are the four options we have presently included in this  
20 action and so just a quick discussion of these, Option 2 is the  
21 one that deals with, because they're no longer undergoing  
22 overfishing, apply the same reduction of buffer that we've  
23 applied to most of the other species that were identified as not  
24 undergoing overfishing.

25  
26 Option 3, as I said, relates to the ecosystem importance of the  
27 species and Option 4, as I also said, results in the greatest  
28 risk of exceeding the overfishing level.

29  
30 We have some issues, in general, with simply dealing with the  
31 buffer reduction and that has to do with National Standard 2,  
32 which requires that we use the best available data. This was  
33 pointed out to us by General Counsel, particularly Shepherd  
34 Grimes, that it may not sit well with some user groups that we  
35 just somewhat arbitrarily chose to reduce from 15 percent to 10  
36 percent without considering many other aspects. This is  
37 actually what we were just talking about a few minutes ago.

38  
39 We've got more recent data and we've got different ways of  
40 dealing with establishing the ACLs and so simply revising the  
41 buffer reduction values without considering the availability of  
42 potentially better landings data increases the likelihood of  
43 legal ramifications.

44  
45 We may add years and find that those years don't help and we may  
46 fall back on our original year sequences. The point is should  
47 these more recent year data be considered? That's something  
48 that the council will need to think about.

1  
2 Second, and this also relates to what we were talking about, and  
3 especially to my second phase of this presentation, is a lot of  
4 different methods were used to establish our management points  
5 for snapper and grouper versus the other species that we have  
6 established annual catch limits for.

7  
8 We used different ranges of years to set up our MSY proxy and we  
9 used this Only Reliable Catch Statistics Method for some of the  
10 Puerto Rico species. We used medians rather than means for some  
11 of the species in the 2011 and so a variety of different  
12 techniques were used and this may be fine.

13  
14 The SSC felt very confident in these approaches, but these are  
15 things that could influence the decision making process and the  
16 determination as to whether you only want to address the 15 to  
17 10 percent buffer reduction or whether you want to do a full-  
18 blown reassessment of annual catch limits. I'm going to talk  
19 about that, as I said, in the follow-on presentation.

20  
21 The next steps are, for the council, to consider for  
22 reassessment of the buffer reduction for the snapper and  
23 grouper, if it necessitates a reevaluation of all of the  
24 reference points and, if not, if just proceeding, then we will  
25 begin to prepare Regulatory Amendment 5 to the Reef Fish FMP and  
26 we will prepare an options paper for the December council  
27 meeting.

28  
29 We will need direction on that from the council and that's the  
30 actual changes that will take place, depending upon which buffer  
31 reduction we choose. It's a lot of data in there and so I'm  
32 just going to leave it up there while I entertain any questions  
33 you may have and Natalia brings up the Presentation 2.

34  
35 **DAVID OLSEN:** If you think back to the long-term landings chart  
36 that I showed for the grouper, it has been very constant all the  
37 way up to 2012, within one standard deviation of variation.  
38 Inclusion of more recent years would not have any particular  
39 effect on it and the change in the buffer would just raise it up  
40 to the point where you might have a chance actually of getting  
41 under the ACL.

42  
43 The snappers, I've been working on the yellowtail snapper report  
44 and I've done a similar thing for that. The snappers are  
45 showing -- The St. Thomas snappers are showing declines in  
46 landings right now and so inclusion of more recent data would,  
47 in essence, bring down the averages.

48

1 I am, right now, kind of thinking through why those landings are  
2 coming down and did we, like we did with the lobsters, was there  
3 a period of time when we explored overfishing and that it's  
4 followed by decreasing landings? Are people just kind of  
5 getting fed up with this whole process and not reporting  
6 everything?

7  
8 I think that's a real issue to consider now. We have now had  
9 the threat of closures now for three or four years and fishermen  
10 may or may not be making their own adjustments to it.

11  
12 **BILL ARNOLD:** I have two comments in that regard, David. The  
13 first has to do with the choice of the years. The choice of the  
14 years is not made based upon lots of landings or little landings  
15 or anything like that. The choice of years is based upon,  
16 fundamentally, stability in the fishery. Does this sequence of  
17 catches represent a reasonably stable period in the history of  
18 this fishery?

19  
20 We could go in and we could say we're going to look at the  
21 landings up to 2011 and we could look at the landings from 1983  
22 to 2011, but the Scientific and Statistical Committee may still  
23 decide that the best representation of a healthy fishery is 1999  
24 to 2005 and not change anything. That doesn't mean they're  
25 going to use the newer data, but it just means they would be  
26 looking at it.

27  
28 The second part is that you have concerns about reporting  
29 patterns. That's something that probably goes pretty far back.  
30 You had the 2005 SFA and fishermen got upset and reporting  
31 patterns changed. Any event that comes along may cause the  
32 fishermen to be more or less willing to submit their landings.

33  
34 They may try to jack landings up so they get higher ACLs and  
35 they may try to reduce landings so they are less likely to hit  
36 the ACLs. You may have fewer people to enter the data, in which  
37 case you don't get the data or there are more mistakes. There's  
38 a variety of things that can affect the actual landings data and  
39 we understand that.

40  
41 My approach to dealing with this is that we should, and this  
42 goes right along with what Bonnie was saying, is we need  
43 multiple data sources to really understand the health of these  
44 fisheries and, most important of all, the health of the  
45 resources upon which these fisheries are based.

46  
47 I always try to emphasize that never lose sight of the resource.  
48 It's not the fishery, but it's the resource we're trying to

1 maintain the health of, because with that resource, you don't  
2 have fisheries.

3  
4 Just an example of what I would like to see is good fisheries  
5 landings data and good TIP data and also good fishery-  
6 independent data. We need fishery-independent data to give us  
7 an unbiased view of the health of the resource, standing alone  
8 from the activities of commercial or recreational fishing.

9  
10 **DAVID OLSEN:** I understand that Graciela has got Nemeth's post-  
11 2005 data and Rick Nemeth's study is an invaluable tool in  
12 comparing the grouper thing. The groupers, however, have been -  
13 - It doesn't really make any difference if you want to have 1999  
14 through 2006 or 1980 through 2012. You're basically going to  
15 come up with same average. They have been very constant.

16  
17 The snapper, I mean in the absence of recaptures on a tag  
18 recapture study, you need to come up -- In my mind, I need to  
19 justify spending the money and so what -- We're doing basically  
20 the same thing with the snappers as we've done with the lobsters  
21 and we're going to have an evaluation of the TIP data for both  
22 islands and the landings.

23  
24 I have already calculated mortalities for both islands and  
25 everything and there is some really interesting stuff coming  
26 out. Now, I'm going to save that to justify a trip sometime in  
27 the spring and I won't present it to the council until I can get  
28 a free trip out of it.

29  
30 That report, they haven't told me I have to do that report, but  
31 I have about three months after the project was closed in July  
32 to complete that report and so that report is going to be done  
33 pretty soon, but it's pretty interesting.

34  
35 In the case of the yellowtail snapper, for example, St. Croix  
36 has much higher mortality rates, but the average sized fish  
37 seems to be a little bit bigger over there. You have kind of  
38 the inverse of the lobster thing over there. There is some  
39 really interesting stuff coming out of using all of the data  
40 that are available.

41  
42 **ROY PEMBERTON:** What about market? You talk about the different  
43 instances and what we're looking at, but going along with what  
44 Dr. Olsen said, there is also some market variability that  
45 dictates what sizes they bring into the market. We don't have  
46 that information, in terms of the independence, of the discarded  
47 of the larger fish that they tend not to bring in, for  
48 marketability.

1  
2 A lot of that can go a long way in terms of whether the fishery  
3 is overfished or not, because you're just looking at a small  
4 component and the large egg producers are still out there,  
5 because they're not bringing them in. That could go a long way  
6 to that calculation and that's the information we also need  
7 before we make these determinations about overfishing or  
8 overfished.

9  
10 **BILL ARNOLD:** Undoubtedly, Roy, it's risky to base all of your  
11 management strategies on a single source of data, whether it be  
12 commercial landings data or recreational landings data or TIP  
13 data.

14  
15 Any one of those things alone, even if we had a superb TIP  
16 program, there's still going to be things those data do not  
17 address and so that's why we emphasize multiple sources of data,  
18 so that you get multiple perspectives on what's really going on  
19 with that resource and you can make your best decisions as to  
20 how to manage that resource. I certainly agree with you and  
21 considering socioeconomic components of this is a very important  
22 aspect and you'll get no argument from me at all.

23  
24 **CARLOS FARCHETTE:** Okay. Bill, is this where a council member  
25 makes a motion?

26  
27 **BILL ARNOLD:** This is Phase 2 of Presentation 2 and so there's  
28 still a Presentation 3 out there that will be a totally separate  
29 presentation, but let me get through this Phase 2 of  
30 Presentation 2 and then you guys can discuss what you want to  
31 do.

32  
33 What I just talked about was a very specific change in the  
34 buffer, 15 percent to 10 percent or to 25 percent or to zero  
35 percent, but that's it, a one-shot deal. There's another way  
36 you can approach this.

37  
38 You could set up a framework, a codified framework approach,  
39 that says if a species classification changes from this to this,  
40 then we have a percent change from this to this. I have a  
41 question from my boss.

42  
43 **ROY CRABTREE:** Are you going to go through that in more detail?  
44 If you are, go ahead and I will wait until you're done.

45  
46 **BILL ARNOLD:** Instead, we could just set up a general procedure  
47 that if the classification changes -- It could also change from  
48 not undergoing overfishing to undergoing overfishing and if that

1 happened, if we just do a one-time change, then we would have to  
2 come back in and do another one-time change, but if we set up a  
3 mechanism to deal with this, then as classifications change, our  
4 buffer would change and so say next year squirrelfish are  
5 identified as undergoing overfishing and essentially,  
6 automatically, we would then apply a 15 percent reduction to  
7 squirrelfish instead of a 10 percent reduction.

8  
9 This is a more general, more flexible approach that I'm going to  
10 talk about now and, like I said, we're going to need guidance  
11 from the council as to where they want to go on this and so when  
12 I'm done with this, I will be looking for council guidance.

13  
14 As far as the timing of this is concerned, whichever direction  
15 you send us down, it's still going to take nine, ten, eleven  
16 months or so to get this fully through the process and so it's  
17 extremely unlikely, no matter how hard we try, that any of these  
18 changes could be applied for the 2014 fishing season. We're  
19 really looking at impacts on how we manage the 2015 fishing  
20 season.

21  
22 **MIGUEL ROLON:** Bill, does that mean that we need to have public  
23 hearings?

24  
25 **BILL ARNOLD:** These would be regulatory amendments and Shep may  
26 want to comment on this, but I don't think we need to have  
27 scoping. We need to have a public hearing on these things, but  
28 I don't think scoping is required for a regulatory amendment.  
29 It still takes a while to get these things through the process.

30  
31 **MIGUEL ROLON:** I know that we don't need the scoping, but just  
32 to make sure that I budget for that in the next eleven months  
33 that we have the public hearings.

34  
35 **CARLOS FARCHETTE:** Bill, this could also change later on when we  
36 go to island-based management or would this fall into place at  
37 the island-based plan?

38  
39 **BILL ARNOLD:** At a previous council meeting, I talked about how  
40 there are things that are going to be able to be taken care of  
41 before, ahead of the island-based management implementation, and  
42 there are things that are going to be taken care of after the  
43 implementation of island-based management and then there's going  
44 to be this shadowy area, where you really have to almost stop  
45 doing anything else until you get island-based management in  
46 place.

47  
48 I would say that this is something we could do ahead of island-

1 based management, but others may disagree and that's fine. We  
2 can do a different strategy, but right now, our approach is we  
3 move forward with this in whatever way the council wants it to  
4 be done.

5  
6 **TONY BLANCHARD:** Just to clarify what you just said, Bill, is we  
7 could deal with this now and decide whether we want to go with  
8 Proposed Mechanism 2, if that's what we decide to move forward  
9 with, and then decide to deal with it in an island-based plan  
10 and that would address both island-based as well as this, but  
11 this would take over first?

12  
13 **BILL ARNOLD:** When we establish these island-based fishery  
14 management plans, all of the provisions that are contained  
15 within each of the Reef Fish, Lobster, Conch, and Coral Fishery  
16 Management Plans are going to flow into those island-based  
17 plans.

18  
19 If we implemented these buffer reductions and if they're all the  
20 same for all three islands, they would flow accordingly into  
21 each of those new fishery management plans. It's just there's  
22 new things that are going into those plans, but most of this,  
23 most of what those plans are composed of, will be all of the  
24 details that are already in place. If we did implement this, it  
25 would similarly flow into the island-based plans.

26  
27 This is just establishing the basic mechanism. Again, this is  
28 the undergoing overfishing status and the only thing here is we  
29 added queen conch and spiny lobster, because now we're not just  
30 talking about a reef fish mechanism, but we're talking about a  
31 mechanism that would be incorporated into each of our management  
32 plans, Coral and Reef-Associated Plants and Invertebrates, Spiny  
33 Lobster, Queen Conch, and Reef Fish.

34  
35 That's why we added those, but otherwise, they're all designated  
36 as not undergoing overfishing and so they are all subject to the  
37 buffer adjustment. I did not include parrotfish, because  
38 parrotfish has this whole issue of their Endangered Species Act  
39 relationships to Acropora corals. We added an additional buffer  
40 reduction in St. Croix because of that, so that we reduced them  
41 down to 240,000 pounds. They had a 15 percent reduction plus a  
42 5.2233 percent reduction or something like that. Anyway, that's  
43 why parrotfish aren't included. They could be, but you had  
44 better be careful there, because there's a lot of issues that go  
45 along with that.

46  
47 Here, this is just sort of what we had talked about before,  
48 setting up a no action where we leave it at 15 percent for the



1 species undergoing overfishing and 10 percent for those not  
2 undergoing overfishing and it's not adjustable.  
3  
4 Option 2 is we start building this general mechanism to allow  
5 things to move back and forth depending upon their status.  
6 There are some sub-options. One is which NMFS status report do  
7 we want to use to make our determination?  
8  
9 We have to say here's the status report and here's how it ranked  
10 them and so this is what we're going to do in the coming year  
11 and the choices here are you don't want to do it too early,  
12 because things may change, but you can't do it too late, because  
13 we have to have time to get the decision that's made into the  
14 codified text, into the Federal Register, et cetera, et cetera.  
15  
16 The other thing is do you want to consider other buffer options?  
17 Another thing we thought of that the council may or may not want  
18 to consider is do we want to add an additional buffer? For  
19 example, if the species are classified as overfished and not  
20 undergoing overfishing, but if they're overfished, like queen  
21 conch is -- Queen conch is in the middle of a rebuilding plan.  
22  
23 If they're classified as undergoing overfishing and overfished,  
24 you might want to have an increased buffer and that's something  
25 else you may want to throw in there.  
26  
27 Discussion is the control rule, which is what this would be,  
28 would describe the relationship between the status and the  
29 change in the reduction buffer. The control rule would shift  
30 the buffer based on changes in the overfishing status, either  
31 without, which is a closed framework, or with council and public  
32 input.  
33  
34 A closed framework, it just happens automatically and an open  
35 framework is how we have our accountability measures. There is  
36 a prescribed sequence of events that takes place, but we first  
37 go to the Scientific and Statistical Committee and the Southeast  
38 Fisheries Science Center and they determine whether it's due to  
39 increased rates of catch or due to changes in reporting and that  
40 makes it an open buffer, because there's an option there.  
41  
42 You could have this as an open type of framework measure or a  
43 closed type of framework measure. This would simplify the  
44 process of adjusting the ACLs, because, again, we wouldn't have  
45 to come back every year and reevaluate their status and  
46 reevaluate their buffer reduction accordingly.  
47  
48 Like I said, this would be accomplished by a plan amendment and

1 it would apply, ideally, to all four FMPs, although, again,  
2 that's a council choice, but you would have to be able to  
3 justify why you included some species and did not include other  
4 species.

5  
6 The mechanism continued, would you want to use the 0.85 and 0.9  
7 buffers? If you're going to go through this process, like I  
8 said, additional buffers and change in buffers and do you need  
9 to reassess the buffers for all units, et cetera, et cetera?  
10 I've talked about most of this and then the closed versus open  
11 framework.

12  
13 The next steps are if we're moving forward with this action, we  
14 need to prepare the amendments, and there would be four of them,  
15 to the council fishery management plans and we would prepare an  
16 options paper/scoping document for the December 2013 council  
17 meeting and the council could decide then whether to have public  
18 hearings and take action during the spring meeting and we would  
19 expect this action to be completed by the spring of 2015.  
20 That's it.

21  
22 **SHEPHERD GRIMES:** There are a couple of issues. There is the  
23 substance of what you're doing and then there is the process  
24 through which we're going to do it. As far as the substance  
25 goes, and as Dr. Arnold mentioned to you, I think there is some  
26 element of risk, an increased element of risk, for us just going  
27 in and changing the buffers and not at least reviewing or  
28 addressing the entire process for how we specified annual catch  
29 limits.

30  
31 At the time our current annual catch limits were developed, the  
32 current agency guidance for using recent average catch did not  
33 exist. It wasn't incorporated into the decision, because it  
34 wasn't finalized yet. You followed a very similar process and  
35 so it seems to me at some point we need to revisit all that and  
36 incorporate the best available scientific information into the  
37 Caribbean ACLs.

38  
39 We had some discussion just a few moments ago, earlier today,  
40 that the SSC advised that we do this in the context of the three  
41 island FMPs, because we're going to go in and decide some  
42 species may stay and some species may go and some new species  
43 may be added and it seems like that's a logical point for us to  
44 revisit everything that we've done before.

45  
46 If that's really the council's intent, then we talk about it  
47 some more today and we establish the record that we're going to  
48 revisit the science that went into our annual catch limits and

1 we're going to do that through the three island platform FMP  
2 process and right now, we're going to adjust just the buffer.

3

4 There is still some risk and if we were sued over that, it's  
5 certainly conceivable that a court would say that no, it was  
6 arbitrary and capricious that you looked only at this one piece  
7 and it's all part of a larger puzzle and you should have  
8 revisited everything, but it seems to me we have reasonable  
9 arguments that what we were doing is not arbitrary and  
10 capricious and that we have incorporated the best available  
11 scientific information and we're going to review everything in  
12 the larger context as we evolve and this is all an ongoing  
13 process.

14

15 That being said, if your decision is then just to address the  
16 buffer, as Dr. Arnold has discussed, then how are we going to do  
17 that? Are we going to do it via a plan amendment? Are we going  
18 to do it via a framework and are we going to set up something so  
19 that we're not constantly deciding that now it's listed as  
20 overfished or overfishing and so we're going to have to set the  
21 buffer at 15 percent or switching back and forth on a regular  
22 basis?

23

24 My advice is that you go ahead and deal with it and you deal  
25 with it once. I think the simplest way to do it is similar to  
26 what Dr. Arnold just went through. You could do a plan  
27 amendment now and the plan amendment establishes a policy that  
28 you have sort of implicitly established already via your two ACL  
29 amendments and that policy is that if it is subject to  
30 overfishing, we're going to use a 15 percent buffer and if it's  
31 not subject to overfishing, we're going to use a 10 percent  
32 buffer.

33

34 You would establish that as the policy and that's how you're  
35 going to calculate your ACLs and then it seems to me the easiest  
36 way to do it is just to put a table in the Code of Federal  
37 Regulations that would list the annual catch limits and say if  
38 it's overfished or overfishing, here's what the ACL is and if  
39 it's not, here's what the ACL is. One will use a 10 percent and  
40 one will use a 15 percent and you just codify it that way.

41

42 Then it doesn't matter if it changes from year to year. You  
43 will have it specified and it will already be hard coded into  
44 the regulations and it won't take action every year to revisit  
45 it. I think that would be my recommendation to you as the best  
46 way to proceed.

47

48 **MIGUEL ROLON:** This is one of the instances that we cannot say

1 "so I move" for everything that you just said. I would try to  
2 split it in the way that would make sense and you would like to  
3 see this in the form of a motion for the record or do you want  
4 just the council to discuss it and we develop the record and we  
5 continue?  
6

7 **SHEPHERD GRIMES:** I think, first, we'll have to develop the  
8 document, the plan amendment to actually do this. It seems to  
9 me the most appropriate thing is that you discuss here whether  
10 or not you have this intention to revisit the ACLs and  
11 incorporate all the new information through the process of  
12 developing the three island-based FMPs and then you want to  
13 address just changing the buffer now and direct staff to begin  
14 to develop a plan amendment and bring back whatever document you  
15 want at the next meeting which has the actions and the  
16 alternatives incorporated into it and the council can look at it  
17 then and have some additional discussion and make its decisions  
18 and continue with the process.  
19

20 **MIGUEL ROLON:** In that case, Mr. Chairman, I think that the only  
21 thing that you need -- You have the authority to instruct the  
22 staff and the council can have a question and answer today, but  
23 not to prolong this more, but the process as outlined by Shep  
24 here would allow them to -- It's not going to be a -- It will  
25 require a plan amendment and not a regulatory amendment?  
26

27 **SHEPHERD GRIMES:** That's the best way to do it.  
28

29 **MIGUEL ROLON:** In that case, Bill, for the next meeting or when  
30 do you think that you can have a document that will incorporate  
31 the plan amendment with everything that we just said, the  
32 process of revisiting all these numbers and the process of  
33 putting together sort of a framework as spelled out by Shep  
34 today?  
35

36 **BILL ARNOLD:** We were shooting for the December meeting, but  
37 that would only be a partial document sort of showing the  
38 alternatives and the basics and to have a fully fleshed out  
39 document ready to go, a public hearing draft, would probably not  
40 be before the March meeting, because we would have to get the  
41 socioeconomics in there, et cetera, et cetera. That stuff takes  
42 time and a lot of work.  
43

44 **MIGUEL ROLON:** If the council is happy with that, with that  
45 procedure, then you should instruct the staff to do so. The  
46 second part of the question is how to address the buffers and  
47 when. If everybody is happy with this, then at the next meeting  
48 what we would like to see is a document that addresses all the

1 possible alternatives, with the caveat that we understand that  
2 after the December meeting there will be a full document  
3 prepared for a plan amendment.

4  
5 I have another question and that is that we are planning to have  
6 the three islands finished by December 31, 2014 and this will go  
7 all the way until 2015 and I don't know how to marry the two so  
8 we can have one document that the council can discuss in 2014.

9  
10 **ROY CRABTREE:** My personal opinion is I don't think we'll get  
11 island-specific done by that timeline. I think it's going to  
12 take quite a bit longer than any of us think and so I think  
13 that's a big undertaking and is going to take more time than we  
14 think.

15  
16 It seems me what we ought to do here is do this mechanism way of  
17 doing this, whatever you called it, Phase 2, but my suggestion  
18 to you is that we keep this as simple as we can and I don't  
19 think we need to evaluate any other buffers.

20  
21 I think we've already made basically a policy decision of if  
22 it's undergoing overfishing, it's 85 percent and if it's not,  
23 it's 90 percent. The problem is we didn't put any mechanism in  
24 there to change them without going through a whole lot of  
25 process.

26  
27 I would keep this as simple as we can possibly keep it and just  
28 set up a procedure that if the status of these stocks changes in  
29 the report to Congress, then the buffer automatically changes.  
30 That way, we don't have to come back in and redo this all the  
31 time.

32  
33 Now, maybe we get into the island-specific plans and we change  
34 all of the buffers completely and all of this goes away, but  
35 maybe we don't and I guess you could say let's not do anything  
36 and leave this alone and focus on the island-specific plans and  
37 deal with it all there.

38  
39 That's kind of your decision as to how you want to go with this,  
40 but if you want to do something now, I think keep it as simple  
41 as you can and we'll try to get it done as quickly as we can,  
42 but I have a feeling when you get into these island-specific  
43 plans that you're going to find that it's going to take quite a  
44 while.

45  
46 **EUGENIO PIÑEIRO:** I agree with you and your perception, but I  
47 have a question. How would it fit into the plans, the fact that  
48 we've noticed that the recreational sector has not been

1 harvesting their quota of Snapper Unit 2, nor Snapper Unit 1?  
2 How would it fit and what would it take to revisit then the  
3 ACLs?

4  
5 **ROY CRABTREE:** That's a whole different issue from the buffers,  
6 but I mean in that case, I guess you're talking about changing  
7 the allocation, which would be a plan amendment.

8  
9 **ROY PEMBERTON:** Roy, what's your rationale in terms of why you  
10 think it's going to take so long on the island-specific plans?

11  
12 **ROY CRABTREE:** Because I think we're going to get into really  
13 long discussions about which species to include and which ones  
14 not to include and I think there are going to be people with  
15 very different opinions on that and we're going to get a lot of  
16 comment on it and then we've got to do an EFH and there are just  
17 a huge amount of requirements that have to go into these things  
18 and I may be wrong and if you guys come in and we're a very  
19 efficient council and we make very good and very rapid decisions  
20 and everybody is raring to go, we might could get this done, but  
21 I am not banking on that that's how it's going to go and so I  
22 suspect it will take longer than we think. I could be wrong.

23  
24 **TONY BLANCHARD:** I would tend to agree with Dr. Crabtree. I  
25 think we need to keep it simple instead of complicating things,  
26 which we might not even have to complicate them. I think he's  
27 absolutely right when it comes to the island-specific, because I  
28 think it will take longer than we think, because sometimes the  
29 unexpected has a way of showing up. I would tend to agree with  
30 him and go his route.

31  
32 **MIGUEL ROLON:** We need to mark this day, today and the hour, the  
33 time that Tony Blanchard agreed with Roy Crabtree. I love that  
34 one.

35  
36 **ROY PEMBERTON:** That was twice.

37  
38 **MIGUEL ROLON:** I know. He's probably one of the best council  
39 members we ever had and it's just his first day. Bill, after  
40 this discussion, how can we keep it simple and what will be the  
41 next step at the December meeting?

42  
43 **BILL ARNOLD:** You keep it simple by focusing on a single issue.  
44 Are you going to establish a mechanism to alternate between 10  
45 and 15 percent, depending upon the classification? The only  
46 other thing we would really need to know is which report are you  
47 going to use?

48

1 There is an annual report to Congress and you simply say -- We  
2 could just say we're going to use the annual report to Congress.  
3 That's the terminology Roy used and that would settle that.  
4 That doesn't have to be an option. That's just a statement,  
5 because the quarterly ones are just sort of periodic updates and  
6 then you get this annual report.

7  
8 That keeps it very simple and I have no problem with keeping it  
9 simple. I am happy to keep it simple. I feel like our first  
10 obligation as a team is to bring you guys as many alternatives  
11 as possible and let you guys guide us as to how you want us to  
12 formulate these documents.

13  
14 As far as when goes, we would -- Like I said, we would bring you  
15 a more structured document in December. I don't think it will  
16 be a public hearing draft. There's too much that has to go into  
17 that, but we could certainly bring you a structured document  
18 that shows you the action with the alternatives we're actually  
19 going to consider and then you guys can push us forward from  
20 there in December and I think March is a reasonable target date  
21 to get you that public hearing draft and, as we've done in the  
22 past, and Shep or Roy or Phil may disagree with me or anybody  
23 else, but I think we could have a public hearing, as we've done  
24 before, the night before the council meeting and bring this in  
25 front of the council the next day and get it approved and keep  
26 pushing it forward.

27  
28 **SHEPHERD GRIMES:** In light of what Dr. Arnold just said, I think  
29 you could decide that the annual report to Congress is the only  
30 reasonable option or the only reasonable report to use and I  
31 could be wrong on this, but my perspective on it is that the  
32 updates are for species where you have stock assessments that  
33 things have changed midstream.

34  
35 I don't believe we have a stock assessment for any species in  
36 the Caribbean. We're not dealing with the same situation as  
37 other areas and all of our determinations are going to be based  
38 on catch from a prior year or whatever accounting period you  
39 have. That would be reflected in the annual report to Congress  
40 and I think that's a very reasonable argument for why it's the  
41 only alternative you could implement.

42  
43 If the council agrees with that, staff can incorporate that  
44 decision into the document. One of the things I asked for  
45 initially though that nobody has chimed in on is there needs to  
46 be some discussion, affirmative statements from council members  
47 and not me, that the intention is to revisit ACLs and  
48 incorporate all new available scientific information in the

1 three-island process. That is a crucial piece of only  
2 addressing the buffer in this action.  
3  
4 **ROY CRABTREE:** It has just occurred to me that we probably ought  
5 to revisit all of these ACLs and the basis for them in the  
6 island-specific amendments and I think that's certainly  
7 something I think we ought to do, because we're going to need to  
8 go back to the SSC and we're probably going to bring in some new  
9 species and so I think that makes a lot of sense.  
10  
11 **TONY BLANCHARD:** I second that motion.  
12  
13 **ROY CRABTREE:** Thank you, Mr. Blanchard.  
14  
15 **MIGUEL ROLON:** Bill and Graciela, do you have enough guidance  
16 from the council discussion as to what would be the next step at  
17 the council meeting? Can you recapitulate what we're going to  
18 do so everybody understands what we're going to do?  
19  
20 **BILL ARNOLD:** Yes. I had to speak with Phil real quickly, but  
21 did we settle the annual report issue? Okay. Then we're ready  
22 to go.  
23  
24 **MIGUEL ROLON:** The next item is -- Do you have one more? Genio  
25 left pending something and I believe that we are going to  
26 address that, Genio, in the three-island thing, the allocation,  
27 because that needs a plan amendment.  
28  
29 **ROY CRABTREE:** I know Genio brought up the allocation thing, but  
30 did we decide something about that?  
31  
32 **MIGUEL ROLON:** No, we didn't have any motion, but it's just that  
33 you mentioned that that will take a plan amendment and Genio was  
34 wondering if the recreational people do not catch what they  
35 have, can we allocate that to the commercial fishers? You said  
36 that will require a plan amendment and so it will not happen  
37 this year or next year.  
38  
39 **ROY CRABTREE:** You could deal with that in the island-specific  
40 amendments or you could do a separate plan amendment and do it  
41 that way. I don't know if that gets controversial or not,  
42 because the recreational people may object to having -- My  
43 experience elsewhere has been reallocation is usually kind of  
44 contentious, but maybe not here.  
45  
46 **BILL ARNOLD:** I would point out that as you move these pseudo  
47 commercial fishers back into the recreational sector, the  
48 dynamics of landings versus ACLs is going to change completely



1 and we would probably want to wait to see what happens there  
2 before we make any decisions. That is going to take time and so  
3 I would suggest that this is something we might want to wait on  
4 a little while.

5  
6 **ROY CRABTREE:** That is a good point, because when those guys  
7 become recreational again, the recreational landings may go up  
8 if their landings have all been counted as commercial for the  
9 last year or so. Do you think?

10  
11 **EUGENIO PIÑEIRO:** I will tell you what. They are not allowed to  
12 use that gear anymore in state waters and so I don't -- I think  
13 they're dead in the water.

14  
15 **ROY PEMBERTON:** That's what I was going to ask, because I  
16 thought the reason why they were able to maximize was because of  
17 the gear and they were able to utilize gear that they weren't  
18 supposed to and that should be taken care of with stricter  
19 enforcement and you now have a spotlight on these set  
20 individuals that should deal with that. It may not be as big of  
21 an issue as Bill is saying, but we should just, on caution, just  
22 wait and see.

23  
24 **MIGUEL ROLON:** Genio, the last thing, before he continues, is  
25 for the next meeting, can you bring -- You also have the  
26 presentation, but can you bring then the issue of the permit  
27 that you wanted, so you have a written statement that the  
28 council can address in December? That will be you need to talk  
29 to Miguel and have something like that and I believe yesterday  
30 it was fit for the December and now that the Secretary of DNR  
31 has approved the document that you mentioned yesterday, Miguel  
32 will circulate that, but can he address that for a few seconds  
33 before Bill continues?

34  
35 **MIGUEL GARCIA:** I just passed to some members the signed and  
36 official Administrative Order creating a special permit for  
37 Snapper Unit 2 species and through this permit, we aim to focus  
38 the landings for these species for the traditional fishermen.

39  
40 We are going to be handling the recreational sector, which is  
41 not that abundant anyway. This is already hard to catch species  
42 and so the recreational are not hitting them as much as other  
43 snapper species, Unit 1 for example, and so I understand that  
44 the next step might be an official letter from the Puerto Rico  
45 government to NMFS and Dr. Crabtree summarizing what the Puerto  
46 Rico government has done and has accomplished until today and  
47 from that, we would need further discussions between council  
48 members and the fishermen to see what's going to be our next

1 petition to the council and the 2014 fishing season.

2  
3 **CARLOS FARCHETTE:** Bill, you can carry on.

4  
5 **DEVELOPING COMPATIBLE REGULATIONS FOR THREE SEASONALLY CLOSED**  
6 **AREAS OFF PUERTO RICO: ABRIR LA SIERRA BANK, BAJO DE SICO, AND**  
7 **TOURMALINE BANK**  
8

9 **BILL ARNOLD:** The next topic is completely different from what  
10 we've been talking about already and it has to do with the three  
11 seamounts off the west coast of Puerto Rico. These are Bajo de  
12 Sico, Tourmaline Bank, and Abrir la Sierra and how we have  
13 established federal fishery management regulations for these  
14 areas.

15  
16 I will just throw this out. We don't have to do this, but this  
17 would be a good time to take a break if you want to take a  
18 break.

19  
20 **CARLOS FARCHETTE:** We will keep going and if they need coffee or  
21 whatever, we'll have a working break.

22  
23 **BILL ARNOLD:** There are three uniquely-managed seamounts off the  
24 west coast of Puerto Rico. Two of them, Bajo de Sico, which is  
25 A on this map, and Tourmaline is B and you can see the dotted  
26 line is the boundary between state and federal waters and you  
27 can see that that boundary goes right through Bajo and  
28 Tourmaline, whereas Abrir la Sierra, which is C on this map, is  
29 completely in federal waters.

30  
31 What we're really focusing on today is developing compatible  
32 regulations for these three areas in federal waters. Whether  
33 the state component of these areas similarly becomes compatible  
34 would really be up to the State of Puerto Rico and not up to the  
35 federal government. I think that, and I'm glad we have the  
36 Coast Guard here in attendance, because they are largely  
37 responsible for enforcement out in these open ocean waters, but  
38 I would think, from their point of view, regardless of the  
39 details of enforcement responsibilities, and this would probably  
40 apply to state enforcement agencies as well, but they would  
41 probably like to see consistent management regulations out here,  
42 as it would greatly ease enforcement.

43  
44 This is the federal management between these three areas. For  
45 Abrir la Sierra and Tourmaline Bank, the management regimes are  
46 essentially identical. There is a closed season for all fishing  
47 that takes place from December 1 through the last day of  
48 February.

1  
2 There is a list of prohibited species out there and that's all  
3 species, including the coastal pelagics and coastal migratory  
4 species. Anchoring is allowed in these two areas in the federal  
5 zone, whereas in Bajo de Sico, the closed season runs from  
6 October 1 through March 31. Only council-managed reef fisheries  
7 are prohibited from harvest. Anchoring is prohibited year-  
8 round. You have to have anchor retrieval system.

9  
10 As you see at the bottom, fishing with pots, traps, bottom  
11 longlines, gillnets, or trammel nets is prohibited year-round in  
12 all three areas.

13  
14 **ROY PEMBERTON:** An anchor retrieval system? What do you mean?  
15 Is that an automated --

16  
17 **GRACIELA GARCIA-MOLINER:** There is a diagram in the EFH FMP.  
18 It's something that runs through the crown and then it brings it  
19 up, so that the anchor will come straight up.

20  
21 **BILL ARNOLD:** Ideally it prevents the anchor from dragging  
22 across the bottom, Roy, and tearing up habitat. These next  
23 couple of slides deal with differences for each of the Bajo de  
24 Sico and Tourmaline areas between federal and commonwealth  
25 management.

26  
27 On the federal side, as I said, for Bajo de Sico, the closed  
28 season is October 1 through March 31 and Puerto Rico waters is  
29 December 1 through the last day of February. Prohibited species  
30 are council-managed reef fisheries for Bajo. HMS and coastal  
31 migratory pelagics are allowed to be harvested. For the Puerto  
32 Rico side, basically the same regulations.

33  
34 Anchoring is prohibited year-round in both areas and, again, the  
35 pots, traps, bottom longlines, gillnets, or trammel nets are  
36 prohibited year-round in both areas and so the main difference  
37 between the federal and commonwealth is the closed season.

38  
39 **EUGENIO PIÑEIRO:** Bill, I agree totally with you, but that first  
40 part on the right hand might be misleading, because even though  
41 it's closed from December 1, it's a spawning -- There is a  
42 closure. It's a de facto closure for a spawning aggregation of  
43 Snapper Unit 1 and so it's basically closed. This is like a  
44 second closure on the first closure.

45  
46 **BILL ARNOLD:** My understanding, Genio, and correct me if I'm  
47 wrong, is that because of that closure, people don't fish out  
48 there, because they would bycatch those species and it would

1 create more problems than it solves, but you are far more of an  
2 expert on that than I am.

3  
4 Now the federal versus commonwealth for the Tourmaline Bank,  
5 keeping in mind that for Abrir, Abrir is totally in federal  
6 waters and so this is just for Tourmaline. The closed season is  
7 the same in both areas, December 1 through the end of February.

8  
9 The prohibited species differs. All species are prohibited in  
10 federal waters and in Puerto Rico waters, it's only the council-  
11 managed species, basically the reef fish. Anchoring is allowed  
12 in federal waters on Tourmaline Bank and it is prohibited year-  
13 round on the Puerto Rico side and, again, with the traps and  
14 gillnets and trammel nets, it's prohibited year-round.

15  
16 Really, the gist of this is you can see how these regulations  
17 differ from area to area in a pretty complex way and no matter  
18 who the enforcement agent is that's on the scene, they are going  
19 to have a tough time and the judge is going to have a tough time  
20 dealing with this, because you've got this commercial fishery or  
21 recreational fisher out there and he's saying I didn't know  
22 exactly where the line is and I thought I was on the other side  
23 of the line, et cetera, et cetera.

24  
25 It's tough to make cases out there and it's just a complex  
26 situation that's probably more complicated than it really needs  
27 to be and I think that's a lot of what we want to deal with in  
28 getting these compatible regulations in place.

29  
30 I would, as an aside here, mention that one thing I am striving  
31 for from the council today is to give me a clear statement of  
32 the purpose of our addressing regulations in these three areas,  
33 because that purpose -- The purpose and need is the fundamental  
34 statement we include in our amendments to these fishery  
35 management plans and we really look to the council to give us a  
36 clear indication of what the purpose is.

37  
38 Having a clear purpose lets us know what we're trying to  
39 accomplish and what the best ways are, what the best  
40 alternatives are, for achieving that purpose and so that's one  
41 thing I'm definitely hoping for from the council today.

42  
43 In lieu of that, what we've done is we are going to present you  
44 today with a series of actions and options that pretty much  
45 cover every possible combination and what we're hoping is that  
46 by defining a very clear purpose that we can eliminate a lot of  
47 these options and greatly reduce the alternatives that you're  
48 going to consider when we put this public hearing draft

1 together.

2  
3 **EUGENIO PIÑEIRO:** Bill, I know Nelson has a lot to say, because  
4 he is the commercial representative of that region, but I'm  
5 going to start by saying that there is nothing like success.

6  
7 There is nothing like success and the people, the recreational  
8 and commercial and charter operators that are using Bajo de Sico  
9 now, are much more happier, because, number one, it's easier  
10 regulation and, number two, it's much easier to enforce. You  
11 can enforce it from the air. The Coast Guard can spot or the  
12 DNR can spot it and if the boat is dead in the water, he's going  
13 to get a fine and so you cannot anchor and you cannot be seen in  
14 there.

15  
16 It's much easier and the experience, the feedback, that we have  
17 gotten is that it's about time to make the regulations in those  
18 three mounts the same, because year after year after year, all  
19 we get is people complaining that it's such a different  
20 management regime and not only for DNR, but for the Coast Guard  
21 and such a small area that it's almost impossible to enforce and  
22 they get a lot of interventions that could be easily avoided,  
23 especially the charter people and the recreational folks.

24  
25 Those are two places that the water column is closed and you are  
26 not even supposed to go there and a lot of people don't know  
27 that and they are not criminals. They are good folks, good  
28 people. That way, we can let the Coast Guard do what they're  
29 doing there and do their job. Let Border Patrol do their job  
30 and let DNR do their job.

31  
32 I am pretty sure that Puerto Rico, if we clean up this mess,  
33 would have no problem with complying and making it a uniform  
34 system for everyone, because at this point, it's coming to a  
35 point that the people who know more about this management  
36 regime, of course, are the commercial fishermen, because they  
37 are the ones who go there all the time, but you get good people  
38 there that they tell you I cannot go there because it's closed  
39 and it's not closed. Bajo de Sico has been open, the water  
40 column, for two years.

41  
42 I think that's the -- Better enforcement and more practical for  
43 the user groups and much better in the conservation process too,  
44 because it's easier to teach our outreach and education process  
45 if it's simpler with one management regime than three.

46  
47 We are not intending or our intention is not to tell divers that  
48 you cannot dive and that's not what the intention was

1 whatsoever. The people at Bajo de Sico have seen it work and I  
2 think that Nelson might want to add something to it, but so far,  
3 as I told you, success is the best story. This is one of the  
4 best stories that this council has ever had, the new Bajo de  
5 Sico management regime.

6  
7 **NELSON CRESPO:** This is kind of discussion that we talk almost  
8 daily in my house with fishermen of all sectors, charters,  
9 recreational, commercial. It's one voice. The public want a  
10 uniform enforcement management like the one in Bajo de Sico. It  
11 is simple and it has worked.

12  
13 Tourmaline and Abrir la Sierra are too complex and outdated.  
14 Having different management plans for those areas that are too  
15 close, one from each other, is causing a confusion in all  
16 fishing sectors and enforcement agencies and creates an ambience  
17 to make a violation of the law without the feeling to do it.  
18 Year after year, it's the same history.

19  
20 Fishermen from all sectors are stopped, in most of the cases by  
21 the Coast Guard, that tell them to move from this or that area  
22 because it's closed for fishing, but in most of the cases, they  
23 are fishing in Bajo de Sico, where the water column is open the  
24 whole year.

25  
26 Having compatible regulations for those three areas would  
27 eliminate this issue. Also, this action provides further  
28 protection to the red hind spawning aggregation and large  
29 individuals of snapper and grouper from direct fishing pressure  
30 to achieve a more natural sex ratio, age and size structure,  
31 while minimizing adverse social and economic effects.

32  
33 Also, it provides protection to the biological and physical  
34 environments, even to the pristine coral habitats of Tourmaline  
35 and Abrir la Sierra Banks. We think that this is a golden  
36 opportunity for NMFS and the PR DNR to promote the protection of  
37 the resource.

38  
39 All fishing sectors, recreational, charter, and commercial  
40 fishermen and conservationists are pleased with the Bajo de Sico  
41 management plan and I think we have a great opportunity to open  
42 this issue for a public discussion.

43  
44 **CARLOS FARCHETTE:** Thank you, Nelson. Bill, you've still got  
45 some more?

46  
47 **BILL ARNOLD:** I have the list of actions and the options  
48 contained within each of those actions. Certainly if people

1 want to make comments before I go over these, I have no problem  
2 with that, but otherwise, I will dig right in.

3  
4 This, is if not complicated, it's extensive and so please be  
5 prepared. There are three actions within each of the four  
6 components, because we have a separate action for each of these  
7 three areas.

8  
9 Generally, the first action will be for Abrir, the second action  
10 will be for Tourmaline, and the third action will be for Bajo.  
11 Option 1 is on modifying the length of the closed season,  
12 because closed seasons differ among the three areas.

13  
14 Option 1 would be no action, as it always is, and so you would  
15 have a three-month closed season for Abrir and Tourmaline and  
16 you would have a six-month closed season for Bajo. Option 2  
17 would be to establish a six-month for each of Abrir and  
18 Tourmaline, which would match with Bajo. Remember that Bajo is  
19 six months and so if your action for Abrir la Sierra was to get  
20 compatible with Bajo, you would establish a six-month closure  
21 from October 1 to December 31 and the same thing for Tourmaline.  
22 If you wanted to get compatible with Bajo, you would establish a  
23 six-month closure from October 1 to March 31.

24  
25 For Action 3 for Bajo, your option would be to go to a three-  
26 month closure, because that would make it compatible with  
27 Tourmaline and Abrir. The third option is --

28  
29 **EUGENIO PIÑEIRO:** If I may, why in the second option you have  
30 six months for Abrir and six months for Tourmaline and three  
31 months for Bajo, which now actually is six months?

32  
33 **BILL ARNOLD:** The first two are six months because that's what  
34 Bajo is. Do you want to go compatible with Bajo? Then you go  
35 to a six-month in Abrir and a six-month in Tourmaline. You  
36 don't have to go to a six-month in Bajo. It's already six  
37 months. The action for Bajo would be a three month and you  
38 wouldn't change -- Under those circumstances, you wouldn't  
39 change Abrir and Tourmaline. They would be three months.

40  
41 You have already got six months for Bajo and so you don't need  
42 that to be an action. That would be your no action, Option 1,  
43 for Bajo, six months from October 1 to March 31. For Abrir, it  
44 would be Option 2 and for Tourmaline, it would be Option 2.

45  
46 **EUGENIO PIÑEIRO:** If you look at the --

47  
48 **BILL ARNOLD:** I apologize, because I'm not explaining this

1 clearly. What you would want to do is to establish  
2 compatibility -- If you want to be compatible with the way Bajo  
3 is now, then you would choose the no action alternative for  
4 Bajo. You are not changing Bajo. You're leaving it at six  
5 months, October 1 to March 31, but then you go to Option 2.

6  
7 We do want to change Abrir la Sierra and this is no longer the  
8 no action and we're going to do something. What are we going to  
9 do? We're going to go to six months from October 1 to March 31,  
10 which is exactly what Bajo already is and the same thing with  
11 Tourmaline or we could say we want to go compatible with Abrir  
12 and so we would take no action on Abrir and we would take no  
13 action on Tourmaline, but we would have to change Bajo and that  
14 would be a three-month change from December 31 to the end of  
15 February and now you would have compatibility with those.

16  
17 Option 3 is changing the closed date completely and so that's  
18 the same for all three of them. Everybody gets changed from  
19 December 1 to May 31 and all of them would require a change to  
20 maintain compatibility, but this is a whole new closed season  
21 for all three of them.

22  
23 Option 4, we close them all for twelve months and, again, that's  
24 the same. I apologize for this confusion, but this is the best  
25 way to address this, even though it takes a little bit of  
26 counterintuitive thinking to get through it and I understand  
27 that. I think Barbara may have had a question.

28  
29 **BARBARA KOJIS:** The way it's set up is very confusing for Number  
30 2 and you may just want to put another option in there that puts  
31 Option 2, because it looks like you would choose that option in  
32 total and make the -- Whatever option you've got up there is the  
33 option you would choose in total and so in that particular case,  
34 you wouldn't change the last one, but you would just say six  
35 months -- Change the first two six months and then leave the  
36 last one the same and then you would have another option that  
37 would have the first two you don't change and the last one you  
38 change to three months. Just because I think this is going to  
39 confuse everybody.

40  
41 **BILL ARNOLD:** If I confuse you guys, I can pretty much do  
42 whatever I want. I am kidding and so one thing that I would  
43 like to come out of this meeting with, as I stated earlier, is a  
44 more clear purpose and need and once we get a more well-defined  
45 purpose and need, a lot of these options and even actions will  
46 drop out, because they will no longer meet that purpose and  
47 need.



1 I think when we come back at the December meeting with a more  
2 fleshed out document, you will find that a lot of these actions  
3 and options have disappeared. I do apologize for the confusion.  
4 There is a lot of ways we could have arranged this and I'm not  
5 sure that any of them would have been totally clear. I  
6 appreciate that there may have been a better way, but that would  
7 be my fault and not Brittany's. Brittany Tokotch is the one  
8 that worked this all up and so, please, the credit is hers and  
9 the blame is mine.

10

11 **CARLOS FARCHETTE:** One second. I've got Attorney Grimes.

12

13 **SHEPHERD GRIMES:** I would just reiterate a little bit of what  
14 Dr. Arnold said and I thought, when I was looking at this  
15 document on the plane on the way down, it's set up so it  
16 considers every possible permutation for closing these areas,  
17 these three areas, both in terms of length of the closure,  
18 anchoring prohibitions, fishing restrictions. It's all laid out  
19 in there, which is as comprehensive as it could possibly be, but  
20 possibly as confusing as it could possibly be.

21

22 I think, having heard some of the discussion earlier, at least  
23 having heard Mr. Piñeiro and Mr. Crespo, they're thinking that  
24 the intention is to make all of these areas consistent, make the  
25 regulatory restrictions in all of these areas consistent, and it  
26 sounds like they're strongly leaning in favor of making them  
27 consistent with what's in Bajo de Sico now, which would  
28 ultimately mean you wouldn't change anything in Bajo and you  
29 would just change the other two areas.

30

31 I don't mean to discourage Dr. Arnold from going through all  
32 these permutations. That is certainly his wherewithal if you  
33 want to do this, but it seems that the next document that would  
34 come back to you would reflect that your purpose and the desire  
35 here is to simplify it and make the regulations consistent  
36 amongst all of these three areas and then you could simplify a  
37 lot of what's in there now in terms of actions and alternatives.

38

39 I just wanted to get that out there, because I am going to be  
40 one of the folks working with him when we get back and that's  
41 the way I intend to push it, if that's what you want. For the  
42 record, I see all heads bobbing in the affirmative.

43

44 **CARLOS FARCHETTE:** Okay, Bill, go ahead. I read the document  
45 and it's very extensive.

46

47 **MIGUEL ROLON:** We need the bobbing heads to say something for  
48 the record. Is the intent of the council -- Amanda will have a

1 hard time transcribing our minutes.

2  
3 **SHEPHERD GRIMES:** That was my point. I think everybody is  
4 nodding yes and you're going to see a document that comes back  
5 and I don't think anybody is going to complain that the document  
6 that comes back will be simpler than the one that is in your  
7 briefing materials for today.

8  
9 **BILL ARNOLD:** The next consideration is to prohibit fishing  
10 activities, because the allowable fishing activities also differ  
11 among the areas. This is Action 4, 5, and 6, 4 being Abrir, 5  
12 being Tourmaline, 6 being Bajo. I apologize for the darkness on  
13 the screen. It's beautiful on my screen, but anyway.

14  
15 Option 1, again, would be the no action alternative. That would  
16 be a harvest of all species in Abrir and in Tourmaline, but only  
17 the harvest and possession of reef fish in Bajo and so those are  
18 the no action alternatives.

19  
20 You could choose one of those or all of them or any combination.  
21 Option 2, you would allow harvest of reef fish. Option 3, you  
22 would allow harvest and possession of reef fish in Abrir and  
23 Tourmaline and I know this is getting very complicated, but you  
24 would allow harvest of spiny lobster in Bajo.

25  
26 These are the things that would be prohibited and so harvest of  
27 spiny lobster is already allowed in Bajo and it would be  
28 disallowed in Bajo. Harvest and possession of reef fish is  
29 allowed in Abrir and Tourmaline and it would be disallowed in  
30 Abrir and Tourmaline, et cetera, et cetera. It's too  
31 complicated to go through all of these and I think we'll just  
32 move on. You're getting the general idea behind these things  
33 and then if you have any questions, please ask.

34  
35 The next one is anchoring. Do you prohibit anchoring or do you  
36 not prohibit anchoring? These actions and these options under  
37 each action address that and it's basically no action. You can  
38 already anchor in Abrir and Tourmaline and so don't change that.  
39 You're not allowed to -- You have a shortened -- You're not  
40 allowed to anchor in Bajo and so you would allow that year-  
41 round, et cetera, et cetera, all the different combinations of  
42 whether you allow anchoring or don't allow anchoring in these  
43 areas.

44  
45 The last one is spearfishing. Spearfishing is allowed in some  
46 areas and it's not allowed in other areas. I guess it's allowed  
47 in all three areas and so the no action would be don't prohibit  
48 it, because it's not prohibited now and the other option

1 combinations would be whether you disallow spearfishing for  
2 certain periods of times, at certain times, or completely  
3 disallow spearfishing.

4  
5 That's it. That's where we need guidance and give us guidance  
6 and we will bring back a much more comprehensible series of  
7 actions and alternatives.

8  
9 **CARLOS FARCHETTE:** Thank you, Bill. I read the document, but  
10 since this is really a Puerto Rico issue, I would suggest Option  
11 2, but I don't know what Puerto Rico really wants.

12  
13 **GRACIELA GARCIA-MOLINER:** A couple of things. One is simplicity  
14 is not going to be achieved, because we only deal with the  
15 federal side of things. We still have the lack of compatibility  
16 with the state waters and so simplicity at this stage is not --  
17 It shouldn't be a reason and it shouldn't be an issue.

18  
19 Number two is we don't really have evidence or we have not been  
20 monitoring Abrir la Sierra and Tourmaline versus Bajo de Sico to  
21 state scientifically that closing for six months and prohibiting  
22 the harvest of only reef fish and allowing for lobster is a  
23 better strategy for management and for maintaining a resource  
24 that if you only have three months of complete closure where you  
25 prohibit all fishing for all species.

26  
27 Number three, enforcement is an issue and it's an issue because  
28 of the lack of compatibility within the state and the federal  
29 and among the three areas. However, Bajo de Sico, which  
30 prohibits anchoring, we just saw today that there was a boat  
31 anchored at Bajo de Sico and so it's going to be a problem and  
32 it's going to continue to be a problem.

33  
34 The state waters prohibit anchoring on their side of the three  
35 areas, or the two areas that we share, and so that's another  
36 issue of compatibility and, finally, there is reason to believe  
37 that the seasonality, or the six months that were established  
38 for Bajo de Sico, might not be protecting the groupers that  
39 might be spawning at that site, specifically that we might have  
40 chosen the wrong months of the year to protect.

41  
42 Instead of going from October to March, maybe it should be  
43 December through summer and so that's -- We are collecting  
44 information at this stage and we are preparing tables with the  
45 actual data, to show when the different fish species are present  
46 at these three areas and when they are there as juveniles or  
47 adults and when they use the areas for spawning.

48

1 That, at this stage, is not ready yet, because it goes along  
2 with what's happening right now at Bajo de Sico and the  
3 monitoring of the aggregations, not only of red hind, which was  
4 your original reason for closing these areas, but of all the  
5 other groupers that had not been included as part of the reason  
6 why these areas were closed.

7  
8 This is just for the record, because it's -- Some of these  
9 reasons are really at a very early stage. We do need direction  
10 in terms of whether you want to continue to work on just the  
11 federal side of things and reach compatibility among the three  
12 areas or if you want us to continue working with the local  
13 governments to establish compatibility amongst both the state  
14 and the federal waters.

15  
16 **SHEPHERD GRIMES:** We don't have any control over what the  
17 territories do and it seems that at the federal level, we're  
18 already inconsistent between these areas. Based on what I had  
19 heard earlier, we ought to first make our own approach  
20 consistent and at that point, once we do have a consistent  
21 regime, we can seek consistency with our approach from the  
22 territories.

23  
24 Now, we don't want to do that in a vacuum and so we should be  
25 talking to Puerto Rican representatives and deciding, look, out  
26 of these approaches, what do you prefer or what do you think  
27 would be the best to implement, both from a territorial  
28 compatibility standpoint and achieving the objectives of the  
29 closed areas?

30  
31 **CARLOS FARCHETTE:** I know that the same thing is going to come  
32 in with the Virgin Islands and I do know that we already had a  
33 signature from our Commissioner to work on compatible  
34 regulations. That's also going to pan out eventually. We will  
35 work all those issues out.

36  
37 **MIGUEL ROLON:** Regarding the Bajo de Sico and compatibility, we  
38 have a couple of meetings at the office actually. I guess Bill  
39 Arnold and Graciela and representatives of DNR looked into this  
40 and the issue was that Puerto Rico wasn't ready or did not  
41 respond to the compatibility issue regarding Bajo de Sico.

42  
43 In the case of Bajo de Sico, we have about two-thirds federal  
44 and one-third Puerto Rico's area of jurisdiction. Then  
45 Tourmaline is almost the other way around. The question is  
46 between here and December, can we meet and iron this out?

47  
48 **MIGUEL GARCIA:** My apologies. I have been dealing with other

1 issues in parallel with these meetings and so, yes, we've been  
2 dealing with this issue for quite some time and I think the  
3 moment is ripe to take this to our Secretary and make a point of  
4 her understanding and commitment and finalize the discussion.  
5 Yes, I will say yes.

6  
7 **MIGUEL ROLON:** Graciela, please make a note to meet with the  
8 appropriate people in DNR between here and December so you can  
9 come up with some facts about what should be compatible or not,  
10 along the lines of what Shep requested. For the next meeting,  
11 Mr. Chairman, we will have a clear document of what the issues  
12 are and what we can do.

13  
14 **TONY BLANCHARD:** I would just like to hear what Genio and Nelson  
15 suggest and what they're looking for.

16  
17 **NELSON CRESPO:** At the end of the road, what we're looking for  
18 is to simplify the life of everybody, the life of the  
19 enforcement agencies and the life of the fishing sector. I  
20 think that maybe the local government should adopt the  
21 compatible regulations that we have on the EEZ side.

22  
23 **EUGENIO PIÑEIRO:** You cannot close what is already closed and  
24 you cannot open a door that is already open. The reality is  
25 that there's a three-month closure for the spawning aggregation  
26 of Snapper Unit 1. The reality is that there's a three-month  
27 closure for the grouper for the red hind. It's already closed  
28 and you cannot close what is already closed.

29  
30 Divers will continue diving and they will harvest whatever they  
31 harvest and the only difference is that instead of having those  
32 two closed water columns in Tourmaline and Buoy Number 6, which  
33 is Abrir la Sierra, it's going to be like it is at Bajo de Sico.  
34 You can fish them all year-round and you can go there and you  
35 can do everything you want 365 days out of a year without being  
36 in violation.

37  
38 That is the gist of the thing. The fishermen are not going to  
39 be left out of the water. If the fishermen were going to left  
40 out of the water, I would be the first one to oppose, violently  
41 oppose, and Nelson, too. All of us would say no, but so far,  
42 the evidence, what we have seen, is that people are happy with  
43 the way the new management regime at Bajo de Sico is -- Not one  
44 single fisherman has been said no, you cannot fish. That's not  
45 the case. While it's closed, it's closed and you cannot close  
46 something that is already closed.

47  
48 It's working and I thank Mr. Blanchard and Mr. Pemberton for

1 trusting us, Nelson and I. That is our area of expertise and  
2 that's why we are taking the time and the trouble to make things  
3 easier on everyone and a better management regime is better for  
4 the fishermen and it's better for the users and it's better for  
5 everyone. So far, I haven't heard a single complaint.

6  
7 **MIGUEL ROLON:** Take two sacks, because at the end, rather than  
8 opening the two columns, you may end up closing the other  
9 column, Bajo de Sico, because you have to demonstrate to the  
10 council what you want to do.

11  
12 My advice is that we allow the local government and the staff to  
13 put together a document that you can look at and discuss it. In  
14 the case of Bajo de Sico and not the others, there were some  
15 fishermen that were not happy at all, because the yellowtail  
16 were kicked out of the area and so I believe that the essence of  
17 what Genio and Crespo are saying here is that we want to  
18 simplify it so that you have similar regulations, not identical,  
19 in the three areas, but we need to be prepared for all the  
20 intricacies and also, we cannot tell the government of the U.S.  
21 Virgin Islands or Puerto Rico what to do and when to do it. You  
22 have to keep that in mind.

23  
24 **EUGENIO PIÑEIRO:** What would be then the -- Who is on first?  
25 What are we going to do? Is the Secretary going to have  
26 something prepared for the December meeting or should we start  
27 working now in the federal waters or what would be the wiser  
28 thing to do?

29  
30 **MIGUEL GARCIA:** What Shep said, allow the government of Puerto  
31 Rico to come up with a document for the next meeting that  
32 outlines what they are willing to accept or not accept and based  
33 on that document, you can act on the EEZ and that way, we have  
34 this in an orderly fashion and whatever happens, we will follow  
35 the appropriate process.

36  
37 **MIGUEL GARCIA:** The new secretary and special aids, they don't  
38 know anything about this, or not much anyway, and so we will  
39 have to put this on their table first and have some discussion  
40 and then expand that discussion to include the fishermen from  
41 the area, because she's going to ask to have the fishermen as  
42 part of the discussion from the beginning. Then after that, we  
43 are going to be having, for sure, something ready for the  
44 December meeting.

45  
46 **CARLOS FARCHETTE:** On the agenda now, we will have Tales from La  
47 Cordillera: Promoting Sustainable Fishing Through Environmental  
48 Interpretation with Alejandro Torres.

1  
2 **MIGUEL ROLON:** While Alejandro prepares his presentation, just  
3 to alleviate the minds of the people who would like to go home  
4 today earlier, Dr. Alida Ortiz told me that most of her report  
5 has already covered by other presentations and she suggested to  
6 eliminate this agenda item from today and then move it to the  
7 first session of the second day of the December meeting.  
8 Whatever transpires between here and December, she will report.

9  
10 **TALES FROM LA CORDILLERA: PROMOTING SUSTAINABLE FISHING THROUGH**  
11 **ENVIRONMENTAL INTERPRETATION**  
12

13 **ALEJANDRO TORRES:** First of all, thanks for the invitation and  
14 my name is Alejandro Torres. I am currently working for an oil  
15 contractor called MAR Management Solutions and I am engaging a  
16 community outreach and environmental education project in the  
17 east part of the island. I also work for the Centropara la  
18 Conservacion del Paisaje, which is a local NGO working on  
19 different environmental policy projects, mostly projects  
20 regarding the management of the landscape and public  
21 participation issues and environmental education.

22  
23 The title of the presentation is Tales from La Cordillera:  
24 Promoting Sustainable Fishing Through Environmental  
25 Interpretation.

26  
27 As a background, this project is part of a collaborative effort  
28 between NOAA's CRP and DNER as a follow-up to the designation of  
29 some priority areas for the conservation of coral reefs in  
30 Puerto Rico.

31  
32 They focused on two nature reserves, which are Canal Luis Pena  
33 in Culebra and Arrecifes dela Cordillera in Fajardo, east of  
34 Fajardo, and I will basically focus on La Cordillera, which is  
35 an ecosystem which has some ecosystem with high ecological  
36 value, but also places with history, such as the one of  
37 Maternillo community, a fishing community from Fajardo, which  
38 has historic ties with the reserve, such as, for example, this  
39 production of lime from limestone deposits found in a cave  
40 called Icacos and this production of this economic activity went  
41 from the 19<sup>th</sup> century until the 1960s and although the  
42 exploitation of limestone deposit has an impact on the  
43 environment, we need to understand that relationship and also  
44 integrate that kind of historic information into environmental  
45 education efforts.

46  
47 The main challenges, we have huge recreational and tourism  
48 activity in the area and we have local fishermen and we also

1 have commercial fishermen, recreational fishermen, private boat  
2 owners, and also charters, such as the ones that you see there  
3 taking people on snorkeling trips.

4  
5 According to the management plan of the area, some of the  
6 environmental challenges we face relate to the intensity of  
7 commercial and recreational tourism activities, which is  
8 associated with unsustainable fishing, inadequate anchoring  
9 practices, problems with solid waste management.

10  
11 We also have the contamination due to land-based sources of  
12 pollution and, very importantly, we have a lack of appropriate  
13 environmental education efforts to promote the ecological value  
14 of the reserve and also the three-year environmental  
15 mobilization needed to support conservation efforts.

16  
17 Mondo litoral, the project, is a project to investigate and  
18 promote the ecological and cultural value of Arrecifes de la  
19 Cordillera and secondly, to target that mobilization needed to  
20 support AC's conservation efforts.

21  
22 We have some current educational and outreach initiatives, such  
23 as, for example, a new blog and here, you have the link. This  
24 is the blog. The blog is actually meant to provide some  
25 information about the reserve, such as the management plans,  
26 information about the biodiversity of the reserve, and also the  
27 initiative that we are actually putting together over there,  
28 such as the one you see there in Culebra with kids. We take  
29 kids to the water in order to promote environmental  
30 conservation, marine resources conservation, and promote  
31 sustainable fishing activities.

32  
33 This blog can be used to promote different sustainable fishing  
34 initiatives that different agencies have and to actually share  
35 with the public at large what is going on in different  
36 conservation efforts in the area.

37  
38 Tales from La Cordillera is a project to investigate local  
39 fishers' life stories and better understand the relationship  
40 with the reserve and document their local ecological knowledge  
41 and develop -- Most importantly, develop educational and  
42 interpretive strategies to promote the adoption of sustainable  
43 fishing strategies or practices and marine resources  
44 conservation.

45  
46 Participants, we have at least two clusters of students working  
47 on the project. On the right-hand side, you have students from  
48 UPR Humacao INAS Program, which is participatory action research



1 program. On the other side, you have PLAC students coming from  
2 the Interamerican University, Fajardo Upward Bound Program.

3  
4 The methodology is we are conducting oral histories with local  
5 fishermen from Croabas and Maternillo communities, Fajardo,  
6 older than seventy years old. We also are conducting participant  
7 observations in local community activities and tourism  
8 activities and we are also putting together a training program  
9 with students from the Interamerican University Fajardo.

10  
11 Some of the findings, I don't want to get much into the details  
12 about it, but just to make my point, we have found some small  
13 group of Maternillo fishers practicing pesca de vara, a  
14 traditional fishing practice, which is quite interesting because  
15 it's also kind of unique for the region.

16  
17 I think that fishing practice is part of the community's  
18 identity and I think the anecdotes of pesca de vara show or  
19 reveal deep knowledge about AC's --

20  
21 **MIGUEL ROLON:** Alejandro, pesca de vara is a fishing pole and  
22 they do it on a boat?

23  
24 **ALEJANDRO TORRES:** On a boat. They actually go on top of the  
25 rocks and they fish yellowtail. It's quite a selective kind of  
26 fishing practice I will say and they are very --

27  
28 **MIGUEL ROLON:** They fish from the shoreline?

29  
30 **ALEJANDRO TORRES:** They fish on the case of the reserve, some  
31 small case of the reserve. In this reserve, fishing -- You are  
32 allowed to fish. I was saying the experiences and anecdotes  
33 we've got from the interviews and the oral histories reveal a  
34 deep knowledge of marine resources of the reserve and also, in  
35 my opinion, this knowledge represents a very important source of  
36 information to develop effective educational efforts to promote  
37 sustainable fishing.

38  
39 How are we integrating that knowledge and how are we promoting  
40 sustainable fishing in the region? With PLAC's, which is a  
41 training program for local youth, we actually aim at  
42 strengthening youth knowledge and capacities regarding coastal  
43 and environmental issues.

44  
45 The audience is high school students from the Interamerican  
46 University Fajardo, the Upward Bound Program, and the strategy  
47 is a continuous training program, a hands-on workshops and field  
48 trips into different parts of the reserve and also connecting

1 environmental issues inland, for example effect of water  
2 resources and all that into the health and the condition of this  
3 nature reserve.

4  
5 We also are promoting sustainable fishing in local communities,  
6 not only with students, but also helping out or putting together  
7 different educational initiatives at the local level, such as,  
8 for example, this is a festival, fisherman festival, in  
9 Maternillo where we had a whole block of educational activities  
10 such as games related to fishing, to promote and cultivate  
11 fishing interest in children, workshops on sustainable fishing  
12 techniques. For example, talking about the construction of  
13 traditional fish traps and important measures to make these  
14 traps sustainable and avoid bycatch, et cetera.

15  
16 Also, promoting the consumption of lionfish through a lionfish  
17 cooking workshop that we made in partnership with Sea Grant and  
18 other organizations. Basically, that's part of the initiatives  
19 that we are promoting in the region and I just wanted to explore  
20 other ways to keep on collaborating and promoting the  
21 conservation of marine resources in the region. Are there  
22 questions?

23  
24 **CARLOS FARCHETTE:** Any questions for Alejandro? No? Thank you.  
25 Now we're going to move to Enforcement Issues and Puerto Rico  
26 DNER.

27  
28 **ENFORCEMENT ISSUES**  
29 **PUERTO RICO DNER**

30  
31 **MIGUEL GARCIA:** I have to say that for the first time in many  
32 years, I got the information -- I won't say on time, but not  
33 quite late. I was happy because of that. In going quickly over  
34 it, those are the number of violations for those months. On the  
35 Y-axis is the closure for mutton snapper. It was a violation of  
36 people fishing for mutton snapper and another violation of an  
37 undersized yellow snapper, the yellowtail quota, lobster quota.  
38 This is lobster size. They were for regulations about people  
39 fishing for undersized lobsters.

40  
41 The queen conch quota, we have only two violations, but I have  
42 to point out that one of these violations was a person,  
43 fishermen, who went over for 102 queen conch. Even though there  
44 were only two violations, one of the guys really went high above  
45 the quota.

46  
47 Kingfish, the same, one regulation and two reports of fishermen  
48 that were having lobster tails without their body, which is a

1 violation in Puerto Rico. Queen conch in federal waters, one  
2 violation. Fishing in protected area, that's four violations  
3 and snook size, the same, four. Land crabs, we have a closed  
4 season starting on June 15, I believe, and so it was the highest  
5 number of violations recorded of fifteen and eleven for people  
6 fishing for land crabs in protected areas and land crabs  
7 undersized violations.

8  
9 In summary, this is what I got and I have to say it again, but  
10 it's getting better. It's still an area of improvement and I  
11 would like to get more information from the law enforcement with  
12 NMFS and the Coast Guard.

13  
14 That's the kind of information that I'm not getting, but I am  
15 happy that it's getting better now and our next meeting, we  
16 might have probably the option of combining data from several  
17 reports and have a more complete source of information. Thank  
18 you.

19  
20 **MIGUEL ROLON:** Miguel, what do you mean by 102 conch above the  
21 quota? What quota is that and then what do you mean about the  
22 queen conch in federal waters? What do you mean by that?

23  
24 **MIGUEL GARCIA:** At that time, a fisherman was allowed to catch  
25 only 150 queen conch per person and this particular person,  
26 fisherman, fished 102 above 150 and so he really went over the  
27 quota. There was a report of a fisherman fishing for conch in  
28 federal waters and federal waters are closed for queen conch  
29 fisheries.

30  
31 **MIGUEL ROLON:** They intervened because of the cooperative  
32 agreement with the National Marine Fisheries Service?

33  
34 **MIGUEL GARCIA:** Yes, that was one of the examples that I know,  
35 but I believe that I'm not getting all the information from that  
36 sector.

37  
38 **MIGUEL ROLON:** What happened to the poor guy that had 102 more  
39 queen conch?

40  
41 **MIGUEL ROLON:** I am not sure. I will check on that. I am not  
42 sure what happened to him. I do recall that he was able to keep  
43 the 150 legal quota and he was processed by 102 surpassing the  
44 quota. That's kind of funny for me, because he broke the law  
45 anyway, but I was told that.

46  
47 **CARLOS FARCHETTE:** Any questions for Miguel Garcia? Hearing  
48 none, we will move to the Virgin Islands DPNR and Director

1 Forbes.

2

3

### U.S. VIRGIN ISLANDS DPNR

4

5 **HOWARD FORBES:** Good afternoon. I'm Howard Forbes, Director of  
6 DPNR Enforcement. The Department of Planning and Natural  
7 Resources Division of environmental enforcement and federal  
8 fishery hours to date, dockside boarding hours are 106 and sea  
9 patrol hours are thirty-six. Vessel hours are eighteen.  
10 Fisheries warnings issues are seven and fisheries contact is  
11 sixty-five and clerical hours are forty-eight. Outreach hours  
12 are ninety-three.

13

14 Enforcement officers in both districts participated in joint  
15 fisheries operations with the U.S. Coast Guard boat force  
16 patrol. The mission was to patrol the U.S. Virgin Island  
17 territorial waters for fisheries violations and illegal conch  
18 harvesting during the closed season.

19

20 Additionally, the mutton snapper spawning aggregation area of  
21 St. Croix was patrolled and the Grammanik Bank area on St.  
22 Thomas.

23

24 I would like to extend thanks to Lia Ortiz of NOAA, CRP, who is  
25 also the U.S. Virgin Islands fishery liaison and member of the  
26 Caribbean Outreach and Educational Program, with her assistance  
27 with outreach to the fishers during licensing and renewal on  
28 both districts. I would also like to thank this time to thank  
29 Director Pemberton and his staff and Juan Cruz of Fish and  
30 Wildlife in assisting DPNR in development of the electronic  
31 database, which greatly enhanced both the ability to track the  
32 commercial fishers and expedite the registration process.  
33 That's the report for the U.S. Virgin Islands thus far.

34

35 **CARLOS FARCHETTE:** Any questions for the USVI? Hearing none,  
36 U.S. Coast Guard.

37

38

### U.S. COAST GUARD

39

40 **MORGAN FOWLER:** For the Coast Guard's Living Marine Resources  
41 Enforcement Report from April through July, we completed a total  
42 of fifty-one LMR boardings in the area. During May, the Coast  
43 Guard Cutter Dependable boarded a Venezuelan fishing vessel  
44 eighty miles south of Ponce. The vessel had failed to properly  
45 stow their fishing gear within the U.S. EEZ and the boarding  
46 team issued the vessel a fishing violation and directed it to  
47 exit the EEZ.

48

1 The Coast Guard Cutter Key Largo, on a separate occasion,  
2 boarded a twenty-foot fishing vessel twelve miles west of Puerto  
3 Rico and the boarding team noted that the master had illegally  
4 placed fishing traps within the Tourmaline Bank. Thirteen traps  
5 were removed and the master agreed to abandon the catch that was  
6 inside the traps and Key Largo transferred the seized traps to  
7 NOAA.

8  
9 Another event, the Coast Guard Cutter Martinicus located two  
10 Venezuelan-flagged fishing vessels in the U.S. EEZ 115 nautical  
11 miles south of Ponce and the vessel directed both of the  
12 Venezuelan vessels to leave the EEZ. They complied with the  
13 order to leave and the Martinicus escorted them out of the EEZ  
14 during their transit.

15  
16 Sector San Juan hosted the Southeast Regional Fisheries Training  
17 Center's Caribbean Living Marine Resources Course, which was  
18 attended by eleven Coast Guard law enforcement officers and one  
19 Ranger from the Puerto Rico Department of Natural and  
20 Environmental Resources attended that training as well.

21  
22 Also, we would ask for local fishing organizations to pass the  
23 word along to other fishermen to report those sightings of  
24 illegal fishing in the EEZ and to include position, the  
25 description of the vessel, and if they can take a picture of it  
26 and pass it along to us, it helps us to build our case against  
27 them and to deter illegal fishing activity outside of state  
28 waters and in federal waters and that's all for the Coast Guard.

29  
30 **CARLOS FARCHETTE:** Thank you. Otha.

31  
32 **NOAA/NMFS**

33  
34 **OTHA EASLEY:** As you know, the Fisheries Service has one agent  
35 in the Caribbean and we're doing the best we can with that one  
36 agent. With fewer assets, we have to work him smarter and so  
37 our partnerships are very important with Puerto Rico and USVI  
38 DPNR, as well as the Coast Guard.

39  
40 There is hope in the future as far as getting additional law  
41 enforcement, at least from NOAA, here. Our next year's budget  
42 we believe is either level or we're getting an additional  
43 million nationwide and not just for my office, particularly for  
44 compliance. That money, if it does come through, it will be  
45 directed towards getting more enforcement officers where they  
46 are most needed and for the Southeast Division, this is right  
47 there at the top of the list, getting some additional help down  
48 here.

1  
2 We have to prioritize what the one agent here, Len Rios, does  
3 and he has been helping out with the U.S. Fish and Wildlife  
4 Service also. They have no agents and they have a vacancy and  
5 so the U.S. Attorney's Office has been asking him to assist them  
6 in some of their ESA sea turtle investigations.

7  
8 That kind of draws from some of the other work that we have been  
9 doing, but in the meantime, he has been -- Len has been working  
10 with Puerto Rico DNER and with the queen conch patrols that you  
11 heard some of the details given by Miguel a little bit earlier.

12  
13 We have been working with HMS here and in Puerto Rico on HMS  
14 tournaments and making sure that those attendees or participants  
15 have the appropriate permits and the size limits are being  
16 adhered to and also, we're working with our partner, a very  
17 important partner still here in Puerto Rico, but we're working  
18 on billfish, imported billfish, products and inspecting some of  
19 the -- I think there are three HMS importers and we've been  
20 visiting and inspecting those purchases and what they have in  
21 their warehouses for various violations.

22  
23 We've been working with USVI DPNR and trying to get some  
24 information on, as Coast Guard mentioned, on EEZ longliners out  
25 there and trying to get as much information and intel so that we  
26 can help Coast Guard develop a pattern. We may not be able to  
27 respond immediately, but the more calls that come in, the more  
28 reports or the more information and details that are brought to  
29 light and then some strategies can be developed to try to catch  
30 them as they come in or before they come in again.

31  
32 Also, working with the U.S. Coast Guard in San Juan, we're  
33 working the closed area of the Tourmaline Bank for fish traps,  
34 illegal fish traps, and we're also working, again, with Puerto  
35 Rico DNER over there and we're looking at the undersized  
36 Caribbean lobsters. It's not so much the imported at this  
37 point, but domestic.

38  
39 Also, we have a -- Len Rios is also working with the Grand Jury  
40 with the federal court on an ESA turtle violation and the sale  
41 of turtle meat over here on the west coast.

42  
43 Like I said, we have to depend on our partners a lot and there  
44 are a lot of priorities that we have to weigh. Some of those  
45 that I just mentioned, assisting with ESA investigations and  
46 dealing with queen conch and red hind closures and also we've  
47 heard some mention in the last day or two that we have to  
48 address some issues and complaints, for instance bleaching the

1 coral for octopus. We've heard those complaints and we are  
2 trying to prioritize those and reports on outreach and  
3 enforcement.

4  
5 We have heard that outreach presentation that enforcement is a  
6 big part of outreach and there is no bigger proponent for  
7 outreach than I and so it helps enforcement as well as the  
8 industry itself.

9  
10 Foreign longlining, we've heard presentations that we want  
11 enforcement to respond to that and various illegal gears and  
12 traps and bandit gear or electric gear, handheld gear, et  
13 cetera. We've heard that we want Fisheries to respond to those  
14 types of complaints as well as recreational sale of snapper  
15 without the commercial license.

16  
17 That's something that we've heard the last two days and we hear  
18 in my office on a regular basis, trying to do something to stop,  
19 as well as the undersized spiny lobster imports that Graciela  
20 reported in her presentation, that that's a big concern also.  
21 All of that is something that my one agent here on the island  
22 has to weigh and he can't be in all the places at one time and  
23 so thanks to USVI and Puerto Rico DNER and the Coast Guard for  
24 their assistance, because these are fisheries violation and many  
25 of these in the EEZ, we can't do without their assistance.

26  
27 That's pretty much the enforcement report for the Fisheries  
28 Service and if you have any questions, I would be willing to  
29 answer them.

30  
31 **CARLOS FARCHETTE:** Thank you. Any questions for Otha Easley?  
32 Hearing none, we are going to move forward to Administrative  
33 Committee Recommendations.

34  
35 **MIGUEL ROLON:** I asked Diana to read the motions of  
36 recommendations from the Administrative Committee and she will  
37 read them one-by-one as passed by the Administrative Committee  
38 yesterday.

39  
40 **DIANA MARTINO:** The Administrative Committee recommended to  
41 reappoint the following AP members: Marcos Hanke, Greg Enstrong,  
42 Daryl Bryan, Jens Skov, Edward Schuster, and Gregory Ledee. Do  
43 you want to make a motion for reappointment?

44  
45 **CARLOS FARCHETTE:** Somebody has to.

46  
47 **DIANA MARTINO:** Those were the recommendations from the  
48 Administrative Committee.

1  
2 **MIGUEL ROLON:** Roy, usually what we do is at the Administrative  
3 Committee, we have these motions and we present them today and  
4 because you were there, you just say "so I move" and then it's  
5 open for discussion. If something comes up that is different  
6 from what you have, then you have a full discussion, but you  
7 have a motion and a second and discussion at the council level.  
8  
9 **ROY CRABTREE:** Why do we do it that way? The whole council is  
10 on the Administrative Committee and so why don't we just have us  
11 as the council?  
12  
13 **MIGUEL ROLON:** It's kind of funny that you ask, because thirty-  
14 five years ago when I was a council member, I asked the exact  
15 same question. We spend the whole day talking about stupid  
16 things and then the next day, we repeat the whole thing again,  
17 but the lawyers at that time told us that the Administrative  
18 Committee -- It wasn't you. You weren't even born at that time.  
19 The Administrative Committee is just a committee and that was  
20 the procedure. However, the council can change that.  
21  
22 **ROY CRABTREE:** Life changes and I think the attorneys don't have  
23 any problem with us just doing that as the council.  
24  
25 **MIGUEL ROLON:** You can change that and just say that the  
26 Administrative Committee instructs the council staff and the  
27 Chair to carry on whatever you decide. Would you like to do  
28 that?  
29  
30 **SHEPHERD GRIMES:** I wouldn't even call it the Administrative  
31 Committee. It's not a subset of the council. You can call it  
32 whatever you want, but you met as full council yesterday  
33 afternoon and everybody voted on it and there's no legal problem  
34 whatsoever with taking that action.  
35  
36 In the event that you had closed it, you would need to come back  
37 into open session and announce the results of what had occurred  
38 in closed session, but you didn't close it and it was full  
39 council and wide open and the decision was made.  
40  
41 **MIGUEL ROLON:** If you're happy with that, I am more happy than  
42 you.  
43  
44 **SHEPHERD GRIMES:** Sounds good to me.  
45  
46 **MIGUEL ROLON:** Does anybody here, council members, not recall  
47 what we said yesterday? We are in agreement and so I don't  
48 think that we need a motion and just go with what we had.



1  
2 **SHEPHERD GRIMES:** It's all part of the record. It wasn't closed  
3 and I would note that some of what you discussed yesterday  
4 probably should have been closed. You shouldn't talk about  
5 appointing individuals -- You shouldn't do that in open session,  
6 because you want to be free to discuss those individuals.

7  
8 For instance, you were talking about my father and I left the  
9 room so you would feel comfortable to say bad stuff about him,  
10 but unless you've done something in closed session, it's  
11 recorded and it's going to be transcribed and it will appear in  
12 the minutes and it's preserved.

13  
14 **MIGUEL ROLON:** See why I like it when you came back. With that  
15 understanding, the council staff and the Chair will carry on the  
16 Administrative Committee decisions yesterday and they will be  
17 part of the record.

18  
19 **CARLOS FARCHETTE:** Thank you, Miguel. Bonnie, we're going to  
20 give you a few minutes to talk about Data Peer Review and Call  
21 for Proposals.

22  
23 **OTHER BUSINESS**

24  
25 **BONNIE PONWITH:** First of all, the first thing I wanted to talk  
26 about is just to close the loop on the Southeast Fisheries  
27 Science Center's data peer review. As you know, we brought in a  
28 panel of fisheries data experts. They came in and took a look  
29 at the processes that we use to collect fisheries data and  
30 manage fisheries data that are used in assessing Magnuson-  
31 Stevens-Act-related stocks.

32  
33 That peer review was held the third of June and the results from  
34 the peer review are now available and there's a short report  
35 that I have provided as well that introduces the results of that  
36 report.

37  
38 If you go into the Southeast Fisheries Science Center's home  
39 page, at the bottom of that page, you will see a blue line there  
40 that says "Latest News" and the peer review site is there. I  
41 would encourage you, strongly encourage you, to go through and  
42 read those results and the reason is because the Caribbean data  
43 collections come into play in those results very, very  
44 frequently.

45  
46 One of the most common observations by the peer reviewers was  
47 that the data, both the fishery-dependent data, the landings  
48 type of data, as well as fishery-independent, the research data,

1 there's a lot of room for improvement in those data collections  
2 and we may look at that as bad news, but to see that that was  
3 called out by the peer review panel as something that we should  
4 pay very special attention to I think is important.

5  
6 What I would do, again, is encourage you to go through and read  
7 the panelists' reviews. I think that their observations and  
8 their recommendations are going to be extremely useful for us in  
9 strengthening our data collection programs and help us guide  
10 decisions that we're going to have to be making going into the  
11 future and I look forward to continuing to work with you.

12  
13 Related to that is the notion of the peer review of third-party  
14 data. What I would like to do is point as a guide that the  
15 council may wish to follow the process that the South Atlantic  
16 Fishery Management Council is using right now to look at third-  
17 party peer reviews.

18  
19 The question came up if someone walks up and hands you a stock  
20 assessment for a stocks that's of great interest, what do we do  
21 with it? The council asked that question and decided let's hand  
22 that question to the SSC and let the SSC come up with guidance  
23 for the council on what process a third-party peer review would  
24 have to go through for the council to be able to consider using  
25 that as best available scientific information.

26  
27 The SSC stepped away and they took about close to six months  
28 studying that question and came back with some guidance for the  
29 South Atlantic Council to use. I think it's actually quite  
30 excellent guidance and what it does is enable us to reach  
31 outside of the normal SEDAR process, but it gives us some very  
32 good foundation for under what circumstances can you do that, to  
33 ensure that the quality of the information we're using to make  
34 these important management decisions are up to the standards of  
35 the council.

36  
37 I would put that before the Caribbean Council as a suggestion.  
38 The council may wish to consider reviewing the guidance that was  
39 created by the South Atlantic Council's SSC and hand that to  
40 your own SSC and ask them the same question, under what  
41 circumstances do you think it would be appropriate to use a  
42 third-party stock assessment for consideration for management  
43 measures.

44  
45 I am not on the council and so I can't do anything beyond this,  
46 but I would leave that for your consideration and discussion and  
47 before I move off of that one, I would just ask if you had any  
48 questions.

1  
2 **MIGUEL ROLON:** That means that you agree with what you just said  
3 and that could be the mechanism? That's what she wants to know.  
4  
5 **TONY BLANCHARD:** No, not necessarily. That just means that I  
6 didn't have the time to look over it and so I can't make a  
7 decision on that.  
8  
9 **MIGUEL ROLON:** In that case, Bonnie, can you send me an email  
10 with that and for the next meeting, we will have the document in  
11 front of all the council members and make a final decision on  
12 that?  
13  
14 **BONNIE PONWITH:** Excellent and thank you. The next thing on the  
15 list actually pertains very closely to those first two and that  
16 is the availability of Saltonstall-Kennedy funds. On the first  
17 of August, an announcement came out for SK funds and it is  
18 particularly exciting to me because there's a long list of focus  
19 areas, six focus areas, that are going to be held up as the  
20 prime recipients of the funding.  
21  
22 The funding level is anywhere between \$5 to \$10 million and so  
23 it's a significant amount of money. They expect to receive  
24 proposals that range anywhere from \$30,000 to \$400,000 in value  
25 and so those are the floors and the ceilings and it can be  
26 anywhere in between there.  
27  
28 Eligible recipients, NOAA employees are not eligible and council  
29 employees are not eligible. Council members who are not  
30 employees of the council are eligible and so basically, you have  
31 to be a U.S. citizen and not either a member of the staff of the  
32 council or a member of the staff of NOAA Fisheries.  
33  
34 The call for proposals is open for sixty days after the date the  
35 announcement hit the street and that date was the first of  
36 August and so the due date is coming along.  
37  
38 The six focus areas are aquaculture, optimum utilization of  
39 harvested resources, socioeconomic studies, conservation  
40 engineering, and that's ways to modify fishing gear so that it  
41 catches what you want it to and not what you don't, ecosystem  
42 studies, and, the one that I like the best for this meeting, is  
43 territorial science.  
44  
45 For territorial science, it provides an elevated status for  
46 projects that are coming from the U.S. Virgin Islands and from  
47 Puerto Rico and so this is a year of all years in the SK  
48 competition for us to work together and come up with some really

1 good projects that are competitive.

2  
3 If you have an interest in putting together a project and wish  
4 to consult, contact me. There is no prohibition for my or staff  
5 in the Science Center participating and helping you to devise  
6 good ideas and top priorities or to pre-evaluate the scientific  
7 merit of the things that you're proposing.

8  
9 I would really, really urge you to think about projects that you  
10 think are going to be good at tackling some of the problems that  
11 we're facing here in the region and so, again, \$30,000 to  
12 \$400,000. I asked Miguel to send the announcement out to all of  
13 the staff, the hot link to the full call for proposals and the  
14 procedures for applying are on grants.gov.

15  
16 The last thing that I wanted to bring to your attention is the  
17 fact that a series of collaborators, and it is going to be  
18 OSPESCA, WECAFC, the CRFM, and the council, and NOAA has made  
19 some contributions as well, are working on hosting a spiny  
20 lobster Caribbean workshop.

21  
22 Right now, the tentative dates for that workshop will be the 3<sup>rd</sup>  
23 to the 5<sup>th</sup> or 6<sup>th</sup> of December and the purpose of the workshop is  
24 to pool together all the data that we have across the Caribbean  
25 and see if we can look at those data and use them together to  
26 look at new modeling approaches to understand the status of that  
27 stock, Caribbean basin wide, to look at how monitoring is done  
28 in each of the Caribbean countries that are going to be  
29 participating, to see if there are modifications to the way  
30 individual countries are monitoring that would actually have  
31 basin-scale benefits to compile the socioeconomics about  
32 lobsters.

33  
34 We're talking about having breakout groups that deal with how to  
35 summarize the data, the catch, the landings, the effort, the  
36 biology, stock demographics, looking at modeling approaches for,  
37 given the data that are available, and possibly doing the first  
38 sort of Caribbean-wide stock assessment on lobsters and then  
39 ultimately coming up with research recommendations.

40  
41 I just wanted to bring that to your attention and I will keep  
42 you in the loop as this develops. They haven't done a firm --  
43 The prospectus is out there and I think the resources are out  
44 there, but they haven't done a firm commitment to the meeting  
45 yet.

46  
47 **MIGUEL ROLON:** Bonnie, one clarification. The council members  
48 cannot be members of the staff and in the past, a council member

1 cannot submit proposals for Saltonstall-Kennedy, but a council  
2 member may have members of the community that you represent that  
3 can do so and by that definition, only Puerto Rico and DPNR  
4 representatives can submit those proposals.

5  
6 Then for the spiny lobster, it's a hands-on workshop. They will  
7 be scientists with data and not a lot of people and we will  
8 report to you probably at the March meeting the outcome of this.  
9 This is part of the Pan-Caribbean management of the species.

10  
11 The money that came from NMFS came from the International Office  
12 of Fisheries Affairs or whatever they call that. Nancie Daves  
13 is involved and Dr. Bonnie Ponwith and the others and so we will  
14 keep you informed in 2014 of the outcome of this. This will be  
15 the basis for better management of the species and some changes  
16 might be expected in terms of the way that they collect and  
17 analyze the information.

18  
19 From Puerto Rico, they would like to see if Dr. Richard  
20 Appeldoorn will participate and then we will pick one of the  
21 scientists and probably we need to ask Roy Pemberton who he  
22 would like to send. It has to be a technical person and with  
23 data in hand, similar to what Dr. David Olsen did for this  
24 meeting today.

25  
26 **CARLOS FARCHETTE:** Thank you, Bonnie. Now we're going to have  
27 the Public Comment Period for five minutes, anybody who is still  
28 here that would want to make a comment.

29  
30 **PUBLIC COMMENT PERIOD**

31  
32 **TONY IAROCCI:** Thank you, Mr. Chairman. I would like to just  
33 quote a couple of people. I heard the Coast Guard ask the  
34 fishermen for information on the report violators and I heard  
35 Miguel say yesterday, on the record, we can put all these rules  
36 and regulations out and put them forth, but without enforcement  
37 we can't do anything.

38  
39 To hear Otha today talk about partnerships and working with the  
40 Coast Guard and working with Puerto Rico and the Virgin Islands,  
41 but also working with the fishermen. I want to stress the  
42 importance of the fishermen communicating.

43  
44 We have a relationship now in Florida with enforcement that's --  
45 It's unbelievable how well it's working and in the past, we  
46 never did have that. We're getting a lot of busts out of the  
47 deal with the trap robbing and violation that's going on.

48

1 The last thing I do want to acknowledge is thank God that Howard  
2 is back. I really do appreciate having somebody like Howard.  
3 When I first came down here, I worked very closely with Howard  
4 and to have him back in this process, because we do have issues  
5 with the trap reduction plan and other issues and it's really  
6 good to -- Welcome back, Howard, and I look forward to working  
7 with you and thank you.

8

9 **CARLOS FARCHETTE:** Thank you, Tony. Next is Barbara.

10

11 **BARBARA KOJIS:** Just a couple of things. The SSC recommended  
12 and I believe the council also recommended that 500 queen  
13 triggerfish be measured on St. Croix because of the issue with  
14 the possibility that overfishing was occurring of queen trigger.  
15 It wasn't real clear, but that was in the last report on the  
16 council that I did from the SSC meeting that we had. I was  
17 wondering if anything was being done regarding that.

18

19 **CARLOS FARCHETTE:** I can speak on the Fisheries Advisory  
20 Committee side and we did bring it up, but we just have not  
21 identified the person. I believe Nicky was going to be one that  
22 was being targeted to bring the fish in so that they could be  
23 measured.

24

25 **ROY PEMBERTON:** I do concur with what the Chair said. I don't  
26 know what his -- In light of his recent stepping out of the  
27 limelight, I don't know what his decision is on that. I think  
28 we could also go to Daley, who also catches quite a few triggers  
29 as well, and we could measure them from his catch or just  
30 rampantly go through the fishery.

31

32 **BARBARA KOJIS:** I just wanted to know whether that was still  
33 being considered. The other thing is I received a copy from  
34 Meaghan of the technical report on the work that was done by  
35 Todd Gedamke from St. Croix regarding the trap survey and there  
36 was no species-specific information and one of the species that  
37 they caught a lot of were queen triggers and they measured  
38 sizes, et cetera.

39

40 It mentions in the report future explorations of this database  
41 should include a comparison of the length structure derived from  
42 this work and the length frequency data collected through the  
43 Trip Interview Program. This will allow for validation of the  
44 fishery-dependent information, leading to stronger assessment  
45 conclusions.

46

47 I was wondering if there was work being done for at least the  
48 species where you have a fair amount of data from that trap

1 survey and if there was further analysis being done of the data.

2  
3 **BONNIE PONWITH:** I can't answer that off the top of my head, but  
4 I will investigate and report back.

5  
6 **ROY PEMBERTON:** Also, Bonnie, if there were any length data, we  
7 would probably like to see that, because that trap survey  
8 actually covered the entire platform for St. Croix and so it  
9 would be very important for us to get a handle on that data.

10  
11 **CARLOS FARCHETTE:** Thank you.

12  
13 **MIGUEL ROLON:** Roy, do you have the personnel to measure the 400  
14 fish that they are talking about?

15  
16 **ROY PEMBERTON:** Not right now, but if it's something that needs  
17 to be done, I could just shift focus from that just to the  
18 triggerfish. Right now, I don't have a fisheries biologist  
19 there on St. Croix right now.

20  
21 **MIGUEL ROLON:** If you can identify a grad student from one of  
22 the universities to do it, let me know and then you can use  
23 liaison funds to do a purchase order and pay that student and by  
24 the next meeting, or whenever appropriate, you can report.

25  
26 **ROY PEMBERTON:** That's not a problem. I just want to make sure  
27 it's not like in a one-week time period.

28  
29 **MIGUEL ROLON:** It's by hours or by number of fish measured.

30  
31 **OTHER BUSINESS (CONTINUED)**

32  
33 **CARLOS FARCHETTE:** Thank you. On the Other Business now, I only  
34 have a couple of things for the December meeting to put on the  
35 agenda, which would be because of the news that Attorney Grimes  
36 mentioned yesterday regarding importation of species, I want to  
37 consider prohibiting the importation of queen conch during the  
38 closed season into the Virgin Islands and I don't know if Puerto  
39 Rico may want to follow up with that, too.

40  
41 **ROY PEMBERTON:** This is going to be a statement from the council  
42 perspective?

43  
44 **CARLOS FARCHETTE:** Yes, we will hear from the council and then  
45 the territory can use that to their benefit. It's really  
46 important for us to stop that black market that's going on. Are  
47 you in favor of that for the next meeting?

48

1 **ROY PEMBERTON:** The discussion of it?  
2  
3 **CARLOS FARCHETTE:** The discussion, yes.  
4  
5 **ROY PEMBERTON:** Yes.  
6  
7 **CARLOS FARCHETTE:** Okay. Then I've got one more thing here.  
8  
9 **MIGUEL ROLON:** Graciela, for the next meeting, or for the  
10 meeting in March, we need to have a one page or a white page on  
11 the possibility of prohibiting queen conch during the closed  
12 seasons for the U.S. Virgin Islands and/or Puerto Rico.  
13 Imports.  
14  
15 By the way, I sent an email to the Chair of the Advisory Panel,  
16 because I forgot about the 3.5 and issue that the lawyers  
17 threatened to sue us because of 3.5 and the imports. I  
18 consulted on a sidebar and they said bring it on and so if we  
19 are ever sued, NOAA Legal Counsel is ready to attack the  
20 problem. The issue is enforcement at the local level.  
21  
22 **CARLOS FARCHETTE:** There is one more for the December meeting  
23 and this is a bucket list from Tom Daley and he would like the  
24 council to revisit the red hind closure spawning site at Lang  
25 Bank and identify the exact area, if possible, and he has even  
26 proposed to close it year-round if it's -- Instead of having the  
27 two-mile-by-two-and-a-half mile, because it's just like a  
28 buffer, he would like to identify the exact area and if it could  
29 be made smaller, like one-mile-by-whatever, and then do a year-  
30 round closure to all fishing and not just the bottom-tending  
31 gear that is there right now.  
32  
33 **GRACIELA GARCIA-MOLINER:** It might be a little bit premature by  
34 December, because we do have a coral grant and we are  
35 characterizing Lang Bank right now. They had to postpone the  
36 last trip because of the weather and so it will probably be done  
37 by next May. That's happening as we speak.  
38  
39 **CARLOS FARCHETTE:** I will pass that on to Daley. I will make  
40 sure that he --  
41  
42 **GRACIELA GARCIA-MOLINER:** Okay, because we are targeting the red  
43 hind to figure out exactly where it is and so there are over 200  
44 stations at Lang Bank right now.  
45  
46 **MIGUEL ROLON:** There is no other way to find that out until we  
47 get that report?  
48



1 **GRACIELA GARCIA-MOLINER:** There is some information from when  
2 the St. Croix working group met regarding where the red hind  
3 were and we selected some of the transects to be conducted in  
4 those areas, specific areas.

5  
6 There is one paper that mentions the red hind and one of the  
7 areas, but it's just outside of the Lang Bank. It's just  
8 outside the closed area right now and so another way to find out  
9 would be for him to give us latitudes and longitudes and if we  
10 don't have them in the transects, include them for the next trip  
11 to St. Croix.

12  
13 **MIGUEL ROLON:** Can you take care of that and then probably by  
14 next summer, we might be able to have something, but in the  
15 meantime, these people have a full plate.

16  
17 **CARLOS FARCHETTE:** We can work with that. I will be talking to  
18 him when I get back and you mentioned latitude and longitude and  
19 I remember a few years ago, before I retired, we nailed a guy  
20 out there who had quite a bit of them and we had the latitude  
21 and longitude and if I can find that -- It seems like there was  
22 a lot of red hind from the catch and so if we can get that spot,  
23 we will take a look at it. Any other business? Hearing none,  
24 the 147<sup>th</sup> Caribbean Fishery Management Council meeting is  
25 adjourned and thank you very much. It was very successful, I  
26 think.

27  
28 (Whereupon, the meeting adjourned on August 14, 2013.)

29  
30 - - -