

**CARIBBEAN FISHERY MANAGEMENT COUNCIL  
268 MUÑOZ RIVERA AVENUE, SUITE 1108  
SAN JUAN, PUERTO RICO 00918**

**130<sup>th</sup> REGULAR COUNCIL MEETING**

**CARAMBOLA BEACH RESORT & SPA  
ST. CROIX, U.S.V.I.  
MARCH 24-26, 2009**

**VERBATIM TRANSCRIPTION**

The 130<sup>th</sup> Caribbean Fishery Management Council meeting was called to order on March 24, 2009, at 9:00 a.m., and was adjourned on March 26, 2009, at 2:00 p.m. The Administrative Committee met on March 25, 2009, from 5:15 p.m. to 6:15 p.m., to discuss administrative matters. The meetings were held at the Carambola Beach Resort & Spa, in St. Croix, U.S. Virgin Islands.

The following Council, staff members, and interested persons attended the meeting:

**VOTING COUNCIL MEMBERS**

Viridin C. Brown	St. Croix, U.S.V.I.
Marcos Hanke	Puerto Rico
Eugenio Piñeiro	Puerto Rico
Winston Ledee	St. Thomas, U.S.V.I.
Roy Crabtree	NOAA Fisheries
Ruth Gomez	DFW/DPNR/USVI
Miguel García	DNER/Puerto Rico

**NONVOTING COUNCIL MEMBERS**

Shepherd Grimes	NOAA General Counsel, Southeast Region
Joseph Kimmel	NOAA Fisheries

**STAFF MEMBERS**

Miguel A. Rolón	Executive Director
María de los A. Irizarry	Administrative Assistant to the Executive Director
Graciela García-Moliner	FMP and Habitat Specialist
Diana Martino	Assistant to the E.D. and Executive Secretary
Livia M. Montalvo	Automation Clerk

**OTHER ATTENDEES**

Carr, Liam	Texas A&M University
Dunn, Tracy A.	NOAA Fisheries Enforcement Division
Fairclough, Greg	Highly Migratory Species Division/NMFS
García, Jorge R.	HAP Chair
Gedamke, Todd	SEFSC
Grace, Cindy	University of South Florida

Harold Drevenak, Sera	PEW Environment Group
Jamir, Tom	NOAA Fisheries/SEFSC
Kojis, Barbara	SSC Chair
Magner, Jimmy	St. Thomas Fishermen's Association
Magras, Julian	St. Thomas Fishermen's Association
Olsen, David	STFA
Ríos, Lynn	NOAA/OLE
Robbins, Hall	NOAA/OLE
Rosario, Aida	DNER Puerto Rico
Rueter, Jason	NOAA Fisheries
Schuster, Edward	AP, Chair
Tokotch, Britney	NOAA/SERO/SFD

(Complete list of attendees under Attachment A.)

**March 24, 2009**

**Tape 1 (a)**

Eugenio Piñeiro: Before we start I would like to keep a moment of silence in the memory of Ralph Christiansen, Jr., who died in an accident in Puerto Rico. He was one of the first members of the Advisory Panel of this Council. He was a great angler, and he will be missed. (A moment of silence was observed.)

#### **ADOPTION OF AGENDA**

**Miguel García moved to adopt the agenda. Seconded by Winston Ledee. All in favor. Two absences (Marcos Hanke and Virdin Brown.)**

#### **CONSIDERATION OF THE 129<sup>th</sup> COUNCIL MEETING VERBATIM TRANSCRIPTION**

**Miguel García moved to approve the 129<sup>th</sup> CFMC meeting verbatim transcription. Seconded by Winston Ledee. All in favor.**

#### **EXECUTIVE DIRECTOR'S REPORT**

Miguel Rolón: Thank you Mr. Chairman. Given the time that we have for the discussion, I will only address the issue of the Council procedures, how we are going to work today. What you have in the agenda today, in this meeting the Council has to decide on two important issues; one is that we need to receive the report from the SEDAR group, the ACL group; and the ACLG, as you know, is a group composed of fishermen, scientists and government officials that have been discussing the data that we have for the area, or if we don't have for the area the methodology, and so forth, leading to the establishing of ACLs for the US Caribbean. You also will receive, or you will have a presentation of 15 minutes and five minutes for questions from the Council members, and then you will have the SSC report, and that report is now required by law that the Council must receive the report from the SSC regarding OFL and ABCs, and they will have the report for the Council today, and they will address the issues that will follow the presentations by the other groups. Then we will go into the ACLs/AMs scoping document. The Council has not made any decisions yet as to how to proceed with this document. So this will be presented to you to make sure that we have covered all the requirements from NEPA. You know NEPA is the National Policy on Environmental Issues, and it requires that for every issue that the Council has, for every proposed management measures, we have to have a series of recommendations and alternatives, from no action to doing everything, and in between we will have to accommodate the realities of

the science that we have supporting the document, and the practicalities of the management measures that we have to consider for the management of the fisheries. We have Dr. Todd Gedamke, and we have Joe Kimmel, Graciela and Barbara Kojis, and they will address the recommendations. I believe that Joe will cover the National Standard 1. The other thing is that we have a podium, and we would like to see as much as possible the use of the podium, but I understand that many of you have your presentations in your computer, so feel free to use it, but be sure that we can hear you. I would like to emphasize that we need the input from the Council members for these two actions, and make sure that you understand all the issues involved, and then we will be able to finish the document. After this meeting we have set a series of hearings for the Bajo de Sico, and remember that the difference between public hearing and scoping meeting, I mean, public hearings for something like Bajo de Sico is that you already went to scoping meetings. And scoping meetings is something that is required by policy, but is not required by NEPA. You have a series of alternatives and you want to scope the range of those alternatives, and you also want to scope the opinion of the different agencies involved and the general public. So the first part of the series of meetings will address Bajo de Sico, in April; and then the second set of meetings will be the scoping meetings for the ACL/AMs. We will come back, actually to this same room, on the 24<sup>th</sup> and 25<sup>th</sup> of June, with the summaries and reports of those scoping meetings, and then at that time the Council has to continue with the process so we can have the ACL/AMs document established by the dateline of 2010, for those species that are suffering overfishing or are overfished, and then we will continue parallel to the process for those other species that are in the management unit but are not considered as overfished or not going to overfishing. With that Mr. Chairman, I believe that the agenda is very clear. We would like to encourage the Council to spend enough time on each one of the ACL/AMs, and the way that we are going to do it is that you will have on the screen all the alternatives from this group, and you will have the alternative of the ACL document, so you can discuss it and develop the record that we need for that document.

Eugenio Piñeiro: We have a large number of fishermen from St. Croix, and we have the usual suspects of St. Thomas, and I want all of them to express themselves at the public comment period. I already gave Dr. Olsen ten minutes, and I would like every one of them to talk. So we want to do this and move quickly. For these four presentations that should take a big part of the morning, we are going to have five minutes for questions, and I want this to be for the Council members. When we finish by lunch, I am going to give a break so that you guys can talk to the fishermen and the managers who are, particularly the fishermen who are the ones who know what is going on out there, and then in the afternoon we are going to go straight like a bullet to the ACL scoping document. It is a special occasion when we have so many fishermen here, and I want to allow them all to speak. So with this said, lets start with the first presentation of the morning, which will be the National Standard 1.

Joe Kimmel: My name is Joe Kimmel. This presentation was prepared by Andy Stro... , a co-worker of mine up in the Regional Office, and we have given this presentation on two previous occasions, and this presentation is going to deal with the annual catch limits in terms of the final guidance that was prepared by our headquarters office. (Presentation included under Attachment B.)

Joe Kimmel: If anybody has questions I'll be glad to answer those.

Eugenio Piñeiro: I have a question Joe. You know I am a commercial fisherman, and the other day I was watching a TV show, and in Alaska, for example, they have stock assessments every single year for species like the halibut and other fish. In here we are struggling just to substitute the idea of management form, which is to know what is out there. Commercial fishermen and environmentalists and conservationists, we are not too far apart. Our objective is the same, which is to have more fish in the water. The problem is in the perception, you know, how to get there. What is the possibility of, in order to avoid such situations like this in the future to get more money and have stock assessment programs of monitoring and stock assessment in the future for the USVI and Puerto Rico. Can you expand a little bit on that?

Joe Kimmel: I don't know if I can, maybe Roy might be able to help me out on that one.

Roy Crabtree: Well, this is an issue with all of the three councils in the southeast, because you talk about assessments every year in the northeast and I think New England does that as well. We don't have that for anything in the southeast, and at last we are doing assessment every three or four years, and of course down here we just don't have the basic data in place to do assessment, so, you know, we are trying as best we can to put more money into the process, and I think we are putting more resources in the Caribbean right now than we have in the past. At the same time, we all are aware of the economic things going on in the Country, and the very high budget deficit down the road, and it is all going to depend on what the Congress does. So I continue to ask for additional funds for the southeast to support the science, but what our prospects are, I can tell you right now, given the budget that we have, that we don't have funds to really come in and fix this. So you know, Joe put up a slide about flexibility, and I think we should be clear flexibility doesn't mean to get out of doing ACLs. The statute requires the ACLs, and we are going to have to do them, but it may be that we are not going to be able to do control rules. At this point at least I am not sure we have ABCs, and we'll see in the SSC report, I don't think we have OFLs to a lot of this. It is not clear to me that we have advice on how to factor on uncertainty. So there may be a lot of those parts of the guidelines that we are going to have to be flexible as to how we apply them, but we'll continue to do the best we can with the budget, but right now is a very difficult time to go and ask for more money. And I would guess that at least in the short term we ought not expect a large influx of money. Now, I have had discussions at both the Gulf and the South Atlantic Councils, and I wanted to bring that up here, about trying to work at the SEDAR process and look at ways to streamline it and ways to better apply it, because I am not sure that we are getting what we need out of SEDAR in the Caribbean, and we have a SEDAR Steering Committee in May, I believe that the Council coordinated a meeting, and I've asked the Science Center to come up with some proposals for ways we might change SEDAR to streamline it and help us produce more science more quickly. Maybe there are some ways that we can improve things through that in the Caribbean, I don't know, but I have asked the Center to take a look at all of that. That is about all I can give you, and I know there is nothing concrete there, but I think that in the last couple of years we have had more resources from the Science Center, and we've spent a lot of time going through the data that we have, but we just have some difficult data collection issues that we have to deal with. Maybe there are some things that we can do as a council in terms of permits, and logbook requirements and things that'll help improve some of that, and that may be something we need to think about as we go through the next couple of amendments.

Eugenio Piñeiro: The reason I asked you, and you answered it, thank you, is because every time it is more evident that the fisheries in the southeast ... they fish similarly to us. I mean, we have been put, as commercial fishermen, we have been fitted against a huge industry, which is the northwest and the Alaskan Pacific, and those guys are industrial fishermen, and they have more money, it is much more important to the Nation, so, and I accept that is a valid answer that there is no money, and that we are in a bad economic situation, but I just wanted to bring up this morning that the islands fisheries and the Florida fisheries, and the Gulf of Mexico fisheries are very similar, we are very similar, we operate in small boats, and we don't do that industrial fishery, and we should keep trying to get more money, more resources in the future, because we are at a clear disadvantage in stock assessment rights. Are there any other comments from the voting Council members at this time?

Roy Crabtree: You know, we've got a three day meeting this time, and I think it is important that the folks try to understand what the guidelines require and how it is going to work, so when we get into the need of talking about ACLs and all, if we need to ask questions the folks need to really start understanding this because it is going to affect our fishermen, and we want to make sure that people understand the decisions we are going to

have to make over the next two or three meetings. Because really we are going to need to take some kind of final actions on an ACL amendment by the end of this year anyway, so it is going to happen pretty quickly.

Joe Kimmel: If you remember, one of the slides that I showed before talks about an overfishing limit, and we just call it OFL, and we will probably use that term a lot this week, and the overfishing limit as determined is determined by a peer review process and the SSC. The OFL is equal to the annual amount of catch corresponding to the maximum fishing mortality threshold that is the level that, if you fish harder that you are overfishing. So the overfishing limit is designed so that you won't go above the maximum fishing mortality threshold. The overfishing limit is an estimate of the catch level above which overfishing is expected to occur. So that is the explanation of the OFL. So the down from OFL is acceptable biological catch. And remember I talked about scientific uncertainty, so ABC should be set below the overfishing level in this case, because there is a lot of uncertainty. The question is exactly how much lower do you need to set it. And I am not talking about the Caribbean specifically right now, I am talking about the National Center Guideline, and this is the presentation for that. We'll talk more specifically about Caribbean things later on today. But the ABC is set by the SSC. Generally that was the expectation. ABC is equal to or less than the overfishing limits. ABC should account for scientific uncertainty. The ...are based on an ABC control rule, and the probability of overfishing cannot exceed the 50% level, it should be lower than that.

Eugenio Piñeiro: In one of the slides you were mentioning the 50%, and in the other is every four years. Can you reconcile those two numbers?

Joe Kimmel: The 50% had to do with setting your acceptable biological catch. The ABC probability of overfishing cannot exceed 50%, it should be lower than that. And this was the role of the SSC, to set the ABC at a level that would not be exceeded 50%, it had to be lower than the overfishing limit to the point where if you did go over the ABC level it would ... to exceed the overfishing level 50% of the time. We don't have real time data down here, so you can't do it on an annual basis. So that slide builds in a little bit of flexibility, and if you go over your ACLs, you know, because our data is not real time you might not know you go over until three or four years down the road.

Roy Crabtree: Just a couple of general comments, because I think you see when you look at a lot of this is hard to see how you apply a lot of these things if you don't have an ABC recommendation to begin with. There's a lot of stuff in the guidance about reducing the ABC below the OFL, but we don't have an OFL and we don't have an ABC. So there is a lot of this there that, you know, I think that is where the flexibility come in, but it seems to me there are a few kind of over urgent things you need to think about; one is what is going to be the basis of the annual catch limit to begin with, and it seems to me, at this point at least, that there is going to have to be some variation of what the recent catches have been, because I don't know what else we have other than that. So we are going to have to talk about that. Then I think you are going to have to think about, you know, there is a lot of stuff in the guidelines about sector ACLs, and a lot of the councils are setting up a recreational ACL and a commercial ACL, so that if one sector goes over, that sector is accountable and every body is not punished. And that sounds real good, but from a practical standpoint, that may be difficult here because I don't believe we have recreational catch limits in the USVI, 'cause we don't have MRFSS down here, and so you're going to have to make a lot of assumptions to come up with the recreational catch limits if you want to apply it that way. So how do we want to deal with that? And the biggest issue we are going to have to deal with is, for a lot of these fisheries only a small portion comes from the EEZ, and a lot of the fishery takes place in state, territorial waters, which we don't control. So are you going to set up an ACL just for the EEZ? Or do you want to set up an overall ACL for the whole fishery and then divide it into an EEZ portion and a territorial portion, recognizing that if the territory goes over we don't have any way to control those landings, and all we could do would be to adjust the EEZ? But I guess you could set it up that if you go over the overall ABC, even if the overrun is because of the territory, you are going to come in and take action in the federal waters to try and

reduce the catches. Or it might be that you could set it up so we are just going to focus on the federal EE. It seems that for some of the species we are talking about right now, Nassau grouper is an example, the fishery is closed, and so the federal waters ACL seems to me is zero. And I am not sure how much more you can do other than that. Queen conch is closed everywhere, but a small part on Lang Bank. So if you do a queen conch ACL, is going to be zero in St. Thomas/St. John, and zero for Puerto Rico. So how do you want to handle that? And then the other thing is, do you want to do ACLs that are specific for, St. Croix has an ACL, St. Thomas/St. John has an ACL, and Puerto Rico has an ACL. And I think that when you look at some of the options that came out of the ACL Working Group, a lot of it is broken up based on those different islands, and I know the Council had a desire to look towards island based management. But I think you are going to need to really think all of that through. And then, there is the issue of the accountability mechanism. Somehow we are going to have to say if we go over the ACL, what do we do about it? For some fisheries it may not be much of an issue because, the Nassau grouper, if the ACL set is zero, I guess if we go over that means there is poaching going on, and I don't know what more we can do about that, other than call Hall Robbins and the Coast Guard and ask them to look at it. But if we are going to allow some sort of a fishery for conch in St. Croix, and if they go over of what we set for an ACL, then what are we going to do about that. So I think those are really the fundamental things that we need to spend quite a bit of time thinking through at this meeting so we can give the staff some direction as to where you want to go with it. I just wanted to lay that out as kind of the big picture that I guess that I need, because there is a lot of intricacies in these guidelines that in my view we just aren't going to be able to apply down here because we just don't have all of the pieces that the guidelines envision.

Eugenio Piñeiro: Thank you Roy. The next presentation is going to be SEDAR.

### **Tape 1 (b)**

Todd Gedamke: I am going to go through these things fairly quickly, and I will ask the Council members or those who haven't seen various aspects of this to please stop me and ask for clarification if I go through something too quickly. (Presentation included under Attachment C part 1.)

Viridin Brown: One question about, or explanation about the spatial and temporal limitations on the studies; if you could be a little more expansive on that, because that tells us a lot about the data and how much is collected on that.

Todd Gedamke: There's a fair amount of studies that have been done on conch. We have studies that have taken a look at densities in very small regions, but taking information from those very small regions and apply it to the stock as a whole ends up being difficult, because the distribution of conch is patchy, so a statistical design survey that went over a much broader area is much easier to draw conclusion on rather than these small localize studies. That is more or less on the spatial issue. And in the temporal issue, is the focus on these studies that's been over very short periods of time. So we have information from a year or two in certain regions, but we don't have trends over time on these studies. So there's been a lot of discussion. Now we are trying to look at some of these studies that have been done in the same locations as point estimates, so is taking a look at spatial limited study now and comparing it to one that was done possibly ten years. Does that answer your question?

Viridin Brown: Yes, that gives a better explanation on the record, but to extend on that what it is suggesting is that we will, at least as far as your presentation is concerned, have limitations on which we can make or draw conclusions from. We are within some restrictive guidelines or constrictions in the sense that we have a very limited amount of data, and then we are going to have to project beyond that to apply to a whole region or fishery for the region.

Todd Gedamke: ... sort of patches on the ability to expand and use this in current stock assessments and the first bullet there, SEDAR 4.8.14, took a very close look at the available fishery independent data, and there was not enough from the time tears ... few limited to actually use it within those assessments. So right now we have a lot of accessory information that is being compiled and put together, but I think the use of it, especially today, we are not going to be incorporating that information directly into our assessments or decisions.

Roy Crabtree: Todd, the SEDAR's 4.8.14, I don't remember what species, but they were directed toward a species or a species group, correct?

Todd Gedamke: Yes, they were.

Roy Crabtree: The visual survey data, I mean, I understand that most of it is I think done by SCUBA divers, and so is limited in depth, but it has been going on for quite a while down here, hasn't it? I understand that is not sufficient to produce an assessment on species X, but is it sufficient to give you a general sense of the direction of overall fish populations down here? Or at least some sense of what is going on? Because, and I know because I used to wear a scientist hat, is easy to come in and find all the flaws with the data, but in the bottom line this Council has got to make some decisions, and I think that it would be helpful to us if we just had some information giving us some sense of what direction are fish stocks generally seem to be heading in aggregate down here, and I wonder if we could get that from what's in the surveys, and if you have that kind of information in a format you could show us.

Todd Gedamke: I will take a look and see if I can dig out the mutton snapper, which is part of SEDAR 14. I can't have that available right now, but I will take a look at it during lunch to see if I can pull that out. That is exactly one of the avenues that we tried to explore for SEDAR 14. The difficulties with some of the reef data are the ... data, we end up with large category, one fish, eleven to a hundred, and a hundred plus. So it has been a statistical challenge to the analysis in there, but yes, qualitatively we may be able to look at that...

Roy Crabtree: I recall there was a paper published by Gery Alt and some of his group out of Miami. I think it was looking at the status of populations in Puerto Rico, but I am not sure.

Todd Gedamke: That is correct.

Roy Crabtree: What about using that as a proxy for the status of some of these stocks?

Todd Gedamke: If you can table that question for a few moments I am going to get directly into the length data and that type of approach. That is really the core form of scenarios that...

Virdin Brown: I understand the explanation. I just wanted to highlight that small sentence and its impact is much bigger than just the statement itself.

Roy Crabtree: On this lack of species specific records in the USVI, are we getting species specific records now though, or are we still getting it by groups?

Todd Gedamke: We are getting it by groups. I think we will end up having some discussion depending on how the Council would like to take this, and on some of the future data collection. One of the big things in this analysis is the number of ... about how to move into the future of the collecting data.

Roy Crabtree: I think it is important that we have that discussion, because I mean, every one ... we can fix some of these things, and I think that is something we need to really take a look at.

Ruth Gomez: I am sitting here listening, and I went through this last night, and everything points to the fact that the USVI does not have adequate enough data to give you stock assessments. There are gaps with it. I think, Barbara you stated, from your meeting in Honolulu, that when you look at the USVI data, and you rated it, it was at 99, but that 99 which was, I think your words if we got it right, it was data poor, or something? So basically, I am sitting here listening to all of this, and I think, well you have the best . . . , because to me this is all fluff, the data is not good enough, but you brought up the best point, lets look at ACLs based on landings. Let's look at what you have, because you really can't take the USVI or the Caribbean and fit it in to the typical ACL process, the mold by which you are going to use to get an ACL. So my question to you is, all the data that we've collected from 1976 through Barbara's 14 years, and directors since then, basically that data is no good, it doesn't serve the function of achieving your goal by 2010, which is ACLs. So, why go through all of this? Let's just take what is really at hand, what is there. Use the landings, look at all the exceptions to the rules, because the USVI and Puerto Rico are data poor, and let's get down to ACLs, because basically what I am hearing here is you guys are trying to fit a circle in a triangle. There are so many exceptions to the rule for the USVI that we could sit here and talk until Kingdom comes, but the bottom line is, let's just take what we have, accept what we have, because you don't have time to improve to give you what you really want which you could use in other places that have data coming out your ears, and lets just come up with an ACL where the stakeholders have an input, where the scientists have an input, and everybody is happy. You get to achieve your goal, we all get to continue to eat, and the people of the USVI don't suffer.

Roy Crabtree: I think that's the discussion we are going to have, and I think your analogy, that we are trying to fit a square peg in a round hole, well there is a little bit of truth to that. Unfortunately, Congress gave us a round hole and we just have a square peg, so we are going to have to find some way to make it fit in, and I don't know if anyone is really going to be very happy when we get to the end of it. So let me say this, you know, I go to the South Atlantic Council meetings and the Gulf of Mexico Council meetings, and the fishers in there make the same sort of arguments; they don't feel like their science is good enough, even though I can say to you there is far more data up there than we have down here. But even so, a lot of that information is showing that things are overfished, and we've got real problems, and we are closing fisheries down. So they are not happy with that situation either. But I think it is important that we understand, thus what's . . . with the data and what they've done . . . one, because that is the process we laid out and we need of understand it, but we do at some point need to look at, you know, even if we don't get more money, there are other things we can just change, the way we are collecting the data and the questions we are asking, and get more information to help us down the road. Because I think the fishermen are rightly going to insist that something be done to improve the data collection and to improve the situation, and without a whole lot of money I think we have to look and make sure that we've looked seriously at everything we are doing and other ways we can change what we are doing that aren't going to cost a lot more money. But I think that at the end of the day, when we go through looking at all of this, yeah, we are going to have to have a discussion about what do we have, and what can we do; and then the questions are going to be, either we do this, do we have a record here that we believe we can make a credible argument that this meets what the statute requires. And I think that at the end of the day, if not going to exactly followed by guidelines then we are going to have to have some flexibility on that, but we are going to have to make sure we can make a good case on that what we are doing meets the requirements of the statute and that it is the best we can do with the information we have.

Ruth Gomez: You can set your ACLs in this room right now. Dr. Kojis sat at the head of Fish and Wildlife for 14 years. She knows the fishery from during her period, like the back of her hand. I can stand by her data. You have Toby, who is the senior scientist at Fish and Wildlife, with 20 something years of experience, and can vouch on the fishery of St. Croix probably maybe just as well as you gentlemen but in a scientific level. They could actually tell you, because they are the people out there every day. And then you have all these scientists that sit in here, that come with all the knowledge on how to make ACLs. Let's just do it. Let's just do it Roy.

Let's just get to the goal that you want. Let's not continue to have these four days meetings talking about all sorts of stuff. What we really need is to get it done, because what is going to happen, on my fair and the USVI, the government of the USVI fair, is that you are going to wait until the last minute and then you are going to run something down our throats. So let's just take our time, even though 2010 seems very close. If we stop filling these meetings with things that really..., SEDAR couldn't come up with a stock assessment, let's just cut all of this and let's just get to the ACL process. That is what we are all here for, and get that circle in that triangle by whatever means necessary, and let's get down to business.

Miguel Rolón: The process and the record that we have to develop has to be the way it is set, and at the end of the process we may do exactly ... that is probably the end of the road for us. However, we have to be mindful of the process and the record, because anything that we propose at the end of the road, management plans, amendments and regulation proposals, we have to be able to sustain in court, to sustain the review of all the peers that we have. This is the first time, I've been around for a long time, and this is the first time that I have seen in the US Caribbean people from the fisheries, like fishermen from Puerto Rico, fishermen from the USVI, especially the group from St. Thomas/St. John, working at the same level with all the scientists, and this is the product of that event that happened this year, and was started last year. So we need to encourage you to hear the presentations from this group, and jolt down your questions and concerns, because this is what will lead to the future, the next years of data collection. We mentioned for example that we need to collect data in a different way, and we have a project that you have heard about with the Center and the University of Virginia, and that is something that Roy alluded to, we need to go back on the specifics of how we are going to ... to collect that information. But at this time I want to encourage you to listen to the presentations, and to see what is there and what is not, and then we will go into the ACL/AMs full discussion.

Roy Crabtree: Do you know why the numbers of fish measure is so ..., I mean, why did we measure a lot of tiger grouper in the late nineties and then it ended, was that because there was a grant to go out and measure tiger grouper and then it ended?

Todd Gedamke: Yes. In this specific case there was a grant, I believe. Graciela, can you follow up on this?

Graciela García-Moliner: Yes. The tiger grouper is specifically a targeted species of Vieques. It has very specific months of the year when it is targeted. And at the time when the Navy was an issue in Vieques it was sampled on a continuous basis by the PR DNER. Then, with the Navy issues, basically that fishery stopped and became less and less and less.

Eugenio Piñeiro: I have a comment. I guess my nature is always to question authority and to complain that things are not being done well by the Center. But in this case finally, I want to thank Bonnie Ponwith and you that finally they rearranged the species by the groups that they belong. We were managing groupers that you catch 1,200 feet below with groupers that are caught in the surface, and that is not good science, and I thank you for after so many years that we have been complaining and knocking at the door, someone answered the door and did the right thing. So I want to thank you and your boss Bonnie for doing it right.

## **Tape 2(a)**

Graciela García-Moliner: The ACLG group met in San Juan, in February 23-26. Present at that meeting were members of the fishing community, Julian Magras, Gerson Martinez; scientists from the SEFSC, the Regional office, Council staff, and members of the scientific community. We did have at the ACLG meeting quite a number of presentations, including the visit by Jerry Ault, with the reports on his papers. We had presentations on the National Standard 1, and also from SEDAR. After the first day of presentations we came directly into

dealing with the data and what we could come up with recommendations from the SSC. (Presentation included under Attachment C part 2.)

Roy Crabtree: What is the basis of the 50 thousand pounds for St. Thomas, for St. Croix, and then also I guess it is being applied to St. Thomas. Can you tell us the basis of that number?

Graciela García-Moliner: That is what they have in the regulations in place right now. They have a quota, and the fishery will close once that quota is reached.

Roy Crabtree: That is the quota for St. Croix?

Graciela García-Moliner: That is correct, for the state waters. And what they were suggesting was to have an ACL that includes the 50 thousand pounds to include both, the state and the EEZ.

Roy Crabtree: So in this case the working group is applying it to St. Thomas as well? What is the basis for doing that? What I am getting at is what, that would it seems to me is backing off from the current restrictions on queen conch because it is currently closed off St. Thomas and St. John, since that's an overfished fishery. So what would be the basis of ... that? The EEZ is closed everywhere. I mean, is there a basis somewhere for the numbers?

Todd Gedamke: I believe that the number came out of discussions with the fishing representatives, and there is no basis for the specific number in terms of a stock assessment.

Graciela García-Moliner: Let me explain something. In St. Thomas and St. John they have a very minimal fishery for queen conch. In the state waters the fishery is not closed. They have a quota of 50 thousand pounds, established for St. Thomas/St. John, and for St. Croix, separately. So 50 for St. Thomas state waters, 50 thousand for St. Croix state waters. So what they are suggesting is that the ACL in the EEZ would be zero, but the 50 thousand pounds would remain as the quota that is in place for St. Thomas. This would allow for a fishery to develop if it ... So it is based on their numbers and the regulations that they have in place as of right now.

Roy Crabtree: So we've got currently a 50 thousand pounds quota in St. Croix, correct? And that includes, and the EEZ is open, at least in part of St. Croix?

Graciela García-Moliner: The regulations that are in place includes, the seasonal closure is different, because the EEZ has three months and they have five months...

Roy Crabtree: And what's the quota that was in place last year? Was it ...

Graciela García-Moliner: They have a bit of a different history, because the first year that they implemented the regulations they closed from June to December, and then reopened the fishery in January. Then that second year, they closed the fishery for the seasonal closure during July, August and September, but they closed from June to November, and now they established their seasonal closure as June to November in the state waters, and only the three months closure in the EEZ.

Roy Crabtree: My question is, what's the quota caught last year?

Graciela García-Moliner: That, I don't know, but they did close the fishery in June.

Roy Crabtree: I'd like to see if we can find out from the USVI whether it was closed or not. Toby, do you know?

Toby Tobias: Repeat your question please.

Roy Crabtree: We had a queen conch quota in place for St. Croix last year. My question is, was the quota caught? What were the actual landings last year for queen conch in St. Croix?

Toby Tobias: I can't provide you with last years' landings as of yet. We have the 50 thousand pounds quota. The theory is, if that quota is reached before the June seasonal quota, seasonal closure, then the conch fishery will terminate at that time.

Roy Crabtree: I mean, if we don't know what was landed, how do we monitor a quota? Do you see where I am getting at? If we have a quota that implies somehow that we are monitoring it ... Do we know if we caught the quota, or what was landed in St. Croix last year?

Toby Tobias: The quota also implies that the fishermen are submitting catch reports on a regular basis. There's some problem with that.

Viridin Brown: Before you go into that, I just want further explanation on the queen conch. In the briefing book you have a motion that was made in addition to the 50 thousand pounds closed season from June to November. The motion was to close the season from June to November. There is no explanation as to whether or not that motion passed, which has some recommendations further down. So what is the final action on the queen conch as so far as your working group is concerned?

Graciela García-Moliner: What you have on the screen is a summary of the recommendations that are under tab J; the quota for queen conch set at 50 thousand pounds was passed unanimously by all the ACLG members that were present at the meeting. So what is in the table that you are going to see that summarizes those motions, most motions were passed unanimously; two or three of them had abstentions, and one of them had a vote against. But everything that you see here was approved as a group. For the recommendation that the ACLG group made, the quota for the queen conch in terms of the ACLs to be 50 thousand pounds, and that includes both the state and the federal waters. So it is not 50 and 50; is 50 from the shoreline to the 200 nautical miles.

Roy Crabtree: Was there any analysis presented to show the basis for the 50 thousand pounds? And how that number should be sufficient to prevent overfishing?

Todd Gedamke: There was no analysis presented, and one of the big things in our evaluation of all the available data, one of the things we did was to look very closely at the previous conch assessments, and one of the things that was identified was the effort metric that was used in previous assessments was not valid. So we have indexes that are remaining flat and landings that are going really high. So basically we were ... the ability to use an ... many of the previous assessments. So no, there has been no updated assessment for these numbers.

Roy Crabtree: Ok. Because I think all of us here understand that if we are talking about putting in place an ACL for conch for St. Croix of 50 thousand pounds, we are going to have an analysis to support where does that number of 50 thousand pounds comes from, and maybe there is, I don't know. Otherwise we are going to have to look back at what have the landings been in St. Croix, and particularly what where they after we did the SFA amendment, and if they are left in the 50 thousand pounds, it is going to be difficult for us to put something in place that is higher than what is being caught without some sort of analysis for it.

Graciela García-Moliner: The problem with the queen conch is the following; you do have a set of regulations in place that were based on a few years of very high landings in St. Croix, that were determined to be due to the presence of a buyer from Puerto Rico that basically the demand was very high. So based on that, that the landings were up to 150 thousand pounds for the island, the FAC and the local government set the regulation at 50 thousand pounds. They did present some of that information to the SSC. In terms of the SEDAR that was conducted for the queen conch, they could not make an assessment for the queen conch, and the only additional information that has come to the table, besides the cap in the landings that St. Croix has put into place, was the SEAMAP information, in which the densities of queen conch, specifically juvenile conch, have increased in the US Caribbean in general. Besides that, the SEDAR had the problem of the effort that was set, but the additional problem with the queen conch is that the effort cap has been in place up to 150 conchs for fishermen in the USVI since 1994. So basically the amount of landings that the fishermen were able to land over a period of time, and the catch per unit effort is a flat line since that time, without any additional information from fishery independent data, except for the one or two SEAMAP that were conducted between 1996 and the present.

Ruth Gomez: ... in 2007/2008, St. Croix only, 84,000 pounds of conch was landed, and in St. Thomas about 1,000 pounds. Our licensing year starts July to June. For 2007, which would be July 1<sup>st</sup>, 2007 to June 30<sup>th</sup> 2008, 84,000 pounds.

Roy Crabtree: Would you know, in the quota year for last year that you were monitoring the quota, I am assuming the quota year, is that a calendar year?

Ruth Gomez: July to June.

Roy Crabtree: So we were 34,000 pounds over the quota?

Toby Tobias: Well, the fishing year runs from July 1 through June 30 of each year. The conch quota landed for 2007/2008, was approximately 84,000 pounds for St. Croix, and about 1,000 pounds for St. Thomas. Now, I believe our new conch regulations went into effect before the new year, which would have been July 2008 fishing year, from 2008/2009.

Roy Crabtree: For the period you have landings before the quota went in place, it went in place for the next fishing year? And the next fishing year would have been July 1 through June 30<sup>th</sup> of 2009. Right. So we are not through the end yet. And you guys feel comfortable that you are able to monitor?

Toby Tobias: No. And I need to respond to that no, as well; the data presented for Puerto Rico landings are conducted by four port samplers. I believe that is the only job function that these individuals have. We have an individual actually, a half time person, who's function is that right now, port sampling. We have one other individual who assists that person, who functions in about ten other job responsibilities. So we do not have the personnel to monitor in field sampling, and we really never had.

Roy Crabtree: Yes, I understand. Toby, can you, not right now but at some point during the meeting, could you check with your folks and find out what was the basis for coming up with the 50 thousand pounds number, and at some point during the meeting could some one explain to us how that number was derived?

Toby Tobias: I think we can reach that determination right now. We have Dr. Olsen who has prepared stock assessment down on conch many years ago. That number I believe came up to about 30 thousand pounds quota, and the Council's figure was 30,000 pounds, Dr. Olsen's figure was slightly larger than that, and it was determined while Dr. Olsen was the Director of Fish and Wildlife that that quota should be established at 50,000 pounds, and it subsequently was.

Roy Crabtree: Do we have a copy of the assessment that was done by Dr. Olsen on the 30,000 pounds number? Do we have that?

Toby Tobias: You should have a record. I believe that's a 1983 study.

Graciela García-Moliner: The queen conch FMP of 1997 looked at all the assessments that were made for queen conch at that time. Those included the Olsen papers of the early 80s, and the Appeldoorn papers of the late 80s and early 90s, and that is how the Council, that was the information that the Council used to establish the sizes limits and the seasonal closures, but did not use any kind of quota, but did establish at that time an MSY in the FMP based on the studies that were done at that time. That divided up St. Thomas/St. John, St. Croix, and Puerto Rico, including the west coast of Puerto Rico.

Roy Crabtree: Ok, but the bottom line is that is based on analyses that are quite way back, and then, the 30,000 pounds number was raised to 50,000 pounds. Ok, thank you.

### **Tape 2(b)**

Aida Rosario: I want to clarify the way that we collect data in Puerto Rico. We have port agents. We had a reduction in the number of port agents, and we do not cover the whole island. What was changed was the implementation of the regulations that require that all fishermen submit their reports every month. We only accept catch reports that are 60 days old. After 60 days we cannot accept information that is more than 60 days old. The port agents go to the fishing villages and collect data on the fish houses, on the dealers, or those that allows us to see their records, besides collecting information for the TIP Interviews Program. We have data collection on the landed specimens. We also do some effort to verify how much information we are receiving from the fishers doing a correction factor, and we go to several fishing houses and spend a lot of time there to catch all the information that is landed so we can corroborate how much information we are receiving. That is how we get the correction factor or the ... factors that have been informed lately. That is basically the way that we receive the information from the fishermen. We still need some power or authority to go to private fish houses to collect the data. But still we are receiving information from many dealers that corroborate the information that we receive from fishers. So our data collection, we are trying to prove it, and they do as much work as we can to get good samples, not only from size and weigh for the specimens that are being landed, but also to supply part to other investigation and studies, and so and so. So if you need more information on that let me know.

David Olsen: I don't have to defend my numbers. The numbers actually came out of the CFMC conch management plan. The survey that I did back in the 80s, and which was reviewed by Rich Appeldoorn before being used in the CFMC plan, I don't recall exactly what it was, but it says that for the St. Thomas shelf that the MSY was around over three hundred thousand pounds, you know, and rather than open the doors to something like that, we took basically the same quota as for, as was recommended for St. Croix and reduced it by ten thousand pounds, and applied it to both islands. I think this is a ridiculous amendment where you are trying not to let people talk here. I mean, you have people trying to put words into my mouth...

Miguel Rolón: I just got another piece of information which is of concern regarding what Roy was asking, and it is that perhaps when we, well part of the process will be to examine the way that we are collecting the data for the queen conch here, because there is a possibility of duplication on the way that we collect the data. We don't have to go into a full discussion of that, but perhaps Mr. Chairman between here and the next meeting we could have a meeting of the minds with the local authorities of the fisheries so we can come up with a written statement as to what the problem is. It seems that, Roy that there is a possibility of duplicating records and we

want to straight that out. The other is related to management and I will address that when we go into the discussion of ACL/AMs.

Eugenio Piñeiro: Next the SSC recommendations by Dr. Barbara Kojis.  
(The Motions and recommendations from the SSC are included under Attachment D.)

Barbara Kojis: ... for those species that are undergoing overfishing or are overfished which are outlined here, the SSC assigned the stock complexes to the scenarios in the table. So, scenario 7, meaning that there was no usable data for determining an ABC and an OFL. So queen conch fell under scenario 7. Nassau grouper fell under scenario 7. Grouper unit 4, as it was currently defined was scenario seven, but by dividing up grouper units into four and five, that is shallower waters, deep water groupers, and the deeper deep water groupers, then again those both fall under scenario 7. So that really didn't change. The parrotfish as currently defined scenario 4, a scenario that the SSC determined that should belong to. Parrotfish unit 1 would also fall under scenario 4. The parrotfish in unit 2, which were the light, midnight, rainbow and blue parrot fish, would fall under scenario 7. And then, the snapper unit 1 would also fall under scenario 7. What does all this mean? It means that the SSC could not determine OFL or ABC for any of the species that we are looking at right now.

Roy Crabtree: Barbara, now, under scenario 7, that is the one that talks about creating an experimental fishery. So you are essentially saying the fishery should be closed, and then some very limited amount of fishing for data collection purposes should be done. Is that correct?

Barbara Kojis: We didn't discuss it in those terms. What we indicated was that the fishing should be continued, but that there should be very specific data gathering being done, so that fishers would realize that it is really important for these groups that the data be collected for whatever is needed in order for an OFL and ABC to be determined, that the information has to be collected. We did not discuss closing the fishery and then just having a limited amount of experimental fishing being done.

Roy Crabtree: But it is hard for me to see how if the fishery remains wide open anyone can participate in it. How then could it be carefully controlled with all the data collection components you are talking about? It almost seems that it has to be done through something like an exempted fishing permit, where a limited number of players are allowed to fish, so that you can put data collection people on their boat when they take trips. Did you see it any differently?

Barbara Kojis: Well, first of all I don't think that, I think is being showing in the number of the, you know, works that have been done by MRAG, and works that have been done by the St. Thomas Fishermen's Association, many of the boats that fishermen go out on and are used to collect, you know, used to fish, you can't really put an observer on board. So that is not going to be feasible to do. And in other cases, I don't think that there is any, there was not a feeling that you know if the fishery would not just be open for anybody to fish or what have you, that there would be an ACL determined or something along those lines that there would be a limitation whatever the average cap has been, but that the data would be collected and or ... there would be a reduction in the fishing based on average catch because these are overfished species, but there would be, a lot of information be required to be gathered on them.

Roy Crabtree: Well, I am a little confused then, because you have other scenarios, like scenario 2, where it says OFL should not exceed recent catch. Scenario 3 says that OFL should be reduced from recent catch, and those kinds of things. Then there is scenario 7, where it says, create an experimental fishery with monitoring. It seems to me the implication with that is that it is going to be more restrictive than recent catch, and I understand that there are a lot of boats that can't carry an observer, and I don't know if it is necessary to put an observer on

the boat or not, but if it is, to get the data you want, then it seems to imply that the only boats that were large enough to be capable of carrying an observer would be allowed to participate in that experimental fishery.

Barbara Kojis: Well, I think this is something that to a certain extent the Council has to work on, because we certainly didn't discuss that at the SSC in terms of how this experimental fishery would go, or be carried out. We assumed that one of the biggest things is that because of the lack of a format for collecting data right now that will allow data to be collected that will allow us to establish OFL and ABC, that some of the most important things would be to get out there and actually be collecting that data, so that there can be a basis for determining whether, you know, a good basis, a good scientific basis, and a stock assessment basis to determine the status of the species.

Ruth Gomez: In reference to splitting the parrotfish into two groups, did the stakeholders have any input into the splitting of the parrot fishes into two groups?

Barbara Kojis: Not yet, but we decided that at the SSC, so you know that way it would come before the Council and make the public hearings, etc.

Ruth Gomez: So they did not have input into splitting it. This was just something that was done without their input? If I understand that there were commercial fishers at this group meetings?

Eugenio Piñeiro: They were there.

Ruth Gomez: Ok, they were there. So the stakeholders didn't have an input on the splitting.

Viridin Brown: Barbara, could you just re explain, give us a little bit more enlightenment on the SSC's proposal to separate the parrotfish into two groups, and what is the rationale again for the shallow, the deep, the large ones, the blue, midnight, etc.?

Barbara Kojis: The rationale behind this has more to do with life history; the various large parrotfish that used to be abundant, some of it like the rainbow parrotfish and the midnight. The rainbow in particular is relatively abundant in shallow waters. If you talk to people who are older, fifty and above in particular, but even others, who used to see them commonly in shallow waters, you know, even years and years ago people would go out with rifles and shoot them in the shallow waters, they were so big and they were close to shore. And I've heard that from people on St. Croix and from people on St. Thomas. So the abundance of these has declined feasibly. I've dived many, many places, and I am sure that many of the other scientists that are in the SSC have had similar experiences where these species are very uncommon now in shallow waters. There may be a few of them around, and every once in a while you'll see several of them, but they are very uncommon in shallow and deeper water as well. So that is the reason, and these seem to be species that are more vulnerable than the other species that may have different life histories.

Viridin Brown: What was the SSC's lineal distinction on that ...

Barbara Kojis: It wasn't really that ... because the rainbow parrotfish come in really close to shore. Some of the others, like the blue... comes up closer to the drop off area, as well as the midnight, although on St. Croix because the shelf can be narrow at times and you can see the midnight parrotfish right off the shoreline on the north post.

Viridin Brown: But I want to know, you know, clearly for our decision making process what we can understand as the clear line of delineation, other than size. You made the reference to shallow, and I just want to know what is shallow in and what is deep-water in.

Barbara Kojis: The rainbow parrotfish can come in really close to shore, and then when you are talking about shallow you are talking about seeing their tails when they are feeding on the shoreline. So you are talking about, you know, with an inner tidal, right off the beach. And I have seen them from very close to shore in like two three meters of water, and seen them offshore in 30 meters of water, and I am sure that some of those are out on the shelf edge. So they have a huge range, and some of it depends upon what life history stage they are at, whether they are juveniles or adults, juveniles may be closer to the shore, adults are in deeper water, but it varies a lot.

Viridin Brown: Give me a clear definition of the size distinction of delineation that you referred to as what's the large. Just simply the class...?

Barbara Kojis: Like the rainbow parrotfish go up to four feet in length. Blue parrotfish probably similarly. The midnight might be a little bit smaller, closer to three and a half, I would have to go check and see. Whereas, the spotlight would be probably one of the biggest of the other group of parrotfish, it might to be about six feet.

Roy Crabtree: I am sorry, but I want to come back to the scenario 7 again, because when I look at the recommendations, most of the groups that we have recommendations now fall under scenario 7, at least more than half of them do, but it is still not clear to me exactly what that means. And I am looking at a table here where it says, participation in the fishery is depending on following all data. Does that mean participation is contingent upon being able to provide that data?

Barbara Kojis: Yes, providing the data.

Roy Crabtree: And it also says, control the fishery with the purpose of collecting needed data. It seems clear to me that this is not just status quo on average landings. This clearly seems to be to me a recommendation for a more tightly controlled fishery, with specific data requirements on every vessel that is allowed to participate, and with some limit on the number of vessels. Is that correct?

Barbara Kojis: We never discussed to limit the number of vessels. We certainly discussed that it be a tightly controlled fishery to ensure that data would be collected and that.

Toby Tobias: At the last joint Fisheries Advisory Committee held on St. Croix last November, the group determined that basically blue midnight and rainbow parrotfish warranted additional protection. They were basically fisheries extinct, and the recommendation coming forth from that body was that they not be harvested.

### **Tape 3(a)**

Barbara Kojis: I just wanted to further elaborate on especially scenario 7, because this is a scenario that many species, outside of the ones we are discussing today might fall under in the future, and given the Todd Gedamke table showing what data is available, and whether a advanced assessment or OFL assessments can be done. Obviously for many species OFL advanced assessments don't look like they can be done at this stage, and they very well might, some of those species might fall under scenario 7. When the SSC discussed scenario 7, they discussed whether the term experimental fishing was appropriate, given the NMFS definition. There were some suggestions that we change that to a data collection fishery, but it was decided that the experimental fishery term could be used as long as it was understood that this was not to be used as defined by NMFS. So we are not

talking about the very probably restrictive experimental fishery definition as defined by NMFS. Now, the rationale for some of this was that the focus of the scenario 7 is to get data, because there is insufficient data to determine OFLs and ABCs, and in the scenario 7, there is serious lack of data. The caveat for fishing these species should be the willingness to provide the needed data by fishers. There was also a number of management measures that have been put in place with the SFA, and there has not been monitoring done to see whether those management measures have actually changed the fishing mortality and the status of the fishery. These fishing regulations that have been put in place include, banning of nets in federal and local waters in the USVI, federal waters in the use of gillnets and trammel nets in the EEZ. All of the species that are being considered here are the ones that we have to come up with ACLs for by 2010. For all the other species there is a deadline of 2011. So there is number of management measures that have been put in place. Also for species as the silk snapper that falls under snapper unit 1, Todd Gedamke had, there was enough information on that species to show that the silk snapper is not currently overfished. That the size of the individuals on that species had increased in 2000, and fishing MSY was indicated that wasn't a, you know, a ... So that is really what I wanted to state here, not a 10 or 15 minute presentation, but the idea behind the SSC putting this into scenario 7, and approving and what recommending a scenario 7 was for these species and of recommending that table of scenarios was not to indicate that scenario 7 was a, you know, a experimental fishery was one that was supposed to be excessively restrictive. It was a data gathering scenario.

Roy Crabtree: I am not sure what you mean by excess ably restrictive. I think you said that the caveat for participating in fishery you have to participate in a data collection program. Is that correct?

Barbara Kojis: That's right.

Roy Crabtree: Well, I mean, so that is not just status quo, clearly. Because there is no such requirement now, and so it sounds like what that is, is you have a fishery that's been closed, and that vessels that are willing to participate in a data collection program are allowed to fish. Is that correct? If not Barbara, then you have to tell us what you mean. Otherwise you are leaving us hanging here. But it sounds to me like you are saying only vessels that who participate in the data collection program are allowed to fish in the fishery.

Barbara Kojis: I'm not disagreeing with you on that part, but you are indicating close, and I am just fearful when you are making statements like that, is that you won't have a data program in place and yet you'll close the fishery, you know. And you say, Ok, the fishery is closed until we come up with the data.

Roy Crabtree: And I am not ruling anything out, I am just trying to understand from a ... perspective how was this that the SSC has suggested would work. And the only way I could see what you are talking about working is that the fishery would be closed, and then it would be opened under an exempted fishing permit for some number of vessels, and I don't know how many of that would be. It might be a very large number, it might be a very small number, that's stuff will have to be worked out. But then it would be opened under an exempted fishing permit for some number of vessels who agree to participate in some data collection program that the Center with the scientists would have to work out, and they would then be able to fish, and there would still have to be some sort of a catch limit in place for what you would allow them to take. But I just don't see any other way that it'll work. And if you read what the SSC said, it says control the fishery with the purpose of collecting the needed data. And I am no sure how else you can do that.

Barbara Kojis: Many of these fisheries that are listed here are important fisheries for fishermen. There are already a number of management measures that have gone in place. The data is not available because of the fact that over the years the data has been collected and it hasn't been analyzed to see whether or not this data is being collected as data good for OFL and ABC, or whatever, partly because nobody was looking at it in those terms. This is something that's new from Congress. My concern is that since the SSC did not indicate in any

way or form that they wanted to see a fishery closed and then sometime later opened up. And if you set up a system where in essence you are closing a fishery that you immediately are enabled people to start fishing it because you have the data collection measures in place, and you make it available for fishermen who are willing to provide the data immediately afterwards, I see no problem with that. I don't think the SSC would see a problem with it. But coming up with a situation where you've got to close the fishery for a year or something like that while you come up with a data method, you know.

Roy Crabtree: I agree with you. That's not clearly that's not what the SSC mean. They didn't mean close the fishery and then don't do anything else. But it seems to me that it is clear that they meant that only vessels that are committed and are participating in some sort of data collection program are allowed to participate in the fishery, and that it is closed to everybody else. And I know you don't like the word close, but it's hard to get around the use of it sometimes. But that seems to be what they mean.

Barbara Kojis: I just get concerned, because sometimes these things take a long time, and it may be that NMFS, or maybe the Council would say, look we got to close this fishery. I don't think, because of the management measures that have been put in place that this is something where is imperative to close these fisheries. We've got management measures in place that provide the type of protection that we thought needed to be done under the SFA. And when this was determined, it was determined that they were undergoing overfishing or overfished. So I just want to make sure that there is not a misinterpretation here of what the SSC was saying, and what an experimental fishery means and so on with respect to this. And if need be, I am sure the SSC can go back and look at this again, or maybe the Council, which probably has to approve this, can even change the wording on this so that there is no confusing and make this a data collection fishery.

Viridin Brown: To that point, simply, the reference to scenario 7 as an experimental fishery, if the SSC intends for that scenario to be something different, as you pointed out, then what NMFS recognizes experimental fishing to be, then I think it is incumbent on the SSC then to give us a definition of what you intend, something more concrete in terms of a clear definition of what the data collection or experimental fishery will be and will do, and what you propose the scenario 7 to be rather than what might be interpreted by anyone of us in our assumptions of what it might be. And I think that way we'll all have a clear understanding, it'll be something that we can work with, and I'd preferred to be that in writing rather than a statement. Then we can have something to work with in the document.

Barbara Kojis: That should be fairly simple, because it is really collecting sufficient data to provide information to establish the OFL and the ABC, so that then the Council from there can establish an ACL for these groups.

Viridin Brown: If I may Mr. Chair, then would you then recommend that the language that is under the bottom of scenario 7 be changed instead or that particular phraseology be put on that scenario 7, because scenario 7 is also used for some other fishery group. And this is a recommendation, if the SSC can make a recommendation, the Council can do it.

Barbara Kojis: For the SSC all I can do is to make a recommendation for you guys to put some wording together, so that you could change the wording for table 7 when you look at it, so that you could maybe address that issue. But really, I have to go back to the SSC to get approval from the SSC.

Viridin Brown: What I am looking at is, based on what you discussed already, if you can put that, frame that in some kind of language for us, if not, then me to ask you to go back to the SSC. There may be another time fact involved, but maybe we would have to do that.

Miguel Rolón: One suggestion is between here and the next meeting is that Graciela can send an email to all the members of the SSC to clarify this. We don't want to put words in the mouth of the SSC who are not here. The other point is that we have been working with the SEFSC folks, and we also want to discuss it with the fishers, most Puerto Rico and the USVI, the possibility of adopting a new format for collecting the data that we need, so we avoid collecting data that we don't need for OFL and ABC and the other parameters, then concentrate our efforts on a data form that we can use that the fishermen can also agree on, because the way that we have the information now, we have a bunch of zeros, because it is almost impossible to fit that information. So given the importance of this topic, we will send the email to the SSC, and report back to the Council members through email, and like this certainly for the next meeting you'll have a written statement on what this really is all about.

Shepherd Grimes: I would like to point out for the record that these data scenarios came originally from the ACLG, so it wasn't something that the SSC came up with, if I am correct. You guys adopted what had already been discussed by the ACLG. So there may be some other record or some other discussion that could clarify at least what the ACLG had in mind.

Roy Crabtree: And just when I look at the table that's in, I guess it's the SSC report, it says table 1, then it's got some language under scenario 7, but it is incomplete. There is a sentence, for example, that says, catch ... to effort is limited to what is, and then it just stops. I don't know if this came out of a spread sheet, but it looks to me there is some language that has been chopped off here, and if at least we are able to find the rest of that language to see what they said...

Shepherd Grimes: Under scenario 7, the management advise, taking into account fishery independent research, control a fishery with the purpose of collecting needed data, catch and or effort is limited to what is required to collect the fishing data. And it notes that the participation in the fishery is dependent on following all data collection protocol.

Roy Crabtree: I mean, it seems clear from the language there that the catch and the effort would be determined by what is required to get the data. So my reading of that is you would decide what data would we need, how many vessels do we need to collect that, and then those vessels would be allowed to fish. I mean, that is what it says. And if it doesn't mean what it says, then I think we do need to go back to the SSC and find out where we are getting astray. But I think the language is pretty clear.

Barbara Kojis: If we need to go back to the SSC given that wording up there, as Chair of the SSC, I understood it as, you know, that really it is not a restrictive type of fishery in the sense of the fishers that are already at least involved in it, and that it would not be, that the important part of it was participation in the fishery is dependent on following all data collection protocols, and that would be important part of what was going on. On the other hand, if I am sure there is this discussion about if overfishing occurred, was occurring, or what have you, then that catch and or effort is limited to required, there could be catch or effort limited, but you'd have to actually show that there was overfishing actually occurring now after all these various regulatory restrictions that are in place, and with the regulatory restrictions, and the fact that these groups were determined, these units were determined to be overfished or undergoing overfishing based on the SFA, and a lot of these measures went into place after the SFA, and most of these measures went into place after the SFA, you know, you generally probably ...that.

Roy Crabtree: Is my understanding that there were a ... looked at for silk snappers that indicated that the overfishing may have ended, but I haven't seen anything in any of these were the SSC has offered any suggesting that overfishing is not occurring for the remaining species. Did the SSC make any such suggestions for anything other than silk snapper?

Barbara Kojis: There was no data available.

Roy Crabtree: I understand that, and so where we are then is with the exception of silk snapper, which I would agree we need to talk to the Center about revisiting that, maybe we have cause to change the status of that one to overfishing is not occurring anymore. But for the rest of these stocks they are listed as undergoing overfishing, and the SSC hasn't provided us any recommendation that that is changed, or anything in the record to indicate that that is not happening. Now, you may argue that the SFA brought the catch levels down enough, and if that is the case then the Council I suppose could decide to maintain catch levels at recent levels and all, but in order for us to change the status of the stock, we have to have an analysis or something to show that the overfishing is ended. The burden of proof is on showing that the overfishing stopped. Now, I will grant you that in the case of SFA those were based on informed judgment, and so I suppose it makes sense that we have to ... reverse those designations based on informed judgment. But in this case I don't see much of anything in the record of the SSC's discussion anywhere to indicate that they reached a conclusion that would give us a record that could support changing the status. So we are sort of left with a position that, and without that, other than silk snapper, I don't know how we could try and change the status of these other stocks. We can take that into account in setting the catch levels, but I don't know how else to come at it.

Barbara Kojis: Well the SSC went over each of these and looked at the recommendations from the ACLG. We sat down and looked at the fact that we couldn't come up with OFLs and ABCs. The comment that was made was, well how did we determined if these were overfished and overfishing, of course ... in the information from that. The SSC did not feel that they could make judgments about another informed, didn't want to make another informed judgment about species without having the data. SEDAR indicated that the data wasn't available, at the SEDAR Data Workshop. The ACLG, when they went through and looked at recent catch and so on were still doing an essence informed judgment, similar to what was happening in the SFA. For the SSC's purpose we felt that we couldn't do that. So, you know, with respect to these species, for the one species, and Todd maybe you can clarify this, with silk snapper there was enough data, because the silk snapper is a fish that's commonly caught for deep water snapper in Puerto Rico, and there was a lot of information available on that. A lot of these other species are not so commonly caught, and there is not sufficient data, and so there hasn't been, and couldn't be an analysis of these to determine whether there was, if they were recovering as well, or if there was changes in their status. So for some of the species is because they just don't have enough, and some cases there was because of the fact that gear changes and all or some other changes have occurred over time, and so the status of the stock was ... determined. So with respect to this the SSC didn't feel like they could make a judgment one way or the other, but they were really concerned about the fact, and it was stated a number of times that we just don't have the information, and it is of importance to get the information. If you start with fisheries being too restrictive, it is important for fishers to understand that getting this information, having this information, having accurate information is important, and if we don't have that information we are running into this sort of problem with NMFS, because you are going and saying, look, maybe we could have a restrictive fishery, when in fact what we really want to do from the SSC point of view is to obtain the data that we need in order to determine OFL, ABC and doing stock assessment. And I think we've gotten enough closer to what we need in order to do that, because we have that people now really working closely and coming up with stock assessments and what is the easiest way of getting the information, what is possible to get down here in the Caribbean where you have a multi species, multi gear fishery.

Roy Crabtree: And I understand all that Barbara. I know what you are saying. Actually to be clear for the record, I am not saying a very restrictive fishery. I am reading what the SSC said, which is catch or effort limited to what is required to collect sufficient data. So that recommendation came out of the SSC. I am like everybody else in here. I am trying to figure out what we are going to do with all of this, and how we are going to meet what the Law requires us to do now. And I don't have any magic answers to that, an I understand that

we need better data, we all want better data, and we are just going to have to figure out what we'll do. But I am just trying to understand how this recommendation would actually be put into place, and that is all.

Barbara Kojis: I think I explained what I think the SSC was trying to get at with respect to this, you know, the data collection part of this is the most important. And I think that is something that obviously is the direction that the SEFSC is taking and other people are taking as well, and I am sure that the state governments are working and that fishermen's associations will be contributing too, to see what is realistic to get and what they can accurately provide and what is needed in order to do the stock assessments.

**Winston Ledee: I would like to make a motion to move the language back to what the ACL had written.**

Shepherd Grimes: Well, you have a report from your SSC. That's done. You can ignore it, or you can explain why you are not going to follow it, but you can't change it. It is what it is, and it's a recommendation. You take that into consideration and decide what action you want to take.

Miguel Rolón: Just to clarify for the record also, the body that offers the advice to the Council is the SSC. The SSC has two subcommittees that were created to get their input, but the ultimate word as to what comes to the Council from the SSC is the SSC, and you cannot change that. I believe that one of the problems that you will see is that the Council then has to weight the two reports, the ACLG report and the SSC report, and then you can make a judgment over it, and in due time you can pick what is the best for the fisheries. The other point I wanted to make is that this is a good example of when you use terms that you don't really know what they mean. When the SSC in the US Caribbean is talking about this phrase, and you take what they do in the Gulf and the other Councils, I mean the restrictive fishery that is closed and is open to only those people who are going to give that information, and that is not what the SSC wants us to do. So my proposal Mr. Chairman still stands; that we allow the SSC members to express through the email what they really meant, so that you have your record straight, and the Council has the ultimate word as to what you chose in terms of the language. And if the ACLG language is the one that really makes sense to you, then that is the one to use. As the lawyer is saying, you may ignore the SSC to a certain level. The other problem is the SSC is making management advice, and that is not their role. The role of the SSC is to give you the OFL and ABC. If they cannot come up with those two parameters, either they keep their mouths shut, or they tell us we cannot do it because we don't have enough elements of judgment or we don't have any information, and this is the way you should be collecting information. But anyway, Mr. Chairman, I believe that this is all part of the process and that is why we are here. When we get into the scoping documents, you'll have more opportunities to discuss this one at a time. And remember, the scoping document that was prepared is to comply with the NEPA requirement that you have to do before you make any decision, even before you prepare your final report to the Council, so you use that as the option paper for the hearings. You have to show everything to the public and make sure that everybody understands what you want to do in terms of the alternatives that you want to consider. So you have ample opportunity, and I believe Mr. Chairman that the data issue will not go away. This area is a data poor area, actually it should not even be called data poor, but a data absent area, but still we are bound to do what we need to do before 2010. The other thing is that in due time Mr. Chairman, we have, when we go into the ACLs there are some recommendations that some of the fishers here were talking about, like for example, looking at revisiting the queen conch issue, and we can have a team of people from, fishers and local government officials to go over the data, so for the next meeting you will have a clear understanding of where the data came from, the 50 thousand pounds and what have you.

Eugenio Piñeiro: Winston would you wish to wait until we hear the report and the discussion and table the motion until then?

Winston Ledee: This is very confusing, and the wording is not correct, and one other thing, why is Nassau grouper on that list? That ... has been dead for years, why is it on the list?

Miguel Rolón: Winston, the species that we are discussing at this time are the species that are suffering overfishing or are overfished, and for those species we included the Nassau grouper and the goliath. The process calls for the Council to discuss all this. At the end of the road, probably we'll have a status quo for the Nassau grouper, for the goliath, but we need to go through this process to make sure that we comply with the mandate from Congress, and that is why they included the Nassau grouper and the other species in the species group that are suffering overfishing or are overfished. After we finish the overfishing/overfished group, in 2010-2011, during that period we also need to address the other species; the lobster and all of the other species that are under management. And that is the reason why the Nassau grouper is there.

Barbara Kojis: Just another clarification. The areas of catch or effort is limited to what is required to collect the fishing data was meant to put in a certain amount of flexibility, for example, in the case of Nassau grouper it's been closed, there is no data at all being collected on that from the fishery, it is only from independent. There may be at some stage that there is indication that it is starting to recover, and there may be fisheries that might be considered in order to collect data on that, and that would be a limited fishery with just a couple of boats that are allowed flexibility for something like Nassau grouper to allow data to be collected to establish the status of that fishery at some stage in the future.

Winston Ledee: I believe that we do have data. We have bycatch data on that. When the fishermen accidentally catch Nassau grouper they release it, but they write down what the bycatch is. So we do have some data on that.

Eugenio Piñeiro: Is that all with the report Barbara? Now let's go into the ACL report.

Shepherd Grimes: Point of order Mr. Chairman, what happened to the motion on the floor?

Viridin Brown: It dies for lack of a second.

Ruth Gomez: So we are going to send the email out to get clarification on the language? Ok.

Miguel Rolón: Ruth, we are going to make sure their answer be emailed to all the Council members. But there will be a report also included in the briefing book for the next meeting.

Roy Crabtree: So we are going to email out to all the SSC members asking them to clarify what they mean, and then if you get back six or seven different emails telling you they meant all different things, how do we reconcile it? Are you going to try to pull something together and then ask them all to, I mean how will you do it exactly?

Miguel Rolón: Well, I may get nine different answers. So one alternative to throw those answers to you, following your concern, I believe that Graciela and I can sit down and adjust all the answers, maybe have a back and forth with them and then you will have a clear statement on what they meant.

Roy Crabtree: And I guess what part of that should be, I mean, we have a statement that when you look at the entirety of the statement it does seem pretty clear to me what they meant. So I, really the question is, is this what you meant? Do you mean what you say? Or do you want to change that somehow? Because I think that when you get the rest of the statement in that spreadsheet that is fairly clear to me what they meant.

Eugenio Piñeiro: Before Joe starts I have ten names in here from people who want to make public comments. I suggest that you pay very close attention to what Joe is going to say and to the discussion, because it is precisely upon this discussion that you are going to make your public comments today. So please be very attentive.

(Presentation on ACLs included under Attachment E.)

Joe Kimmel: I just want to let you know where we are coming from and where we are going. We talked this morning about the Magnuson Act and Congress putting this mandate rules to set ACLs for not only the Caribbean, but throughout the US fisheries. So here we are in the Caribbean and so we have that mandate as well. And we've heard this morning through the presentations that we've seen that this is a very data poor area, not that we have no data, is just that the data that has been collected ... sometimes one trip can't be separated from another, or there's some problems with some form or fashion, so not all the data that has been collected for years came to use, because the scientists can't spread out the information that was specifically collected. So that is the problem. So what we've done here is tried to put together a document required by the National Environmental Policy Act to go to the public process before we make any decisions. Then the Council has to do this every time that they amend a fishery management plan. So that is what we are about to do, we are about ready to talk about amending the fisheries management plans for the US Caribbean, and to accommodate the Magnuson Stevens Act mandate to set in annual catch limits and accountability measures.

### **Tape 3(b)**

Viridin Brown: I would like Jason to go back to the alternative that includes the proposed closed areas.

Jason Rueter: Is an alternative method for reducing fishing mortality, it recreates an attempt to try to come up with a way to meet the SPR proxy 20% ratio. So in one method to do that is to close fishable bottom by a certain percentage, and then from assumptions you make when you do that basically you've got even distribution of populations and the fish are sound, this is like what would occur in closed areas that actually are not a current closed area. So you protect that proportion of the population by closing the bottom to fishing in that area. So the two numbers to look at are 30% and 40%, and that is what your results are when you look at, fishable bottom is defined as waters in the EEZ that are less than 100 fathoms in depth. So what you can see is this blue line and all these maps, and it is the actual 100 fathom curve, and then this is the territorial EEZ boundary, and so this is actual federal waters that are considered fishable in the entire area, and then the closure would take that percentage of it. And all the numbers are down here as far as the actual square mileage and the sizes of what you would get out of that.

Viridin Brown: I can see that, but restate what those red lines represent, 30% - 40%. You state it, to put it in the record.

Jason Rueter: 30% is the red, and 40% is orange on those lines. So 30% of closing this fishable bottom area would be from this red line over to the 100 fathom curve, actually I think that's the USVI or British VI line in this case. So if you want to close 40% of this fishable bottom area on the ... from this orange line all the way over, and you close this whole area here. So that is why you get to this 30%.

Viridin Brown: That's not the St. Thomas ... Culebra.

Jason Rueter: That's correct.

Viridin Brown: And the western of Puerto Rico?

Jason Rueter: Western Puerto Rico, on the big map, we are up here, so we've come in down here and blown up this portion right here, and what you have is Tourmaline Bank and Bajo de Sico are part of this already, so you come in and just close around those and make this area here shut down. And that is your 30% -40% there. And for south of St. Thomas/St. John, we have the MCD and Grammanik Bank here and here, so 30% would actually make ... if you close between those two, 40% makes a bigger ... right here. And then also St. John, 30% is a reserve in here, so you use from 100 fathoms to there, and 30%-40% would be from here over, and so this area would be closed here.

Roy Crabtree: And where this came from is asked the question ... the Science Center, that if you had a situation where you had very limited amount of data, and you were told you had to make sure that you were not overfishing, how could you do it? And the answer I got back to us was, well you could close enough area that you could be reasonable assured, even with very poor data, that you aren't overfishing, and so we put that in for you to look at. Now, understand that this doesn't get you to that because what they were talking about was closing 30 or 40% of the entire area. This only looks at closing 30 or 40% of the EEZ, so it is considerably less than closing 30 to 40% of the entire fishable bottom, but if at least in theory would reduce the federal portion of the fishing mortality rate enough that you could argue that the federal fishery should not be resulting in overfish. So it is just an alternative and a way of getting at this in the absence of much information.

Aida Rosario: I would like to get some information on the allowable catch that you discussed on action 5 for the snapper unit 1, where you are adding some wenchman landings. You know, the wenchman is under snapper unit 2, not on the snapper unit 1, so how are you adding that to the snapper unit 1?

Jason Rueter: This alternative could only be chosen if the Council modifies the FMU, and put the wenchman into snapper unit 1 and pull it out of snapper unit 2. So in order to make the ACLs the right size, you have to account for those landings of wenchman into the actual snapper unit 1 landings.

Aida Rosario: You know, we are perpetuating a mistake made by the NMFS, because we have never had landings for cardinal, and it is called wenchman in here, and it is identified by the correct species. So how come is that we need to make a change if we have always used the correct species name?

Jason Rueter: Let me just make sure that I am clear on this. If we do and change the snapper unit, we pull wenchman out of snapper unit 2....

Aida Rosario: Jason, we do not have a fishery for (scientific name) ok? Have never had.

Eugenio Piñeiro: Aida, excuse me, and Jason, if I might interrupt. We have a senator with us and he would like to address us for one or two minutes. So if you allow me Jason, let me allow the senator to address the group because he has to leave.

Viridin Brown: The Honorable Senator Patrick Sprawe, from the St. Thomas/St. John District.

Senator Sprawe: Good afternoon members of the National Fishery, good afternoon fishermen of the USVI. I just wanted to comment I think it is very important for me to be here today. If you look around the room, fishermen from St. Thomas, St. Croix, St. John, have spent their lives, this is not just a job for them. Some of them have been from generation to generation. It is very important that the NMFS work in collaboration with the USVI fishermen. We have to work together. I know there are different aspects that you are looking at, I beg you please to listen to our national fishermen. Anything that you are going to do that is going to affect the lives of the USVI, I will hope has the necessary input of the fishermen from all the islands, because this is their lives, this is something that they do on a regular basis, and it is something that is needed. I support them as a

legislator, as many other members in the Legislature, as well as the Delegate, as well as the Governor, and whatever I have to do to give support to the fishermen of this industry for the Virgin Islands I will do so. I am asking you to please work in collaboration. This is not just a job, but this is a livelihood, this is something that has been passed on. I also was brought up into the fishing industry, so I could understand what is going on with this. So please, I know you, in the National Marine Fisheries have various different mandates, but if it is going to affect the people of the USVI, we all have to work together. Do not do this in a vacuum. We are in tough economic times. How are they going to survive? These are not just the only people here that lives you are going to be affecting. They gave families, they have mouths to feed, and it is very important. And as President Barrack Obama said, we have to look at all aspects that are going to affect the people, worldwide, including the Virgin Islands. So I am here to show my support. Right now I came out of a hearing that we are having over in the Legislature just to show my presence and show my support. So I am asking you on behalf of all the fishermen and the members of the Virgin Islands extend that courtesy to let their voices be heard, let the documentation that's part of the years of experience and results what areas they need to have open to fish, as a major part of their survival be hurt. And thank you for giving me this opportunity to talk to you guys. I hope that it is given to each one of you the sentiment of honoring that request, and anything that I could do to assist you from my office as well as any other offices that is needed within the Legislature, or even my calls to the Delegates and the Governor, I will do. I want to thank you all, and have a good afternoon.

Jason Rueter: I guess just to add a point. What we developed here was from input that Graciela's had with the fishermen and that we've gotten from them. If there is something wrong, you know, that is why it is up here, for discussion. I am open to anything on this, I am not married to anything, so please, if we need to change something the Council I am sure will look to whatever they need to.

Aida Rosario: We have been pointing out for a number of years now that there is a mistake on the wenchman, that the species is, what we call wenchman in Puerto Rico, that we are, reports on landings is for (scientific name) we do not have a fishery for (scientific name). If you get to use the common name, that is where the confusion came. I do not see the need to add to snapper unit 1 the *Timolearis*, because we don't have a fishery for that, one; and second, what we need to do is to change the name for the *Macrostalmus* on the snapper unit 2, because that is the real species that we have been collecting.

Joe Kimmel: I just wanted to say for the record that this is a lot of information that we are presenting to you all at one time, we got it on the screen, and we don't have printed copies just yet. I am working to have that done as soon as possible. I've given a couple of electronic copies to the Senator and also to Julian Magras. So we are trying to get the word out so that you can look at this and think about each of these alternatives, to decide which one is deemed to work best for you. So please work with us. We are trying to get you involved as much as possible.

Roy Crabtree: So I want to see is, what I'm just though is that the fish that is caught is the mackerel, and you call that a wenchman. So the change here proposed is correct, except we need to understand that the cardinal snapper is commonly called a wenchman. All right, I think we can fix that.

Graciela García-Moliner: If I may, a point of clarification in terms of the species that you have on there, the two species occur in the US Caribbean. The *Sicomides aquilonaris* is the shallower water of the deeper water wenchman, commonly known as wenchman. The *Sicomoides matostalmus* was not originally in the FMU, I've been taking care of by doing this, but that is the species that occurred with the queen snapper. So what you have on the right hand side as the proposed new stocks corresponds to what, it actually happens in the field. There might not be reportings in terms of the *Sicomoidis aquilonaris* but that species does occur and it is harvested, and has been reported as part of the... I must point out that they are very difficult to tell apart, but you can tell

them apart. And the reproductive study that is available from the report that we have is on *Macrobrachium* that is the one that occur on the deeper waters.

Miguel Rolón: Mr. Chairman, remember that what we are doing now is discussing the document that will go to the scoping process. A question I have for the staff of the Regional Office and the Council is how would you like to proceed at this time? Would you like to go one by one and offer your comments? Or you want to bless the document as is and then take it to scoping meetings? There are advantages to both of them, and also to understand, for example that table, when you say current, that is what you have, proposed is what you are going to have in the new document. Again, this is not in stone. However, it is supported by the data that was collected by the Southeast Fisheries Science Center, the regional office, and the staff. The other thing I wanted to tell you is that remember that the scoping process is the first step before you prepare a document for public hearings for final adoption by the Council. So this is not a done deal, it is open to discussion by the, especially the local agencies, the fishermen and the general public. The way that this is done is, I need to prepare the Federal Register notice that I have to send this week if you want to do it in April, because the NMFS need 23 calendar days so we are on time to publish it. And the importance of this is that if I don't publish it on time, I cannot discuss it officially. So we need to do that, the two options then would be to discuss this, one by one, make sure that the Council members understand, and that the general public also understand. We will come back in April and we will send the document to everybody. Everybody here will have the chance to see that document. And also we will post it on our website, so everybody can go to the website and download the document. So the question again is, we have Jason and the other staff members here, so what will be your pleasure? Do you want to go one by one and look at it? You don't have to get into a full discussion on the whole thing, but at least we would like to hear from the Council members as to whether you understand the issues presented, and if you need some clarification, some additional language that we can include. Some actions, as you can see, on action 2, you have alternative 2 for action 2, and you have alternative, a sub alternative a, a sub alternative b. The importance of these alternatives, or sub alternatives, is because that is the language that will guide you to the preparation of the final document that will be the regulation. But it is important that everybody understand the language. And if you see some place in which we need to have some clarification, fine. And the other point is that we had a chat with Miguel and with Ruth, and we stressed the point that the local governments will be very much involved in all of this, and we would like to hear during this process of the scoping document is, number one, whether you already have regulations in place that address these issues, and also Aida was with us at the meeting, whether you would like anything changed, or do you need to have any clarification. Then, after these scoping meetings, we will come back to this place, on June 24-26, if everything goes smoothly, and we will have the document with all the comments, I mean, you will have this and all the comments received tabulated for your perusal at the meeting in June. If something happens technically, difficulties or whatever, that we need to move the scoping meetings, we will advertise in due time the new dates. For those of you who are not familiar with this, we need to publish in the Federal Register, and you know the Federal Register is read by a few people, but we also publish this on the newspapers, the Daily News, in the USVI, and in the case of Puerto Rico at El Vocero, which is the most widely distributed newspaper. Also, Mr. Chairman, if anybody from the Council or the general public needs a copy you can do so by calling us, and Diana or any of the staff members will send you a copy. So the point is that we need to make sure that what the Council wants to discuss at the scoping process is written in the proper way.

Eugenio Piñero: Is it clear, Winston, Ruth, that what we have in here is not a final action, is not the final document, is the different alternatives. What is the wish of the Council? How would you like to proceed with this, one by one, or simply just listen to all the presentations and then give the blessing or not? What is the desire at this point?

Miguel García: Before we get to that point, are we agreeing about the change in the name for the wenchman?

Viridin Brown: I think that should be clarified so that we are all on the same page, and not have misunderstandings about it.

Eugenio Piñero: A wenchman is just a name, but is the species, is the ...*aquilonaris* and then *Macrotalmus* is the cardinal snapper. As long as the scientific name is there, that the real animal is there, we should have no problem.

Shepherd Grimes: I guess that we are just going to add, I mean, if this does get adopted and is eventually implemented, is adding a new species to the fishery management unit that is not currently in there, and is also reclassifying one that is in the fishery management unit to a new complex.

Miguel Rolón: We have until tomorrow for a final decision on this one. Joe just gave me an electronic copy and we are making hard copies, so we can give it to the Council members and everyone who wants a copy, and then tomorrow you can take action. We don't want to rush the process, because this will impact everybody, and by everybody I mean everybody, NMFS, staff, and of course the community of fishermen who live on the fishery. So it is important that we all understand and that we are all on the same page as to where we are going, so rest assured that you will have copies today.

Viridin Brown: If I may Mr. Chair, just to make a general comment about the proposed closures, and I understand the context in which it is being offered as an alternative, and this is an issue that will have to be addressed during the decision making process in choosing alternatives. The closures, at least in the USVI don't fit too well in particularly, in neither Districts, St. Thomas, St. John or St. Croix, because if you look at the southern closure around the south of St. John, that would almost interface very closely with the Coral Reef National Monument of St. John, which would leave then much of that space for fishing there. On the St. Croix issue, is not as much of an impact, but there is an impact in that there is, I think we got competition, but there isn't it a competition with closed areas that also are already in existence around St. Croix in terms of fishable areas. So this will be added on top of what ... 30 or 40%. So what I'd be looking at is, do we ever really have to go to close areas as an alternative to meet our requirements for not engaging in overfishing? And I understand what the proposal represents, and what it is, and for what it is worth, and maybe we might also look at other alternatives, if we come into play that we have to use any additional closures. That is just my point of view.

Miguel Rolón: We may be able to have more time for this, and people who wanted to address the Council. What I propose that we do, one comment about the wenchman and the *Aquilanari*, we are going to go to scoping meetings, and you can put whatever you need to include in the scoping document, and then you can knock it down at the end of the process, but that way you ensure that all the bases are covered. If you throw something out now and then you find after the process that you needed to put it back, you too can do so, but then you are wasting your time. So it is better to go with everything that you can think of to the public, and make sure that you have all included, and then when you come back then you fine-tune really what you want to do. So my proposal is that in due time we can go one by one in the screen, and if you don't have any strong argument or objection as to the language that is there, and please concentrate on the essence, not the little things, then we can say, ok, those are the paragraphs, the language that we want to see in that scoping document. You will have the opportunity to have a copy today, and then tomorrow you can decide if the document is ready for scoping just go ahead and publish it, and what I would do is I would copy the 12 actions that you saw on the screen, send it to the Federal Register tonight or tomorrow morning, if you decide at the end of the process tomorrow what you will do. So in essence I have to wait until you decide at the end of the process, which will be tomorrow, before I send it to the Federal Register, and that way everybody will be aware, and I will read for the record the places where we will have the meetings.

Roy Crabtree: Maybe the best thing to do is to have some kind of big picture discussion about the general way this thing is laid out, and then tomorrow, when everyone have a hard copy in their hands we can go through it. I have a couple of things I would like to bring up. One thing you'll see as we went through it is for the most part the document structure is so that it sets separate ACLs for the different islands. St. Croix has an ACL, St. Thomas/St. John has an ACL, and Puerto Rico has an ACL. And I think there ought to be some discussion that confirms that is the way you are likely going to want to proceed on it, because that's I think what the staff has assumed in laying this out. The downside with that is you may have some pretty small ACLs in some of the islands because the portion of the pie is pretty small and that creates a whole other set of issues. But, what is the feeling among the group for that?

Viridin Brown: I think the trend in the last meeting or two there was discussion towards sub unit management, geographical unit management. I have no problem with that, but I wonder if we should probably not also include as an alternative a more holistic concept for each one of the units that are being managed. That can be included as an alternative among the alternatives that looks at the sub geographical unit. Would that be difficult to do Jason?

Jason Rueter: It would be feasible to do a Caribbean ACL without dividing it by islands, just a summation of what we have in the other alternatives that you would set a Caribbean ACL of x amount of ... on the summation of those individual averages.

Viridin Brown: Ok, now the other side of the coin is, what would that do in terms of ... the reasonable allowable catch limit?

#### **Tape 4(a)**

Jason Rueter: If you do a Caribbean wide ACL, from what I understand, you would have to do accountability measures that come in and reduce fishing across the entire Caribbean. So even if you have one or another that may be harvesting something greater than another, if it is a Caribbean wide ACL, you are going to have to put in the same accountability measures across all islands regardless of where the problem was, if you will. So that is the drawback to doing Caribbean wise. But we can most certainly put it in the document, analyze it, and we can also include accountability measures for a Caribbean wide ACL.

Viridin Brown: I think it should be included as an alternative, and it gives the public as well as the general public a chance to comment on it as well.

Roy Crabtree: The way the accountability measures are set up in here, I mean, we don't have anything approaching real time numbers with this data, and right now there is a considerable time lag between when we get the landings and so, you have an ACL for a given year, so we wouldn't find out if we went over it until probably towards then end of the next year, and that is something we need to work on and figure out how to improve. So there are some questions in here, and we already have some alternatives that would have the ACLs based on a single year, or maybe do some averaging, but everyone should understand that the way is set up is, if you have an ACL, whether is an overall ACL or specific to an island, and just for example if the catches were twice the ACL, then what happens is when we find out we went over the fishing period would be shortened in order to prevent going over again, based on what happened in that one year. So if you went over by 50%, essentially the fishery would be shut down for, the season would be reduced by 50%. If you have a fishery that is opened all year, a lot of our fisheries already have a seasonal closure, but what would happened then is that the fishing year would be cut in half. And the way these are normally being set up, is that is something that is automatic and is not something that comes back to the Council. We get the landings data, and then the Fisheries Service publishes a notice in the Federal Register that you are going over the ACL and the fishing year would

be cut in half for potentially, there might not be a fishing year to depending how bad. But typically you would shorten it enough to keep from going over it again in the next year. Now, there is language in the guidelines about paybacks. So if you go over, you deduct that off the next year's ACL, and I don't know that we have options in here that do that. What that could mean is that you double the ACL. If you pay it back there would be no fishery the next year, because the ACL would be reduced to pay back to zero. But the way we've set this up is that if you went over by 25%, then the fishing year would be reduced in ... the next year by 25%. So if you had a 12 year fishery, the next year you have a nine months fishery year. And we are kind of assuming that the Council is not wanting to go down the road of paybacks, but that is something you need to think about. But that is basically how this is laid out, and the way Jason described it is about right; if you do a single ACL that includes all of the islands, and only one island goes over, but it goes way over, then that could result in all of the other islands having their fishing year shortened in order to compensate for that, when the problem may be specific to one area, and I am sure your constituents are not going to be happy with that kind of situation if they are made to give up fishing time because there was an overage on one island but not on the others.

Miguel Rolón: This is something that was discussed by the Council and approved by the Council, whether we would like to see figure graphical areas for ACLs, and we still haven't decided finally on the AMs for the three areas; St. Thomas/St. John, St. Croix and then Puerto Rico. When Dr. Ponwith came here she addressed this point. She said that the data that they have at the Center can be split in those three geographical areas, and it would make sense to the SEFSC in the way that they connect the data and the way that they analyze or prepare the reports. The other thing that we need to hear from the Council is just this general discussion whether you would like to pursue a management regime for each one of these three areas with all the consequences that we are laying out now. I personally believe that you should not come from the top down. You should try to get as much as possible data from St. Croix, lets say, to see if you can manage St. Croix as a unit, and can do the same thing for St. Thomas/St. John and for Puerto Rico. First, you would be able to collect the data in a better way, and second your management measures can be more monitored effectively, or at least you can compare if what is happening in St. Croix, what are you doing is some fine tuning, versus what you do in St. Thomas/St. John, versus what you do in Puerto Rico. But this is the time for the Council to express what you want to hear from the agencies and the public as to where we are going. The other part is that we have a project for ten years. The project is with the Center and Berkson and the University of Virginia, and that idea was to have a graduate student meet wit the fishermen, with the scientists, and collect information so we can design a better format and a better model for collecting and analyzing the data to be more responsive to the need of monitoring the ACLs and all that. And that is a little bit connected with this, but is not. But is just to let you know that this is happening as we speak, and we are waiting for the Center to give us some guidance to the Council. We set aside some money for that study, and hopefully we'll be able to get some final answer by the next meeting in June, as to where we are going with this.

Shepherd Grimes: My recommendation, just relative to the accountability measures in this document; we need to add an alternative that requires paybacks for that averaging, is not something I am saying you have to go with, but it seems is a fairly reasonable option and something that we need to at least consider, and you would certainly want in the document when you go out to scoping.

Ruth Gomez: There is payback for overruns. What is there for under runs?

Roy Crabtree: I think in some cases you could make adjustments for overruns, but I think in this instance we are dealing with fisheries that are classified as undergoing overfishing that you probably could not add the under runs to the next year. I think in fisheries potentially where you are not overfished, is not undergoing overfishing, you might be able to justify something like that. But it really would depend on the rationale. If you could justify adding uncut fish back into the next year, and here is part of the problem with that, under runs sometimes will be a result of having fewer fish in the water then you thought of, and it may mean things are

even worst than you thought. And then if you add the over run into the next year's ACL, you potentially make the whole thing worst. Because I've seen in many cases where the catches fell, then we got a stock assessment the next year to found out, yes, the catches fell because the stock declined. And so in a case like that, adding that under run in wouldn't really be justified. So if you can come up with some rationale for what it makes sense, there nothing I don't believe in the Act, or the guidelines that preclude you from doing it. But I think it is a tough argument to make.

Eugenio Piñeiro: Ok folks, what is the sense of the group. Do you want to go one by one? We have to move along with this.

Roy Crabtree: What we talked about in a minute ago was talking about some big picture topics, and then tomorrow when everyone has a hard copy we are going to come back and go through these things one by one, if that is what the folks want to do. I'll go anyway you want to do it.

Viridin Brown: Is my pleasure to introduce the Lt. Governor of the USVI, the Honorable Gregory Francis, who will say a few words to the Council members.

Lt. Governor Francis: Good afternoon. I would like to welcome the Council. I know is not their first time in St. Croix, but dealing with fishing is a very sensitive issue. I know you all have the task from Congress, is a mandate, and we have some of the fishermen here. I am familiar with the previous closures in the USVI, but I just wanted to let you all know that in terms of, I read through the package, I know there are several alternatives, but I just wanted to ... to the fishermen could be ... Those alternatives, to my understanding, are just recommendations. Is not written in stone, or is not a mandate that is going to be a closure. I just was introduced to the Council Chair. Am I right when I said is considered as alternatives and not a mandate? Is it?

Roy Crabtree: The mandate that we have is that we have to establish annual catch limits for these fisheries by 2010. So the document is different ways to do that, and the Council has to select which way they want to use. So the mandate is annual catch limits, but how you get there, the Council has a lot of discretion on it.

Lt. Governor Francis: And at the same time I guess you are receiving input from the local fisheries, in this consideration?

Roy Crabtree: We will be getting input from the fishermen when we go out to the scoping hearings. And I believe we are going to have some public comments this afternoon, and each afternoon at this meeting.

Lt. Governor Francis: Ok. See the reason I am asking these questions is because we have to consider the factor, I am not into fishing, but from what I saw in the proposal and the mandate, is going to cause a hardship in the USVI. Like I said, the sudden consideration we have to take into place, and money is normally an issue, but I just want to mention to the fishermen, if what we see in here, again is not cast in stone, but I can tell you from my experience is going to create a hardship. The fishermen have families to provide for, and the reason I am asking this question I am making a recommendation, and is something that has to come during the process, when it reach to the point for alternatives and consideration, and I am going to put it on record today, if it is going to create a hardship, we are going to recommend whether the USVI be considered a hardship area, or a disaster area, because some type of funding will have to be made part of the hardship that is going to be created by these closures. Again, fishermen, I am not saying it is going to happen? It would be a request or something to be considered. Is that fair?

Roy Crabtree: Yes Sir, and there are procedures for a Governor to go through requesting disasters, and we can help you with that when the time comes, if it comes.

Lt. Governor Francis: Ok. Good. I just wanted to let the fishermen know that is not to say that what is being discussed today is already crossed and concrete, it is discussion, and we have to look at all the alternatives. And that is all I want to say. Let's share ideas, but I want for us to work in harmony. I guess the fishermen and the local DPNR Fish and Wildlife, more than likely they have their studies also. And all I am saying to the Council is let's have a neutral zone.

Roy Crabtree: All right. So where we , what I got with the general issues is that you are interested in looking at islands specific ACLs, but you also wanted to add one general ACL for the larger Caribbean, and that's been talked about. And we talked a little bit about the accountability mechanisms, and one suggestion was that we needed to add a payback on the alternatives in there, so Jason will do that. Now, the other issue that we have is the lack of recreational catch estimates toward at least the USVI, and how you want to handle that, and I think the way we got the document structured there alternatives that would just set up a general ACL and based on the commercial catches, and then if it let us to shortening the season then that shortening would flat everybody; recreational and commercial. That is one way to handle it. The only other way I could think of is to take Puerto Rico recreational catch estimates and try to adjust them and apply them to the USVI, but I think we'd run into a lot of problems. Ok, so, what we are looking at then in the USVI is essentially just the commercial. We are going to set an ACL that matches the commercial catches, and then if that triggers an accountability it will apply to everybody; commercial and recreational. And I think with this Council almost every measure we have, seasonal closures and closed areas, all of them apply to recreational and commercial fishermen, so that is consistent with how we've kind of done things in the past. Anybody have any?

Eugenio Piñeiro: I have been very vocal about this issue for many years, especially in Puerto Rico where we have hundreds, 200,000 recreational fishers. Some of them fish in lakes and rivers, but the situation that we have is that most of the fish, the pie, is not commercial anymore. Fifty years ago there were no recreational fishers, no marinas, nothing like that. Now, the recreational sector has, is enormous. We have more than 60,000 recreational vessels. That does not mean that all of them fish, some of them do it once a year or twice a year, but we are grossly outnumbered. The consequence that has is that our recreational friends don't have accountability and that is a problem. That is a problem because we don't know exactly what is being removed from the resource. And that is a problem because they compete with commercial fishermen when they go to sell their catch to the public, and it is an issue that we have to factor in. In Puerto Rico this year we are going to start issuing the recreational fishing permits, hopefully. And by 2010, in the US everybody is going to have to have a register for recreational angler. But this is a far more serious threat to commercial fishermen than anything else. I mean, the consequences are immense. The numbers are going to keep growing and growing. Everybody wants to have a piece of the tropic. The problem is not DNR, no, no, the problem is that there are too many recreational fishers, anglers, and they have no accountability whatsoever, and is a David versus Goliath battle, and we need the help from both state governments; the USVI and Puerto Rico Governments to put an end to this. If we don't do that, they are going to outnumber us and it is going to be too late. So we have to take this very seriously, the recreational issue and the, into the accountability measures. We have to be very serious about that. There is nothing more frustrating than going to sell a fish to support the family, and have someone who has sold the same fish for half the price. Is not funny. And we have to tackle this issue, because sooner or later it is going to affect the three islands. So I would suggest a great deal of caution and seriousness when we deal with this recreational issue.

Roy Crabtree: And I think Geño, in Puerto Rico you could set up commercial ACL, annual catch limit, and a recreational annual catch limit, and handle it separately, because you do have recreational catch ... in Puerto Rico. And then, the other thing is just be aware that there is the rule language out to require federal registration everywhere, and I don't know if there are any plans in the USVI now for a recreational fishing license. I think Puerto Rico does have plans for it, but in the absence of a territorial fishing license there, there will likely be a

federal registration requirement for recreational vessels in the USVI, and we are talking to headquarters about trying to get the recreational survey extended into the USVI, so that we have it to track the ACLs, and hope that will help us out at some point down the road.

Miguel García: For the record, the new Secretary of PRDNER has not been concerned yet, but I had a conversation with him and he said that he is ready and he is going to be very supportive for the recreational license to sign that as soon as he has the opportunity, different from the past administration. And second, we are getting some recreational data from anglers, and I don't see that data being used, it is very lightly in these meetings anyway. I want to add that the new administration is willing to go ahead with the recreational license and the anglers. We have at least one ... we are gathering data from marine anglers in Puerto Rico, recreationals. I don't see that data is being used at all in these meetings. I don't know why is that.

Roy Crabtree: Those recreational landings are used in putting the other catch landings for Puerto Rico in the document. So we are using it.

Graciela García-Moliner: Recreational data sets from the MRFFS have been looked at specifically at all the SEDARs and for the SFA document that we prepared in 2005. One of the issues with the recreational data sets for Puerto Rico is that it is very short terms still, 2000-2007. The second issue is that most of the landings are reported in numbers and there are conversion factors to estimate the weigh of the fish that are reported, and the errors associated with that are large. The species that we have considered that are undergoing overfishing and are overfished have very small sample sizes that can be looked at in terms of the changes in the length composition of the species, but they do give you an estimate of what is going on, so for example, the average catch of the silk snapper alone is over 70,000 pounds per year since 2007. So they are being considered, and they are part of the record. One of the issues is the large error in the estimation.

Miguel García: That ... about the ... getting that data is conducted under our administration and is something that we can do to improve the data collection, you know, we are more than welcome to participate and ...

Miguel Rolón: The issue on AMs, regarding the recreational versus commercial was addressed indirectly by some of the fishers in Puerto Rico in March 2008 I guess it was, and they asked the Council and the local governments to assist in the limited access program for the, at least for the deep water snapper fishery in the west coast of Puerto Rico, and we have an Adhoc meeting here. Also in the case of the USVI there is some interest, especially from the St. Thomas Fishery Association, and the St. Croix Fishermen Association also, at least I talked to Eddie to look at the possibility of a limited entry program for the fisheries. What is your stake on this? Do you think that is something that the Government of Puerto Rico is interested, and also think or questioned to do, so we can set aside some time and money to discuss at least? We have some funds for starting that brain storming discussion.

Miguel García: In fact, last week I had this conversation with the new Secretary, and specifically mentioned about the possibility of the limited entry for the deep water fishing, and he is, basically without more information of course, he explained that everything that comes from the constituents, from the fishers, from the users, he is going to be very happy about it and supportive. That is what he said.

Ruth Gomez: I think the way things typically function in the USVI is, recommendations come from the user groups, and the Commissioner of Planning and Natural Resources actually makes the recommendation to the Governor. And this particular Commissioner weigh very heavily on the recommendations that come from his fishermen advisory committees. So I think when we start talking about limited entry, whatever form, fashion, we are going to come up with it. Last night was a good example of all the stakeholders, government, state and federal, getting together to come up with possible solutions to this reduction, limited entry. I think the fact that

the fishermen themselves, the actual stakeholders, you know, the people that are out there whose livelihood depend a hundred percent on the fishery, they have come up, and they have made great stride in coming up with what they think is a doable thing, or doable plan to try an start this reduction. And I think it would be great if we could get that from them in some sort of letter, some sort of form or fashion, that way it can be passed on to Fish and Wildlife and then go through the proper procedure. But I would tell you right now, the Commissioner of Planning and Natural Resources will not, will not even look at anything unless it has the blessing of the stakeholders.

Eugenio Piñero: To that point, I consider that in the measure that the stakeholders get involved in this, what you are going to have out there, along with the limited entry, is people who know the fisheries and protect the environment, because they live from that. The only way that you can protect the environment is if you know and you love what you have. And once you know and you love what you have, then is the human curiosity to learn and to experience and to get involved in CRPs and other type of projects that at the end of the day they are very good for the stocks and very good for the environment, and very good for the soul of the people who learn and understand what they have. So I think that would give great benefit, Roy, to start moving in that direction.

Roy Crabtree: I think limited entry is needed down here, and we ought to work on it. And I also think we ought to look at a trap certificate program, and trap tags, and to limits on numbers of traps. And tomorrow, as we go through this ACL document, you'll see there are some permitting options. Jason went through this very quickly, but they are just to require permits to get counts of people, not really limited entry. If you want to do limited entry I would make a couple of suggestions; one would be to set up an adhoc advisory panel, where we could pull together folks from the different islands to work on putting together a proposal for developing a limited entry program, and that way you get the fishermen involved in designing a program. We've done that in other situations with councils that I've been involved in. And the other thing I think you can do, is to ask for what is called a control date, and essentially what that means is you send a letter, the Council would need to pass a motion requesting a control date, and what a control date is, is essentially you are going to say that you are considering limited entry, and any fisherman who is not, can't demonstrate that he is already in the fishery, through landings or something along those lines, by whatever date you set it, which could be tomorrow or whatever when you pass the motion, they may not be allowed to continue in the fishery, and so that way, as you develop the limited entry program, you've notified anybody new who gets into the fishery that they may not be in, and then you can come in and say, all right, we are going to look at who has landings, or who's fished fish traps or whatever, and we are only going to look up to whatever March 24, today, and you have to show that you had landings over some period, otherwise you are not in. And that keeps people from finding out, you know, what could happen if people find out you are talking about limited entry, and all of a sudden everybody jumps into the fishery. And if we set up an open access permit, some of the fishermen are concerned that people will jump into the fishery, because they think they can get a permit, but if you do the control date, you've notified them not to do that, and they can still do it, but they are doing it at their own risk, and then they may not be allowed to then continue into the fishery. So I think those are the two things that you can do in order to develop it; a control date, and then an advisory panel that has some fishermen on it, and maybe some other folks that you want on there to work on designing the program. And I think that is something worth having discussion on.

Ruth Gomez: We are in favor of the control date.

Miguel Rolón: Mr. Chairman, if I may. The motion for the control date is kind of an easy thing to draft on the screen, and then you can vote yes or no on that one. Roy mentioned the advisory panel. We have in our SOPPs, you know, the working groups, the charters or subset of the advisory panel that we can appoint tomorrow.

Roy Crabtree: I mean, you can set up a working group, but essentially you are setting up an advisory panel. And part of the problem, and this came up in the discussion last night, there was some sense that some of the fishermen wanted to work directly with me and the Fishery Service to put together a limited entry program. We can't do that. That is against the law. Is a violation of the Federal Advisory Committee Act, but the councils are exempt from that. The councils' advisory panels are exempt from it. So the proper way for the fishermen to advise us and to help develop this thing is to set up an advisory panel and pull together fishermen. And it can't just be fishermen from one island. It is going to have to be folks from all three areas, and everyone is going to have to be, and probably it ought to have some people who aren't fishermen on it. And that is up to you. You guys know the folks and know the fishermen, and you are going to have to figure out who you want on it.

Eugenio Piñero: While we finish passing the motion, I'd like to address a second the fishermen and tell them this; we have been with closed seasons, minimum size, regulations of all sorts of kind. Fuel went up to four or five dollars a gallon. If we don't get our act together, when the fishery, when overfishing ends and there is a lot of fish in there, you can bet whatever you have in your pockets that a bunch of people are going to try to jump into the fishery after you have had to go through the rough times with all these regulations. So some people are going to inherit your sacrifice and your sweat. So you guys should move swiftly, all the islands, all the islands should move swiftly to get on board in this initiative.

**Roy Crabtree: Mr. Chairman, I would make the following motion: that NMFS publish a control date notice, to announce that the Caribbean Council is considering implementing a limited entry system, including a limit on the number of traps an individual may use in every fishery managed by the Caribbean Council, and that control date is March 24, 2009. Limited access is fine, if that is what you had. You can leave a limited access system.**

**Viridin Brown: Second.**

Roy Crabtree: And if I could, let me just explain, this doesn't bind you to anything. This doesn't mean that you have to do limited entry, and it doesn't mean if you do you have to stand by this date. Is just setting up things for you, so that you can down the road if you want to do limited entry, and you can say if anybody jumps in the fishery after today, you know, they should have known better.

Winston Ledee: If Puerto Rico fishermen have traps in federal EEZ waters, and they don't want to have this regulation against them so they can move up their traps in the EEZ waters off ...

Roy Crabtree: Well, you'll have to figure that out when you get to the specifics of the limited entry program. As I said, this isn't binding you to anything. You are just notifying fishermen that anyone who gets in after today may not be allowed to continue in the fishery. So anyone who comes in right now after this publishes and buys a thousand traps to jump into the fishery is doing that at his own peril and he may be told he is out. But how you are going to structure the limited entry, I mean, that is going to be worked with this advisory panel, and then at the end the Council has to make those decisions.

**Roll call vote: Miguel García, yes; Winston Ledee, yes; Ruth Gomez, yes; Viridin Brown, yes; Roy Crabtree, yes; Eugenio Piñero, yes. Marcos Hanke is absent. The motion carries.**

Presentation by David Olsen included under Attachment F.

**Tape 4(b)**

Viridin Brown: The next speaker is Edward Schuster.

Edward Schuster: I just want to clarify a couple of things. When this conch issue came about, earlier today, when it was all heated, I wanted the Council to know, or the members of the Council to understand there was a point in time when the conch was exported from St. Croix. And when I say exported there was a buyer interested into it because the supply where he got it from was cut off. This conch, or what this created was duplication of this data, meaning if you have fishermen that are licensed, they are licensed to fish for the species of conch, but you also have people that are not fishermen, they obtain a fishing license, and what they do is that they duplicate the data in order to meet the mandate of Fish and Wildlife. What I am trying to say in so many words is that if this person or a specific person caught or bought conch from three individuals, a random number out of my head is 10,000 pounds for that months. Those 10,000 pounds would be duplicated on his catch reports, and this is where that overfishing came about at that one year, when it exceeded two hundred and something thousand pounds. The St. Croix Commercial Fishermen's Association has tried three different times to have a conch study done here. The... with that is that we don't have the expertise. We asked Dr. Olsen to take part in it, and because of the differences of specific individuals, NMFS, and whatever, it was never granted or warranted to our Association. And ... today to sit here and listen to Barbara, and I hate to bash on you, I did I to the FAC, and my very outspoken persons, it's nothing personal, but I am going to tell you this; you are in a position, and I credited you eight years, and learned today its fourteen years that you were in that position. Ten years, you were in a position at that point in Frenchman's Reef, to make a determination where I was present, Tom Daley was present, Carlos Farchetti was present, and I specifically told you, Barbara, do not close the mutton snapper from shoreline to two hundred miles, because you do not know exactly what the status is of that spawning aggregation. Hearing out what you heard, you still went ahead, and the reason for closing it is because you told us we don't have proper enforcement to do it. And it is so ironic, today you come back as an independent study, not ... or affiliated in no way with the Association, then you get a study to do an evaluation of the mutton snapper, which you never contacted nobody from our association until a couple of week ago. And I don't understand how NMFS, if you are setting such a precedent in this Council of doing such a study an association where you represent over a hundred plus fishermen, how can NMFS refuse us, and you, not affiliated with any group or association gets the study to be done. And after you get it then you want to involve the fishermen, and I think it is wrong. I think you have a whole bunch of fishermen near that are upset with this, because they are the ones that fish it. We know the fishery. And this happened in a SEDAR meeting in Puerto Rico back, I can't remember the date, where we had to run to WalMart, and we had to go get a quarter pound spool swivel line, everything that they had submitted was wrong, the fish in the wrong depth, the wrong moon, the wrong current, everything was wrong. And they don't want this same thing to happen back again here in St. Croix with insufficient data, where we have a fish or catch report that is being collected for years, over 25 years, and because there is a monthly use, or monthly gear use entered for that one date you threw it ... It's crazy, we don't target that species. You have divers here in this room today, if they go for conch and the see lobster, they catch lobster. The study being done here, we have told you Gerson and I have attended, Julian and Jimmy, daily. You are doing this thing without the stakeholders. We have the expertise. Include us into the equation so we could have a sum. If you don't do it, you are looking in the wrong place.

Viridin Brown: Eddie, let me ask you to conclude your thoughts. You have an additional five minutes.

Edward Schuster: Listen, to do this whole studying, you know what have changed things, the hurricanes. The conch are no longer in the grass beds, they use it for transit. That's the only secret I am going to reveal to you tonight. As for my fellow fishermen, don't kill me out there when I get out the door. But don't kill the messenger, but I am telling you, it has changed, and it has changed since the hurricanes. You cannot look for them in the grass beds. They are no longer there. We don't know what it is. We know where they are, and ... do this study, we are going to show you where they are, but you guys gotta ... when you are done with them, because you are not going to close these areas again. We have asked for this many times; let's do a total analysis of our shelf, and after you do it, then you could determine ... You guys are the ones creating

overfishing, you close it and you are forcing us into a smaller group, you are pushing and pushing us. Thank you.

Gerson Martinez: Good afternoon. My name is Gerson Martínez. I am a local fisherman. I am going to just read my thoughts that I wrote today. I hope that in the future when you guys get money so entities, the Fish and Wildlife get information to establish these kinds of regulations you give them a format of how to get this information so we don't throw away money and 25 years of data collection like we've done here this afternoon. When you step and make regulations and close down large areas to protect spawning aggregations and not follow up on what you have been doing, you will ask yourselves what has been going on that the groupers don't show up in the port samples no more. If you close down an area of a spawning aggregation of groupers you will not see them in your monthly catch reports no more, or in your trip tickets because they are shut down, so you need to follow up when you put entities to close down areas, you need to follow up with what is going on, and this is why you don't see groupers or snappers in abundance as before, because you have area closures, restriction on gears and stuff like that. This question that happens, ok, I said that already, I hope that in this next boat registration you can give Fish and Wildlife the information that you need and how you want them to collect our monthly catch reports. For instance, we are putting all the species of snapper in one column, if you want this... Fish and Wildlife with Mr. Tobias... and how you want it done, so the fishermen don't have this problem any longer. I hope that when you come to ACLs on conch you can use our 50,000 conch quarters and our log that are being used by now in our state waters. When you say that word that Mr. Crabtree loves to say close, close, close, which you believe is the solution for everything that is being talked here, consider that because of the lack of communication and for the manner of urgency that's in which this proposal, this process is being done, fishermen's future is in danger, and we are a law abiding community of fishermen that is being forced out of the sea with excuses of researches that don't know what they are doing, and our, these species that are going overfishing, like groupers, and snappers and bluefish, you still are thinking today that they are being overfished, when we have seasonal closures, and we have the gillnets, the gillnets were banned. The fishermen were catching 450,000 pounds of parrotfish, and that procedure is not longer being used, and still we are speaking here today that this fishery is being overfished. The snapper as a seasonal closure, they are closed from shoreline to 200 miles for three months out of the year when they are spawning, so that means no fisherman can touch none of the snappers on the area. How can this fishery still be overfished? I don't understand. If we have quotas set for conch, annual catch limits, we have quotas, we have bag limits on conch. How can they still be overfished? I don't understand how can you be setting regulations after regulation, after regulation and you are still sitting here trying to force down our throats that these fisheries are being overfished. We are people that no matter how ...

Viridin Brown: Excuse me. You have reached your time, but you have something to say. I just wanted to know if someone else...

Gerson Martínez: I heard in the past Mr. Crabtree stated that he doesn't ... with state commerce. And I consider the Virgin Islanders fishermen of commerce. We catch 1.2 million pounds a year, which averages, and that money would stay in the USVI, which is six million dollars that are made by fishermen and stays in our community and is being used over and over. And if you submit these large area closures and we get cut by half, our community is going to suffer because people are going to be eating more chicken and more red meat, and that money is going to leave our Island and our communities are going to be suffering even more. Right now, I don't know what to say but I've spilled my guts in the last meetings in Puerto Rico and St. Thomas, and stated my personal opinion and how I believe that this should happen, and I also involved the fishermen, and still even though you have been involving the fishermen in these meetings, you had us here trying to take notes during the day to try to say everything that we have in our minds in five minutes, and I believe that is not fair. But I hope that when you consider these proposals that you showed us today, which are very scary to me, that you think that we have bills to pay too, and families to support. That's all I have to say.

Julian Magras: Good Afternoon. Julian Magras, Chairman of the St. Thomas Fishermen's Association. ...be addressed by NMFS and the Council. If we have collected 35 years of data for the USVI, why have you wait until today or within the last couple of months to say that this data cannot be used. Didn't you guys know 20 years ago, ten years ago, five years ago, that this data was not being collected the proper way to be used to come up with these ACLs or any overfishing issues for the USVI. The SFA was put into place by Puerto Rican data for the USVI, and I think that was one of the biggest discriminations that ever took place, and I respect Puerto Rican fishermen very much, and I congratulate them, because between them and the government they work very closely and we are trying to get that movement with our local government. But it is so sad to see that we are here today, and our data that has been collected, I've been fishing for 21 years, and I've been sending out these reports; maybe I should stop filling them all, and then you guys come up with a plan and what needs to be collected, because all what I am doing is in vain, is not being used. I went to the SEDAR meeting, I went to the ACLG meeting, I was there for one day in the SSC meeting, and we looked at several numbers for the USVI. Something needs to be done with these numbers. These scenarios that were proposed, we looked at them at the ACLG, the SSC looked at them. I think we need to ... at all of those scenarios, and we need to actually look at the numbers that are there. If we don't have the correct data that you guys want, well let's use an average ... of the years that we have, which was decided that that's what we were going to do in august of 2008, and then you guys create the correct data collection sheet that you need, and revisit it in a year from now, as we start to collect that data. The SFA is putting all of these seasonal closures for the USVI, Puerto Rico, St. Croix, everything, and no studies have been done to see if overfishing is still going on. It hasn't been revisited since. We have all of these things, some of this data to see if we can take some of these species out of overfishing. I am going to use the parrotfish as an example. There was an issue on St. Croix because of the gill nets, but St. Thomas had to suffer, Puerto Rico had to suffer that this species is an overfished species. Well, the gillnet ban went into effect. Let's look at the numbers. This species should no longer be in the list of overfishing. The deep-water snappers of St. Thomas, we don't have a fishery there. We have two guys that go out three months out of the year, and maybe land five or six thousand pounds, I don't know the exact number. NMFS has the numbers. That fish should never be on the overfishing list. Then let's look at the grouper units. They got the yellowfin grouper. You closed my spawning aggregation bank, and I was one of the only ones that used to fish it. Now it has been closed from 2003, by an emergency closure put in place by the CFMC. Rick Nemeth has been doing studies. He is going to give a presentation here on Thursday of how to fish them around, but let's hear about the numbers, how they are reproducing. That fish should no longer be on the overfishing species list because it is not landed for three months when it was more vulnerable for that time. There is one guy, Winston Ledee, a Council member, that he and his brother and a couple other fishermen would catch a few of them after the season opens back up. We catch very few, but that fish is still listed in the overfishing species. Then we look at the conch, and the conch ... from Toby Tobias. One thousand pounds for St. Thomas, but we have it on the overfishing list. Don't you guys see a problem with that? We need to sit down and look at these numbers over and over again. You know we had ... down here for a long time doing a socio-economic impact study. ... just recently, and he said that his bosses won't even finish to produce a final report. I think that needs to be addressed. And right now we have the Senators of the USVI addressing it and they want a final report out of that study. NMFS paid a lot of money for him to come down here and do that study, and the final report needs to come. It needs to come so we can see what the final report is. Also recreational information for the USVI, it was also said at the ACLG meeting during the discussion that there is no recreational data for the USVI, and it was recommended that for St. Thomas, that we take the OFL and increase it by 10% to compensate for the recreational fishery, and then put the rules and the permits in place for the recreational fishery, and then revisit it in a year to see if the 10% is compatible with what they are reporting for that year that was collected, and then set the ACLs to include the recreational. But you can't punish the local commercial fishermen for recreational fishing. The federal permit, I have an issue with the federal permit. I think it is an excellent idea, but to set the ACLs for the EEZ with a federal permit it means to go open up to everybody, and those commercial fishermen who are fishing in that area right now can be impacted by other people coming in because there's no permit in

place right now. So we can decide this week that a hundred thousand pounds is what is the set limit, using that as an example for the federal EEZ, then out of a sudden they get 20 or 30 more people that get federal permits and then that 30 thousand pounds is gone like that. Who is suffering? the users who are using it right now. So I think that needs to be looked at a little bit more. And if you want all the fishermen to ... we have a very good solution; we could give you guys all the waters. Give each one of the fisherman one million dollars, and we'll give you all of our boats and everything, and we'll stop fishing.

Tom Daley: Good evening. Tom Daley, fisherman, and I am also Vice Chairman of the Advisory Committee. I must say I suppose the Puerto Rican fishermen and what they are doing for their fishery have also ... but I am from St. Croix so I am going to speak about St. Croix. What is St. Croix? St. Croix is a sea mountain. And it must be remembered the ... for St. Croix to see what I am talking about. From the southwest corner of St. Croix, all the way around to where the monument is there is absolutely no fishing, because we have no shoreline. From east of the monument there is Lang Bank. You cannot have St. Croix without Lang Bank, and don't worry Mr. Crabtree, no matter what you do you are going to have to put a police stationed at Lang Bank if you want to close it. I am saying here I have been a member of the Advisory Committee since 1971, and ... what we have done is we have managed St. Croix shelf together with Lang Bank, because we have nothing else. And I'll explain to you why we don't have anything else. Lang Bank, as we know it is the only thing that St. Croix has. So when every fisherman goes out, they go deep. So we manage ... That three and a half inch carapace that we have for lobster now was brought into use in the same advisory committee that we have. It was adopted by, Mr. Rolón will remember it, it was adopted by Mr. Rolón, and it now stands all over Puerto Rico and the USVI. We solved also overfishing with the gillnets because it became a problem, and what causes that was the hurricanes that hit St. Croix with anger. FEMA came in here and went through the damage, and FEMA lends the money, homes and everything were involved, and nobody, that money that was involved with your home as collateral was used, that... next year, all that money that you had spent because the ... it was ... by the next hurricane, because we had several of them in a row. By the next year all that money was finished...the fishermen of St. Croix, just for survival only, turned to gillnets, which was ... yet by the Federal Government because our hurricane situation was ... gillnets were more productive and all of that... as an advisory member we saw the danger and for four years the advisory tried to put together a plan to curtail the gillnet fishery. Finally it was done, and we did it. Here you are, instead of adopting what we have you are here now doing what you are doing. Mr. Rolón also could remember that in 1995, I was in Ponce. I followed the CFMC with my own money like I followed everything else. We closed down the mutton snapper fishery, exploited and to us in the Advisory group we thought it was being. We got together and we closed that mutton snapper spawning area to the southwest corner. To get this closed you know what was done? The area was even classified. It was closed under the federal government. I have to expose that because Lang Bank also was closed at the same time, and Lang Bank is closed the way it is closed for easy enforcement. It's not all of that area that was supposed to be closed, because is closed for one species, which should be a mile square, but for easy enforcement that was done, and the people of St. Croix sacrificed with it. We lived with it because it worked. Mutton snapper became the number one fish around. What the federal government do coming now and they close it all together for shoreline for three months. I am asking the federal government to do for St. Croix be a part, you are one of the stakeholders, because ...just in order to get Lang Bank, to get the whole of St. Croix we did that. It was the federal side of CFMC who was ... but yet St. Croix do appreciate the fact that it was a fifty thousand pounds and all of that together. What needs to happen? Lang Bank be looked at, and now that big area closure make it bigger, but instead open it, because of this reason, if you have more closures than we have on St. Croix what is happening is this, that you are sending every fisherman to one area, and when you go in there what's going to happen is you are going to kill the area, overfishing is going to be created, and those areas that have ... are never going to be able to replenish what they had, and then you are the ones that are going to be blamed for it. I am asking you to think wisely and be a part of our advisory panel. Thank you.

H. Chastane: Good evening. My name is E. Chastane, and I have been fishing in the USVI for about 41 years. We have a problem that needs to be addressed, and we need someone to answer the question. We have the Hess oil, I do not want to get out of context, but we have the Hess oil that already took three quarters of our area of fishing. Then we have the Marieta Plant, that's polluted with ... and other kinds of chemicals. We have Hess Oil with ... that is affecting our fishing industry, that kills the fishing reef, and we need somebody to do some survey on that before saying that is all the fishermen alone that are destroying the fish where it is overfished. We need the federal government to involve the run factory withdraw chemicals like ammonia and other chemicals from our water. And unless someone can give us some solution on that particular chemical that is being thrown in our waters, we as the fishermen of the USVI cannot be blamed for overfishing, because no one has made a survey to see the damage that these chemicals are doing in our waters. We are not the only ones that are actually utilizing all the waters, because the chemicals are utilizing some of our waters, and prevent us from fishing in certain areas. So we need people to overlook and oversight this thing.

Homer Kelly: Good afternoon. My name is Homer Kelly. I have been a fisherman for a very long time. I don't have too much to say about the closures, but I am talking about the gill nets. I was one that fished with gill nets around here, and now I am closed from the gill nets. When they closed the gill nets they ... between 9 fishermen about ... dollars for closure. I was the biggest paid out. I had to go back to ... (unable to understand the rest due to poor audio).

Viridin Brown: I want to thank each of you for your presentations. And it is the Council's responsibility to take your presentations, your thoughts into consideration in making any decision. I want to remind you that you will have further opportunities to make presentations before this meeting is over. We will adjourn and recess for the day and reconvene tomorrow morning at 9:00 o'clock.

**March 25, 2009**

**Tape 1(a)**

Eugenio Piñeiro: Good morning everyone. Today is Wednesday, March 25<sup>th</sup>, and we are going to start this meeting with a roll call. Two fishermen, one from St. Croix, one from St. Thomas, are going to be allowed to make comments straight to the point; and these are going to be Gerson Martínez and Julian Magras.

Jason Rueter: So we are going to go through each one of them step by step. Our first action as discussed yesterday is to amend the stock complexes in the reefish FMU, which you have in front of you, and we'll show the difference between what is currently in place in the reefish FMU, versus what is being proposed through the work of the ACLG, the SEDAR process, as well as the SSC. Again, the main points to look at are the movement of wenchman from the snapper unit 2 into the snapper unit 1, and the addition of cardinal snapper, and the other points are in grouper unit 4; the removal of yellow edge misty into a deeper water complex of yellow edge misty as a new group unit 5, and addition of black grouper into grouper unit 4. And the other is to remove Creole fish out of grouper unit 3, we don't see really any landings of Creole fish in any of the records that we have. The other part is to divide parrotfish into two separate units, pulling out the blue midnight rainbow, and there is blue midnight and rainbow, to create a separate parrot unit 2.

Roy Crabtree: Jason, what's the rationale for splitting the parrotfish out like this?

Jason Rueter: There was concern during the SSC discussions, I believe, about the vulnerability and the fisheries extinction of those three species. They used to be quite common in shallow waters and now they are simply not seen. So there is some rationale from the SSC for this division of those parrot fishes. They also have different life history characteristics, and they grow larger, live longer and become reproductively active later.

Roy Crabtree: If we split them out, what did the SSC suggest we do with the catch levels for those?

Jason Rueter: The catch levels for parrotfish unit 2 from the SSC would be zero. Prohibit the take of those three species.

Roy Crabtree: But they did give us a fishing level recommendation on that one.

Jason Rueter: Yes.

Roy Crabtree: And everyone needs to understand that the Council cannot exceed the fishing level recommendation that comes out of the SSC, so, in the report, they said no harvest of this. You pretty much have no alternative other than that.

Jason Rueter: I guess there is no other discussion. Moving on to action 2. What we are going is to touch base on this again. Species not in action include the Nassau grouper and then the queen conch off of St. Thomas/St. John and Puerto Rico. So there is just discussion, there'll be just discussion of the document explaining that there is already no take of those species, so Roy, no action needs to be taken on those.

Roy Crabtree: And so the reason for that is that the fisheries are closed, so we can argue that we already have an ACL, and it's zero for those. So all we really need to do in the document is to explain that Nassau grouper is closed, and queen conch in these areas is closed, unless there is some rationale you want to explore for opening those fisheries, then we really can make the case that what we've already done meets the requirements of the Act.

Eugenio Piñeiro: Jason, before we continue I want to ask, Viridin, did you propose that we vote after each of these actions? No? Ok.

Winston Ledee: Off of St. Thomas could be right outside my door. So it should say in the EEZ.

Roy Crabtree: He is right. I agree with him.

Jason Rueter: Queen conch off of St. Croix. Some alternatives include setting zero for the EEZ and state waters combined, looking at an average landing from 94 to 06, the ACL would include both state and federal water landings. Use the USVI quota of 50 thousand pounds, and that would include both the state and the federal waters landings, or set it to zero in the EEZ with 50 thousand pounds in state waters as recommended by the USVI Government.

Roy Crabtree: And so, what we need to talk about here is, does anyone else have any other ideas with it, or anything they want us to look at. And my concern right now is, I don't know what the rationale for the 50 thousand pounds is, and somewhere we are going to have to have a detailed rationale for what the scientific basis for the 50 thousand pounds is, and we are going to have to explain how that level of fishing is consistent with not allowing overfishing to take place, and we'll have to have that or we'll simply won't be able to go down that path. So I guess, Ruth, we are going to need something from the USVI in writing, I think, that can explain the rationale behind that quota, if the USVI's position is that that's what you would like to see put in place, and so that would be up to you.

Viridin Brown: Mr. Chairman, since you posed rather or not I wanted to make the motions, wouldn't it be more convenient for us to take action on each one of these items as we go through them? Or do we want to just wait and hear them first?

Eugenio Piñeiro: What is the wish of the Council members? Do you want to vote every time we finish an action, or do as we are doing now and then at the end of the day vote on the whole thing?

Roy Crabtree: I don't think we need to vote on each one of these. I think Council members just need to say, well make sure we understand what we are doing, and then if you see additional things you want in here you need to ask that we put them in. Or if you see any alternatives that are in here that you feel like it is unreasonable and don't warrant to be taken to scoping, you should say so. And then at the end I think we would just have a motion to go out to scoping process.

Gerson Martinez: The documents for the annual catch limit stating the year 1994-2006, states that an average poundage of 90,000 pounds was caught during those years. So I believe that 50,000 pounds is more than reasonable. We are losing there 40,000 pounds. So according to the document that we were talking yesterday that Mr. David Olsen prepared, and maybe he can elaborate on that, I think it was eighty something thousand pounds were overfishing would be established and went, still went down to 60,000 pounds, so I believe that you should collaborate with Mr. Olsen or Mr. Tobias and maybe they can give you the information for where that number came from.

Viridin Brown: Are you agreeing that that is between federal and territorial waters? These 50,000 pounds.

Gerson Martinez: Yes. Because that is what the state laws are right now. So I believe this should be both State and federal waters, the 50,000 pounds,

Jason Rueter: So moving on to action 3, parrotfish unit 1 and parrotfish unit 2, we've got the recommendation from the SSC to split the parrotfish unit apart. The first two alternatives are basically no action, and then for parrotfish unit 2, set the ACL equal to zero, and to not establish a State waters ACL, or set the ACL equal to zero in the EE Z and ask Puerto Rico and the USVI Governments to set their allowable catch for parrotfish unit 2 to zero, as well. For alternative 3, we get into Puerto Rico, parrotfish unit 1, again the zero is always in there, but alternative b is to look at the average landings for 1999 to 2006, 80,000 pounds just came out of the ACLG meeting in February. Alternative C is to look at an average years of 94 to 06, multiplied by and uncertainty scalar. This was essentially a recommendation that came out of the first ACLG meeting, where they looked at average landings for a longer time period multiplied by at the time what was the SFA scalar. In discussions with the Science Center, they are not comfortable with the SFA scalar, but they are comfortable with other scalars that had been used in other councils and for other fisheries. Now we get to the same type of set up for St. Thomas/St. John, using average landings from 99 to 06, which would get 50,000 pounds ACL, and for, is almost ... use that 94 to 06 time period again from the original set of meetings that we had. And then for St. Croix, zero, the average landings from 99 to 06, which was 250,000 pounds. Again that came out of the ACLG meeting in February. We can also look at average landings during 94 to 06, with the uncertainty scalar, and the other alternative was to look at pre gill nets, which was 1976 to 1990, and that was an 82,000 pounds average for that time period. And those are all of our alternatives for parrotfish that we have so far.

Viridin Brown: Can I ask a question here. It's been brought up by the fishermen, and you properly saw that we have banned the gill nets, what impact does that have on either one of these alternatives in terms of looking at the recovery of the parrotfish fishery?

Jason Rueter: The impact as far as what the number is going to be set up? Or how the fishery will recover?

Viridin Brown: How do you see it recovering, and then, are these numbers realistic in that regards? Or should we continue with it?

Jason Rueter: From discussions that we've had with some of St. Croix fishermen, the 250,000 pounds, they have a base on the average during the gill nets, the gill net was still in place during this time. They feel that now that the gill nets are no longer being fished, that most likely it would not get to that number, and it wouldn't reach the ACL, but they still would like to see that there because it is what they have in fact as landings during that time period. So it is a matter that is up to the Council. That is one of the reasons there are other members of the ACLG who want to see what the fishery was doing before gill nets were put into place, so you can see there is quite a difference between pre gill nets numbers, and during the gill nets fishery. You can also say that this average is quite a bit low. The most recent years, 05 and 06, I think the average is roughly about 400,000 pounds during those two years, so that is the reduction from the most recent years, which is the reason they set with a longer time period.

Viridin Brown: So the conclusion would be to leave the numbers as they are, and set the ACL, which the catch may be much lower than what we set, or the expectation is that it'd be much lower than what we set.

Jason Rueter: Oh yes.

Roy Crabtree: So what you are talking about Viridin would be to use the post net ban number, which was, what was it Jason?

Viridin Brown: 80,000, 82,000.

Roy Crabtree: That's the level of landings before they started using gill nets? So we've got rid of the gill nets now, so we would look at potentially using that number, and so this may be a case where what we did in the SFA amendment by eliminating the gill nets was sufficient to address the problem, so we are going back to where we were. But is that what you are saying Viridin? I am just trying to understand.

Viridin Brown: What I am leading to is, what would be your rationale number, and you actually stated that, and that is 82,000 pounds, going to what was the normal process of catching.

Roy Crabtree: Jason, do we have landings that we can look at since the gill nets were removed from the fishery? And I know, I think the Territory started enforcing the gill net ban about a year and a half or so ago. Do we have landings since then that are in here?

Jason Rueter: I don't think we do. We don't have those yet.

Todd Gedamke: Just one comment regarding using average landings for the early part of these time period, and that is that prior to 1983, the landings were not expanded. So the recommendations from the Center would be to use landings, if you were to look at the time period you would have to use landings post 1983.

Gerson Martinez: We need to take into consideration here that from the year 1976 to date, the population of these islands have been getting greater and greater, and the demand for this fish is more. So we cannot go under the average limit that was established by the years that were chosen. We had meetings in Puerto Rico to set ACLs, and the poundage that we came to work from the year 1999-2006, when they gave us 250,000 pounds that was after stopping using gill nets, which as is stated was 400,000 pounds. But that is something that we can still manage our fisheries and still have a livelihood for these fishermen. So I would go with sub alternative B,

which is the average landing during 1999 to 2006, of 250,000 pounds of parrotfish. And I don't know to find, I was looking but I don't see it there, it has to be for both federal and state waters.

Jason Rueter: Yes. It would have to be for state and federal waters. If we don't ... clearly there may be differences between state and federal in the alternative, the discussion would say is an overall ACL for the entire fishery.

Viridin Brown: Gerson, I just want to post the question to you again. In regard to the 82,000 pounds versus the 250, your position is that 250,000 pounds should be the upper limit, the allowable catch limit?

Gerson Martinez: That's correct.

Viridin Brown: And the method of catching you expect would be by what means?

Gerson Martinez: Except gill nets, I mean that is legal to both state and federal waters.

Edward Schuster: Can I ask something. Taking in consideration when the gill nets ban took place, the offer to supply the restaurants was increased because those net divers went into spear fishing. So that 82,000 pounds won't be an adequate number to supply the demand of the fish. It would need to be, that is why it is 50,000 pounds. But bearing in mind also there was not any fishing in the EEZ with gill nets that was all territorial waters, so that most of these landings came from territorial waters. There is no fishing in the EEZ with gill nets. At the time when gill nets were used it was at territorial waters, 400,000 pounds.

Roy Crabtree: So what I understand is that the gear that is mainly being used now is spear fishing? Of how are you catching it?

Edward Schuster: Spear and traps.

Roy Crabtree: How much of it is traps, and how much is with spear?

Edward Schuster: That is something that we can't answer ourselves, it has to come from the FW.

Roy Crabtree: Is all of the catch for the most part in the territorial waters still? Or is some of it coming from the EEZ now?

Gerson Martinez: Well about 50/50. But remember, the techniques used by the gillnetters can never be met by a spearfish. I don't think we are going to reach to that amount of fish, but we still have to protect and try to use the numbers that the ACL... used with the years from 1999 to 2006, to be a fair share.

Roy Crabtree: There is one issue I have to bring up, and that is the list of allowable gears in the regulations as to what is allowed, and commercial spear fishing I do not believe is an allowable gear in the Caribbean EEZ. And I am going to allow Shepherd to tell us what the allowable gears in the EEZ are.

Gerson Martinez: And do you have documents stating that law, or when was it written?

Roy Crabtree: Shepherd is looking for it right now.

Gerson Martinez: Because you guys keep bringing things from under the table that we are not aware of.

Shepherd Grimes: As of the Sustainable Fisheries Act, I believe, made it illegal to use gear that was not on the list of authorized gear for each respective fishery. And for the Caribbean shallow water reef fishery there is a long line and hook and line fishery that allows longline gear, hook and line gear, there is a trap pot fishery that allows traps and pots, the recreational fishery being authorized to use deep net, hand line, rod and reel, slurp gun, and spear, but spear is not listed as an allowable gear in the commercial shallow water reef fishery in the Caribbean EEZ. So there is a process in the regulations to have new gears authorized for use in the fishery, but right now, and ever since 1999, when that provision went into effect, it hasn't been an authorized gear.

Marcos Hanke: During this procedure, and recognized by the fishermen, the use of spear fishing as a substitute on their economy as a fishing gear used, I would like to see a discussion about it to see how we can add that to the commercial fishermen. Being a recreational fisherman, I think that the social impact of not using the gear for us is less than for the commercial fishermen. They depend much more on this than whatever recreational fishermen will. Is there anyway to add that gear to the list?

Shepherd Grimes: Well, yes. There is a process and is in the regulations, as Title 50 Part 600.747, which discusses if a gear is not on the list, then a person can request that the gear be added to the list, and it is simply a notice and comment process to the Federal Register, but it can be added to the list, is just you have to provide a 90 days advance notice to the Council, and then the Council will send a request to headquarters, they'll go through a rulemaking and it gets added to the list. But until it is on the list, it is illegal to use that gear.

Roy Crabtree: So the point is that right now spear fishing is an illegal gear in the EEZ. Now Shepherd, can the Council write a letter to the Fisheries Service requesting that this be added? I mean, if they pass a motion, can they write a letter to that effect?

Shepherd Grimes: Yes, I believe so. The process that is outlined in the regulation actually envisions somebody in the public coming forth and requesting the gear, writing a letter explaining the gear and how they want to use it, but that comes to the Council and the Council gets involved and comment on it and then the Secretary and NMFS will decide whether or not it could be allowed.

Roy Crabtree: Well I think the public is requesting it verbally right now. So if you all want to add this to the list of allowed gears, then you'll need to pass a motion requesting that, and the Council staff will need to draft a letter from the Chairman to me asking that this be added. But you are going to have to lay out a rationale, and you are going to have to explain how allowing a previously not allowed gear is Ok for stocks that are listed as undergoing overfishing, and I guess you could make an argument that this gear has been used, and that people weren't aware that it wasn't allowed, but then you are going to have to back that up with some analysis from some landings, and they are going to have to provide some rationale, and then we'll go forward with it. But we are likely looking at a six months process Shepherd?

Shepherd Grimes: At least 90 days anyway.

Viridin Brown: It seems to me the request is made, as you pointed out, verbally, and that the Council can entertain this issue. I would ask DPNR, Fish and Wildlife Division, to provide the information on catch information using spear fishing gear to harvest the parrotfish, and I would also be interested in knowing general locations, whether is in territorial waters or outside in the EEZ. I think all of that would be useful to the Council in making this case to the Secretary. If you want to hear a motion Mr. Chair I would.

Miguel Rolón: I believe what Roy is saying is we need, we have two components as Shepherd explained. The public is asking for the inclusion of this gear, we have the Division of Fish and Wildlife that can provide the information about the traditional use of this gear through the fisheries before and after we had these laws and

regulations implemented, and then the letter will incorporate the rational and it would be sent to Roy for proper action.

**Viridin Brown: Mr. Chair, I move that the Council request the Secretary to permit spear fishing in the commercial fisheries, as a part of the reefish fishery. So move.**

**Marcos Hanke: Second.**

Roy Crabtree: Miguel, when you write this to us, there's specific issues outlined in the regulation that you have to address all of these points, and I would encourage you that you see it with Shepherd and make sure that we address all of these issue.

Miguel Rolón: You are right. Then what we will do is we can correspond through email to make sure that we find the right way of doing this or writing this letter.

Shepherd Grimes: Part of the process is that the Council needs to make a determination on whether the gear would be considered detrimental to the conservation and management measures, and then eventually make a recommendation to the NMFS Regional Administrator, who would be Dr. Crabtree, obviously, and give reasons for the recommendation. I'd say, the regs outline a process where normally a member of the public would have to notify the Council via a return receipt, and that starts the clock on that 90 day period before they can use it, but at this point I think that you can probably forego that formality without any consequences; you obviously know what gear is, you are familiar with it. So if the Council today decides that you don't think it is detrimental to your conservation management measures, you've had that discussion, you've built that records, then go ahead and notify Dr. Crabtree, and they can start the process of considering whether they'll actually add it to the list.

Miguel Rolón: The other thing that we have to be very clear is that this is for fisheries but lobster.

Shepherd Grimes: Then I guess I have a question. You have, I mean listed in the fisheries where gears are authorized, you have spiny lobster, shallow water reefish, coral and reef resources, Caribbean pelagics, and then some non FMP related fisheries, but you are just talking about reefish, shallow water reefish only.

Viridin Brown: That is what my motion said. I hope it is written that way, but I said for reefish species. So that would exclude the spiny lobster. And other rationale, if I may Mr. Chair, is that we banned the gill nets, which reduces the take, and I think the take from gear fishing is probably far less than the gill nets.

Shepherd Grimes: I would recommend, just in terms of wording it, that the Council requests the Secretary to list spear as an authorized gear in the Caribbean shallow waters commercial reefish fishery.

**Viridin Brown: I move that the Council request the Secretary to list spear as an authorized gear in the Caribbean shallow water reefish commercial fishery. So move.**

**Marcos Hanke: Second.**

Julian Magras: Is this for the EEZ, or the territorial waters? That is my first question. And when you say shallow water reefish commercial fishery, what is considered shallow water? One to three feet? Three feet to 20 feet? What is the depth range? Because shallow water can, it needs to be identified so can understand exactly what you are talking about.

Eugenio Piñeiro: Less than a hundred fathoms.

Viridin Brown: One thing Mr. Chair, if I may, this is a representation of what the Council has authority over, and that is only the EEZ. But is the expectation that whatever is occurring within the territorial waters probably will continue under the Reefish Management Plan.

Roy Crabtree: I would just comment that I recommend to shallow waters only, because in the table that lists authorized gear it says shallow water reefish fishery. I have no idea why that terminology was used, but that is what is existing in here now, and I guess when the Fishery Service visits your request and they look at how the gears are listed in this table, I think it should probably be reorganized a little bit because this is not very clear. I mean, why it was organized the way it was, and it could be approved. But regardless of whether you include shallow water in the motion or not, it is going to be understood.

Miguel Rolón: The reason why shallow water came is because that is a unit that was identified by the NMFS when we wrote the Shallow Water Reefish FMP, and then the listing came out of that FMP.

Marcos Hanke: In terms of my petition and comments about including the use for the commercial gear there are two points I want to make sure, so we can develop a rationale for this idea, first of all I think that they do use the gear, is a traditional gear, and I really invite all the community of commercial fishermen to take also the responsibility because this gear can be very selective, and it can catch the fish of the valuable size for the market, and it depends on you guys for this to be workable on a long term period. And I think it is a good gear if it is well used, like the guys I believe use them, and I am totally in support for the guys to keep using and to be like a little substitute for the big impact that you guys have with the ban on the gill nets. That is my position.

Eugenio Piñeiro: I would like to add on that, that they are not using the gill nets anymore. This other fishing gear is important for them to harvest.

Roy Crabtree: What I get from this is that people have been using spearfish, and no one is aware that it was on the list. So while technically this is a new gear, it's really not a new gear in this fishery but a traditional gear that they have been using. And so I think you can argue, in terms of the conservation impact, that it is really not, I mean, gill netting was a new gear that came into the fishery, so I think you can make that argument.

Eugenio Piñeiro: Certainly is not an invasive species, it's been used, is less harmful than gill nets and to the environment.

Roy Crabtree: I certainly agree with you is not an invasive species.

Shepherd Grimes: Just to close the loop on that, I think the point was that you have overfishing in this fishery already, and so the question in the record you need to build would be how is it consistent with preventing overfishing in that fishery to allow a new gear to be listed. And the point is that it isn't a new gear, so there aren't going to be any additional impacts to species that are currently overfished or subject to overfishing. So in the end is a wash, is not going to result in more pressure on an already over exploited stock.

Marcos Hanke: Complement to his comment, to the point, is a pre specific to adult fish, this gear. It rarely impacts many juveniles.

Miguel Rolón: I just wanted to say that, I believe that we have enough rationale in the record for the letter, and also besides that is the gear that we are going to use get rid of the sea ... the big monster fish that is the lionfish. So Mr. Chairman, if you move with this then the other thing is that we will do this as soon as possible. As soon

as we get to the office we are going to send a draft letter to Shepherd, so he can tell us whether we are on the right track or not.

Roll call vote: Marcos Hanke, yes; Roy Crabtree, abstain; Viridin Brown, yes; Ruth Gomez, yes; Winston Ledee, yes; Miguel García, yes; Eugenio Piñeiro, yes. The motion carries. Six yes, one abstention.

Roy Crabtree: Is that basically all for parrotfish Jason?

Jason Rueter: That's all the alternatives we have. We have all the islands, so.

Roy Crabtree: The only thing I wanted to comment before we move on from parrotfish is, I think as we develop this document, there is a lot of literature out there about the declines in coral reefs and coral dying, and all those kinds of things, and I think there is a lot of information in the scientific literature that indicates parrotfish play a role in healthy reefs and those kinds of things. And as we go through this process in setting ACLs for parrot fish, we need to keep in mind that they are part of the ecosystem, and they have a lot to do with healthy coral reefs, and that probably justifies some conservative management for this, because I don't think anybody is going to benefit if we continue to see coral reefs, the loss of coral reefs throughout the Caribbean that we are seeing right now. So I have left you something that I think that staff needs to discuss in the document and everyone needs to keep in mind this week as we move forward.

Julian Magras: I would like Jason to ... on sub-alternative B for the parrotfish that didn't get a chance to speak for St. Thomas.

### **Tape 1(b)**

Julian Magras: ...more extensive than these years, and it showed that the parrotfish landing in St. Thomas was pretty much straight across the board. And I would like to recommend for St. Thomas than when the ACL is set, it is set at 70,000 pounds instead of 50,000 pounds, since there is no overfishing in the parrotfish for St. Thomas, and is sad to say that when the SFA we didn't use this data. This data is available and I have seen it myself. So I would like to see for St. Thomas that in alternative B that we increase from 50,000 to 70,000 pounds.

Miguel Rolón: Jason, what would be the best way to address that? Do we need another sub alternative, or can we just go ahead and change it right there and now?

Jason Rueter: We can do it either way, given that that recommendation came from the ACLG, I think we should probably keep the 50,000 pounds, and just simply add another one for 70,000, and then we can go with the rationale I guess based on the time period and the consistent nature of the fishery. So probably adding another alternative would be the simplest way to do it. We have more than three alternatives for St. Croix, so we can do that for St. Thomas as well.

Miguel Rolón: Because, Mr. Chairman, what we were thinking is that, let's Graciela and Jason, they are taking notes, so they can add another alternative where you can take in consideration what Julian just mentioned, and then we'll take it to the scoping process.

Roy Crabtree: What exactly would the alternative be, I mean, how would it read?

Jason Rueter: Well, something based on using the average landings or, I would have to look at the data to find some way to do it. I mean, there's a couple of years in here where it is close maybe, 50,000, so maybe we can

look at something like that or the ... of the fishery. I am not sure how we'll get to it, but we can come up with something.

Eugenio Piñeiro: Any opposition to that by any Council member? No? Ok, so we are going to instruct Graciela and Jason to proceed.

Jason Rueter: Now we are going to grouper unit 4, and catch limits for grouper unit 4. Again, we've got a zero, and then we have, in Puerto Rico we have two ways to look at the average landings. We have an average landings based on those species that are identified in the landings forms. That are identified as belonging to grouper unit 4, and that average would be 10,000 pounds, and again that is for state and federal waters. And then we have a 15,000 pound average for 94 to 2006, based on proportional landings, that's from species identified versus those species in the generic category labeled sea basses. So if you proportionally redistribute the sea basses landings into the appropriate species categories and add those as the grouper unit 4, you end up with 15,000 pounds. The next alternative is more along the lines of discussion to be as to see at where you establish the fishing levels catch for collecting the meanest data on the fishery, and that catch level would be established by the Science Center in cooperation with Puerto Rico for the purposes of scientific data collection. In St. Thomas and St. John, again is zero, relying on the data collection program, or use the average from 1994 to 2006, for all grouper species, because again, we don't have species specific information, or the other alternative is to use that time period and that average weigh and multiply it by an uncertainty scalar to account for any uncertainty that you may feel is in the data or on the ability to manage grouper unit 4 as part of a larger overall grouper species, and this idea is to prevent overfishing of the species that is, further overfishing or the species already undergoing overfishing because you can't get the species specific information you need to track that grouper unit itself. And for St. Croix it is the same set up basically on the alternative, and in the case of St. Croix the average from 1994 to 2006, was 32,000 pounds, and again that would be part of a larger grouper ACL, and you also have the alternative of using the scalar to account for any uncertainty that you may feel exist, and again, to be sure that you are managing the overfishing stocks within the larger grouper species complex. And those are the alternatives that we have so far for grouper unit 4.

Gerson Martinez: For St. Croix I would go for sub alternative B, is the average landings during 1994 to 2006, of grouper species 32,000 pounds, as part of the groupers ACL.

Roy Crabtree: And does everyone understand the uncertainty scalar that is essentially reducing things? Because we don't know with any certainty what the status of the stocks are. And if you read through the ACL guidelines, and there is a lot of information in there about that you should reduce catches based on the amount of uncertainty you may have. So that is something we are going to have to grapple with and we are going to have to, if we decide we are not going to do any reductions for uncertainty, we are going to have to offer some sort of rationale and explanation about why we aren't doing that at this point. But again, the main thing we need to do now is not worry about which alternatives we are going to chose, but just to make sure that we've got the range of things in there that you are comfortable with.

Julian Magras: Jason, can you bring up the grouper unit 4? Please bring up the species group? Ok, grouper unit 4, propose yellowfin, red tiger and black. Right now in the USVI, in St. Thomas there is a seasonal closure on the yellowfin grouper of three months. So I don't see, and that is from 200 miles to the shoreline. I don't see why this group should be in the endangered species anymore, should be considered overfished or anything. You know, we have it in place now. The Grammanik Bank has been in place from 2003, on an emergency closure, and then it went in to the SSC, and it was passed where, that is closed every year during it's spawning time in both territorial and federal waters for three months, and by the time that three months are over, those fishes are spread back out to the areas where they come due to the spawning aggregation site, and there is very little landing for the rest of the year for that species. The red tiger and black groupers, we don't catch them.

They are poisonous in St. Thomas. So I feel strongly that, you know, we need to revisit this as being an overfished stock for St. Thomas. It should come out of the overfished group, because of what mechanisms were put into place, and Dr. Nemeth is here, and he's been studying that bank for a few years and he has an excellent presentation to give tomorrow, showing how the fish move around and so forth. We haven't gotten a full report of how many fish are on the bank yet, but they are not being landed anymore. So we need to take that into consideration when we are looking at the alternatives for St. Thomas for this grouper unit 4.

Roy Crabtree: Julian, which species is that you are saying that is toxic, yellowfin?

Julian Magras: The red eye, the tiger and the black. Of all these ones that used to be harvested all year round was really the yellowfin grouper, and because of the Grammanik Bank closure, the only time we catch it is for the other nine months of the year, and it's very ... catch, only a couple of the fishermen catch a few of them throughout the year, because they are spread out so much along the shelf, only when you are actually fishing on the shelf, all the way out by the draft, along the edge, is where you catch them.

Roy Crabtree: Mostly you catch them up with the traps?

Julian Magras: Yes. When we used to fish in the Grammanik Bank we used to fish them by line. I was one of the main fishermen that fished that bank. So, I don't catch them anymore, I may see one the entire year in my traps. We don't fish on the shelf.

Roy Crabtree: So when you could fish in Grammanik Bank you were fishing on the spawning aggregation with hook and line, but otherwise you used traps?

Julian Magras: When we used to be able to fish, and we used to fish in the spawning aggregation, with hook and line during that three months period. And even with this closure now in effect, after the three months the ruling is you can't use any bottom gear, so there are not traps set in that area also after is opened up.

Miguel Garcia: I was discussing with Aida, we are not sure why we want to be putting the red, the tiger and black in that unit 4.

Jason Rueter: Why they are going under there? We developed this with, the current existing grouper unit was established in the SFA amendment, and in the ACLG, working with fishermen discussing their fishing patterns and behavior and things like that and the catches, as well as some analysis that were run, those species are generally seen together in landings and in various habitats, they are said to be shallow water groupers essentially, versus the yellow edge and misty, which are much deeper species. So it was said by the fishermen as well as the analysis that were run that this is the better grouping to take these two species at and leave this as it is essentially.

Miguel Garcia: Mr. Chairman, with your permission I would let Aida to address this point.

Aida Rosario: We have been discussing the tiger grouper yesterday, and it was disclosed that there is not a fisheries in Puerto Rico for the tiger grouper. So how come it is in a group that is considered overfished since it is not caught. The other thing is, the red grouper is not, and the black, is not a direct fisheries that I know in Puerto Rico that catches these two species. So probably the believe of representation in the catch reports is due to the fact that they are not caught, not that they are overfished. On the other hand, the yellowfin might be a very exploited species in Puerto Rico; but the other three groupers, I don't think so.

Roy Crabtree: I think Aida when we put this group together in the SFA amendment we based the determination of the status of the group on yellowfin groupers, so that was kind of used as the indicator species, because that was the one, like you said, we have most of the information on, and the feeling was that that species was in trouble.

Aida Rosario: Then probably what we need to do is, instead of use the proposed grouper definition is just leave the yellowfin as the proposed overfished species there, and the other ones move them into other categories, because what is the point of having several species that are not currently overfished be managed this way?

Roy Crabtree: Well the point is that if you start breaking up species groups, then you are going to have to establish ACLs for every individual species, because you are going to have to have an ACL, if you break this up, then you'll have to have an ACL for tiger grouper, and an ACL for black grouper, and an ACL for red grouper, and the reason we grouped all these in the SFA amendment was to avoid having that kind of situation. So if there is no one targeting them or fishing for them, maybe you can make the case they ought to be taken out of the fishery management plan, I don't know, but I would advise you against starting to break these groups all up, because if you do you are going to end up with hundred different ACLs, and I think that is going to be very confusing and very difficult to manage.

Aida Rosario: To the point Mr. Chair, the ACLs are supposed to be in this moment defined for overfished stocks, and we are saying here that there are some of those groups that are not being caught, therefore, there is not a fishery for them, they are not overfished, you do not have to have them in those groups to define the ACL.

Roy Crabtree: Well, again I point out, if there is not fishery, they ought not be in your fishery management plan to begin with. And so if that is really the case, then you ought to either take them out of the FMP, or you ought to argue to classify them as ecosystem species, and I am fine with that. But, we are talking right now about overfished species, but remember by 2011 we have to have ACLs in place for everything. So as soon as we get done with the amendment we are talking about now, we are going to turn right around and go through all of this again for everything else. And so, I would advice you either to keep this grouping together, or if you have species in here that you don't think have fisheries, and there are no landings, then we could potentially make them ecosystem species, or look at removing them from the FMP, but I would not recommend to start breaking these groupings apart.

Shepherd Grimes: I guess I would add just in terms of the groupings, you've classified these stocks as groups or units based on some rationale, and I believe Jason said these were based on similar life history characteristics, and that they were related to some of the fishery considerations as well, that they are commonly caught together or so. So you had a reason for grouping them together, just because one of them is overfished and now you have to address it sooner. I guess my point is that your rationale for grouping them together shouldn't be that, oh, we grouped them together because one was overfished, or we grouped them together because they are not overfished, and I don't think it is logical to try to break up those groups in order to avoid the fact that you need to get an ACL for it because just one of them is overfished. I don't think I am making a lot of sense there, but the logic for grouping them was based on biology or science, right? It wasn't based on overfishing. So it is not consistent now to just change your rationale for the grouping, because it sorts your interest in not having to take an action now and you are pushing things off down the road.

Aida Rosario: To that point Mr. Chair. He just explained it, you know. When this grouping was made it was not because of finding ACLs for overfished groups. Right now that is what we are doing. So why are you going to keep something in there that you need to define for overfished. If you can prove to me that the tiger grouper is overfished, and you can prove to me that the red grouper or black grouper is really overfished, then I will accept that rationale that you are saying. But right now we are telling you with the data that we collect that

those species are not targeted, they are not overfished. Why are you keeping them in a list as an overfished group?

Marcos Hanke: Two things; just going to the point of Aida, I think we need those groups, they have been a good tool to speed a process and to make the regulations and everything to work, but on this case we have to be realistic in terms of our work, it will bring us more work but it would be the correct thing to do, so we should do it then. That is my first point. And the second point, going back to the alternatives, in the case of Puerto Rico, under sub alternative D, the wording after incorporation, at the end there, with Puerto Rico, I would like to see something more like in coordination. What I am trying to do here is that incorporation could mean for me that Puerto Rico give the data and the Science Center just do whatever it wants with the data with no really local consideration. Who is in contact with the fishing community are the people of Puerto Rico, and I want to see which way you can warranty that will be respected.

Jason Rueter: I can change the language to however the Council feels we should do it. It is totally up to the Council. Like I said, the language is just here to get it started. It was sort of a recommendation that came from what the SSC's discussions led us to. So if there is a different language that you want to use, that is fine.

Eugenio Piñeiro: Does the Council agree with the coordination ... any objection?

Viridin Brown: I think "instead of", I think he should add as an additional word, "in coordination and cooperation."

Jason Rueter: All right.

Julian Magras: I would like to add for St. Thomas/St. John another alternative for grouper unit 4, and it should read, do not set an ACL for St. Thomas, because closed seasons has eliminated most mortality for yellowfin and other species are poisonous.

Roy Crabtree: But Julian, you have to have an ACL. The statute requires it. So whether they are poisonous or whether we have closed seasons or not, you have to have an ACL for all fisheries.

Julian Magras: But is not in the overfished issue anymore.

Roy Crabtree: Well, that may be, and you can ask the SSC to relook at that next time they meet, but we can't take it out of the overfishing category without a lot of rationale as to why, and a lot of science as to why we don't believe the overfishing is occurring, and I am willing to look at that, but we are going to have to have some sort of rationale that comes out of the SSC and probably the Science Center, and there is going to have to be some analysis to show that we rebuilt the stock and ended the overfishing, and right now we don't have that. So that would have to be developed. And all that does is mean that the ACL would be put in place one year later. You are still going to have to have an ACL either way, because we have to have ACLs for everything, not just things undergoing overfishing, that happens in 2010, but every other fisheries species has to have an ACL put in place the next year, 2011.

Julian Magras: Well in that case I would like to see that to see the ACL set at the landings as the way it was before, over those periods of years, which would be the 61,000 pounds. If it needs to have something in place, but it really needs to be revisited due to the fact of all the seasonal closures from shoreline to federal waters, it can't be brought to shore, and the main thing is that species was targeted, like Aida said, in our group the only one that is brought ashore is the yellowfin grouper. So that is something we need to look at too, at these groups. I agree with her 100%. If something is not undergoing overfishing why is it in the groups?

Roy Crabtree: Well they were put in the groups because they have similar biology.

Julian Magras: Yeah, but if you don't even have the data, then there is an issue. You see, that's the problem. We go back to the argument that we had and we've been having, you are using one species to speak for all species, and you can't do that. You cannot do it. You have, because you guys did not create the correct collecting data forms, the fishermen are being penalized for not having the data that you need. This should have been looked at from the SFA standpoint, that from then we should have started to collect the data needed for these stocks, these species that you are considering to be in the overfished area, overfished stocks. There are issues there, and they need to be looked at.

Roy Crabtree: Julian, I don't disagree about any of that. There are issues here, and we can look at it, and I don't disagree with you. We need more data. We need better data collection down here. I wish it had happened twenty years ago, and you are right. In the end, when you have very little data and a lot of uncertainty, the fishermen are going to pay a price for that, because the catches are going to have to be lower and we are going to have more problems. We are doing what we can do to improve the data collection down here, but we have limited capabilities. But the main thing we need to get to right now is, do we have a range of alternatives here that covers what we need to do, and it sounds like what you are saying is 61,000 pounds is where you think we ought to go for now. So it looks to me like we have a decent range of it. I am happy if the Council wants to go back to the SSC and ask them to relook at this group. And do you think that with all the things we have in place we could reclassify the status of yellowfin grouper. I am happy to have the SSC take a look at that and give us advice and revisit that issue. That is up to the Council.

Julian Magras: I think we need to look at not just the yellowfin grouper. I think we need to do as Aida said and look at all the different groupers in that group. But here it is, you are telling me once again that because you don't have the correct information that the fishermen must suffer, and that is not the way it should be done. If you don't have the correct information you need to get it, and at the same time the fishermen continue fishing until you supply that data form for you to get the information you need. We should be able to fish at the levels that we are fishing right now, until you get the information that you need. We shouldn't be the ones penalized for the government, the federal government, whoever it is that is not doing their job. The fishermen should not always be the ones that are targeted, and that is what is happening all the time.

Eugenio Piñeiro: Thank you Julian. Thank you, Roy. At this time we have the Honorable Governor of the USVI in here. Virdin, would you please introduce him?

Virdin Brown: Yes Mr. Chair. Thank you. Ladies and gentlemen, I have the honor to introduce to you our Honorable Governor, his Excellence, Sir John P. DeYoung, Jr., Governor of the U.S. Virgin Islands. And Governor, while you are getting prepared there, I want to say the CFMC want to thank you for hosting, not only us, but the Chairs of the other Councils from throughout the country in May of last year. It was a gracious affair, and everybody appreciated it. The floor is yours. We are in the process of developing a document that is going to go to public hearings to make some decisions on fishery management issues, based on the new mandate from Congress.

Governor DeYoung: Thank you very much for this opportunity to barge in at your meeting, as you are listening to more of the experts give testimony on what is going on now. I had heard about this meeting from my department, and since I was on St. Croix today I wanted to take the opportunity to come by. On many occasions, both from the St. Croix fishermen and from St. Thomas, I have been invited to attend several of your meetings, and unfortunately could not attend for any number of reasons, and today I wanted to take this opportunity to be here. I want to thank you particularly to giving me this chance to say a couple of words. One

of the hallmarks that I have tried to do as Governor since I've been in since 2007, has really rested on several principles; one, is the importance of business folks in our community. That is what drives our engines. We have a tourism economy. We are a small community and a community that survives off small businesses. We are not a ... of large companies here; the Hovensas of the world, the hotels are very unique, but what really drive this country, very much drives the Virgin Islands are small entrepreneurs, and a lot of the policies of my Government are driven towards entrepreneurs, whether those entrepreneurs be retailers, whether those entrepreneurs be taxi drivers, or those entrepreneurs are fishermen. In addition to that, we have tried to make sure that we want a government that is one of cooperation and inclusion, meaning that the policies that we are putting in place have always been subjected to a review that requires that I get input. Regardless of whether I agree with the input or not, ultimately I know that the position I have is determined by the community and what they are looking for. So any rules and regulations that we put out are always subject to a process to make sure that those affected within that particular sector I have to listen to what they say, and at the same time negotiate to opposition. And the third principle that we've always operated under is that the federal government and the federal agencies are extremely important to us and our relationships with them are very important. And that is why we've been very aggressive in going after things that have ... use of public funds, ... practices, and at the same time maintain relationships both with those departments and agencies and with Congress. And since I do that, I try at the same time to make sure that how others interact with my government do also in the same manner, because the symbiotic relationship that exists between the two will determine how my community does at any four of the islands; St. Thomas, St. Croix, St. John, and I also would say Water Island. And therefore, today for me is an opportunity more than anything else, and we work very hard at it, just let me tell you. We don't have two Senators, we have a representative in Congress that is non voting on the floor, but votes within committing, and in the last 20 years she has gained enough influence to help us. So it requires us in many occasions to have the relationships that people get to know the Virgin Islands. We are much more than just tourists and cruise ships, or airlines. There are some fundamental issues that we have to deal with every day, whether it ranges from Medicare and under treatment, or it ranges to unemployment issues. The point that I am getting to, and again I thank you for this time, is that as you go through your process, and as you go towards making a decision, it is important for me, particularly for my Government to get behind it, for my administration to get behind it that you do something that I have tried and I'm beginning to do much better, and is to involve the local industry in the decision making process. That whatever decisions that you come to be based on a process that allows for adequate time for them to review those rules and regulations or anything that is there, if it requires me as a Governor and my administration to give assistance in terms of scientific data, in terms of information, I am willing to do that, and provide the resources to do it, not looking at federal funds, I will look at local funds. But it is important that we at least have the voice be heard of the fishermen within both districts to whatever rules and regulations that the National Council wants to put in place or the Caribbean Fisheries. That is the message that I want to send more than anything else, that I am willing to work with any federal agency, any government department, but it is important for me that as you go through the process that you involve the local fishermen within the process that they at least have a voice that is heard with any rules and regulations that may come out of this process, and that it be one that is deliberate, takes into account their needs, and at the same time is a process that make sure that their voice is heard as opposed to a feeling, which I think long term works against both sides and causes problems that they feel it was ran down their throats by any way. So that is the message that I wanted to send. I thank you very much Mr. Chairman for the opportunity to speak here today for a couple of minutes. Thank you for all that you are doing, and I am quite sure that as with many of the agencies we've dealt with that fairness will prevail, and there'll be some equality across the board. Thank you.

Jason Rueter: Thank you Mr. Chairman. I think we finished grouper unit 4 discussions. I know we got some discussion about the grouping of those various groupers, and I just want to point out one thing, in the Virgin Islands in particular, right now the grouper units are not as important, because we don't have species specific information. So we are going to end up saying that ACLs for all grouper species, except for Nassau and

goliath, those are prohibited right now, but all other groupers will be under the same ACL, and the intent is to develop catch reports that will allow us to start identifying species specific information within those catch reports, so that we can re evaluate the landings of individual species in the next few years to get a better understanding of what species are landed together, and what species are targeted in those fisheries. So with that said, we will move on to snapper...

Roy Crabtree: So, I understand that while we are going to need to set an ACL for all grouper species, but do we have an alternative in here now that would set an ACL for all grouper species?

Jason Rueter: Is an ACL for all grouper species, because we can't get any other way to set an ACL for grouper unit 4 specifically.

Roy Crabtree: Ok.

Shepherd Grimes: I guess I'd just like to follow up, but the action is characterized as catch limits for grouper unit 4, and that is just because that is the one where we have an overfishing determination, so we need to address that specifically.

Jason Rueter: Correct. In the discussion we'll flash out the fact that we can't set one just for grouper unit 4. The only methodology we have available to us is to use grouper unit 4 as part of an overall ACL for all grouper species.

Roy Crabtree: Well I think Jason you might want to revisit the title of the action to make it somewhat more general, so that when someone looks at it they understand that at least for the Virgin Islands it is for all grouper species.

Jason Rueter: So now moving on to snapper unit 1, for Puerto Rico we have again our normal zero ACL. We have an average corrected landings for identified snapper unit 1 species during 1999 to 2006, and that average is 300,000 pounds. We have a sub alternative C, to use a species within the snapper unit 1, silk snapper, use those average landings from 99 to 2006, and silk snapper would be the indicator species for snapper unit 1, so all management will be based on landings of the catch of snapper unit 1. Sub alternative b is, again, average landings from 99 to 2006, of the current snapper unit 1, and if the Council chooses to, move wenchmen into snapper unit 1 it would be to add that. If you notice though, this average for 1999 to 2006 with wenchmen, 300,000 pounds, and that is the same as it is without wenchmen. There are actually no recorded landings in Puerto Rico of wenchmen. It was felt though that they should be in the snapper unit 1, in case in the future is better identified in the landings and we can see it in the landings form. For sub alternative d, we would look at snapper unit 1 at a different time period, it would go back to 1994 to 2006, and we have 355,000 pounds as an average. Again, we have the wenchmen language in here, but that does not change the actual average because there are no reported landings. And then we have another sub alternative to look at, again the 99 to 2006 time period, and do the average proportional corrections again for a generic snapper category that exists in the Puerto Rico landings. If we look at that proportional average of those species within the unit and compare that to the overall snapper category, we go from a 300,000 pounds average to a 316,000 pounds average. We have a sub alternative g, which does the same thing of readjusting those snapper landings. However, it goes back further in time to 94 to 2006, as opposed to 99 to 2006 time period. And then we have a sub alternative h, which was based on work that came out of the ACLG and SSC meetings, to increase the value of the selective sub alternative by 1.2 times those average landings, which may be problematic however though, if these fisheries are still classified as undergoing overfishing, you are not actually implementing a plan to rebuild the fishery. So, for St. Thomas/St. John, again we have the zero alternative, and then we have a similar situation as we have for grouper unit 4; we don't have species specific information in the Virgin Islands, so we looked at an average landing for 94 to 2006 for all snapper species, and that would be 160,000 pounds, and then we have the sub

alternative to look at that same average, and again look at the uncertainty and the scalar in action 7 to account for the mandates in the National Standard 1 Guidelines. St. Croix, very similar situation, the zero, and then the average landings for 94 to 06, 112,000 pounds for, again this is going to be an ACL for all snapper species, not just those in snapper unit 1, but for all snapper species, and we hope to get species specific information from catch reports in the future after those forms have been modified and we can re examine those ACLs and those landings for species specific. And again, sub alternative c, is to use the average landings for that same time period. That should be for snapper. And multiply it by an uncertainty scalar again to make the NS1 Guidelines. Those are the snapper alternatives Mr. Chairman.

Roy Crabtree: Now we saw some analysis that the working groups and the SSC looked at, and I think odd presented some length data analysis that suggested that silk snapper fishing mortality rates may have dropped over the past couple of years and may not be undergoing overfishing. So I've asked Todd to go back to the Science Center and take a look at this analysis and advice us as to whether we have enough bases to change the status of silk snapper, and that was the indicator species for this group. So if the Center comes back and advises us that, yes, we believe we have enough bases to change the status of the group, then you could move this group out of the document and into the next ACL amendment, or you could go ahead and do it now anyway, because you are going to have to do it at one point or another. And so I am hopeful that they'll be able to advice you of, what the Center's conclusions are by the next meeting, and then the process would be that if the Center concurs and we feel like we have a record to change the status we'll send a memo to headquarters and ask that the status of stocks report be changed. So we are going to take a look at that, and depending on what we get from the scientists we'll go from there. And hopefully we'll know at the next meeting.

Eugenio Piñeiro: Thank you and let me tell you this would be a success story for us, because we have to closures at the same time; one was by size regulation, and then we have the federal regulation, so the effort diminished greatly and so the number of fishermen, so we expect to have it out of the woods ... when we receive Todd's message.

Jason Rueter: So now our next action is recreational fishery annual catch limit. And I know this is very wordy, I mean, I guess I could read through all of this but...

Viridin Brown: There are people who do take conch or remove conch from the water who have no licenses as commercial fishers, otherwise...

Roy Crabtree: Would most of that likely come out of territorial waters? Or you think some of them go out to the EEZ?

Viridin Brown: Yes, the territorial waters.

Graciela García-Moliner: There is some information regarding the take of juvenile conch from very shallow waters near shore in the festivals, in the USVI.

Marcos Hanke: This alternative, action 6, about the recreational sector, where the charter business gets into here, or which part the ACL for us would be established?

Roy Crabtree: Well, you would be part of the recreational overall ACL, the way it is set up. Now, I suppose you could split the recreational ACL and have a charter ACL and a private sector ACL, but with the data we have I don't know if that is a good idea or not. I don't know how you do it in the USVI, because you don't have estimates to begin with, but I think the way, Jason correct me if I am wrong, but the way all the alternatives are set up now, the charter boat catches would be part of the overall recreational ACLs. Is that right?

Jason Rueter: That's correct.

Julian Magras: I think for St. Thomas that the recreational fishery should be set at 10% of what we are harvesting right now. I don't think it's more than that allowed. Really actually in St. Thomas anything that would be harvested would be mainly conch. There is no recreational fishing, people ... doing traps, and then we have the tournaments, like the Mother's Day Tournament would be, you could catch reef fish in that tournament, and the other tournaments I think are mostly for pelagic, and you would have some people to go out when the weather is calm to catch some fish for their house, but I don't think really that the recreational fishery is that high in St. Thomas that, the one that they might catch the most of would be the conch, and I don't think it is more than 10% of what we are harvesting right now. I don't want to see an ACL set that they are going to come off of our commercial ACL.

### **Tape 2(a)**

Julian Magras: ... a recreational license or permit is created and you can actually see what is being collected and then revisit that ACL that was set for the recreational fishery.

Roy Crabtree: Well, right now I guess you could say that we think the recreational catch is 10% of the commercial catch and so you could set it up somehow like that, but the fact is right now we don't have anyway to know what the recreational catch is, so we wouldn't be able to tell if they were catching more of 10% or less than 10%. And I agree with you, when we get the, if the registration goes in place and we get a recreational survey in place in the USVI, then the Council is going to have to revisit this, and we'll have to reset these ACLs to take into account what the recreational landings are, but I don't see how, with the information that we have now, I don't know how the commercial fishery could be penalized for the recreational landings, because we don't know what the recreational landings in the USVI are to begin with. But, Jason, could we structure some sort of alternative that, or do we have anything in here to look at that addresses the 10% that Julian is talking about?

Jason Rueter: No, but we can certainly add in an alternative for St. Thomas and St. John.

Roy Crabtree: So if the Council is agreeable we could ask staff to come up with an alternative along those lines and add it in.

Marcos Hanke: I would like to work also on an alternative for the charters, because of the confused nature of the charters. The way it is established in Puerto Rico is like commercial fishermen, in case of the ACLs try to put apart from the main group, and to establish an ACL for the industry, and also considering that our industry, being small and very easy to control to get the data out of it, we should have an ACL apart and established for the charters.

Roy Crabtree: Well, I mean, if you want to ask the staff to develop some alternatives to do a separate ACL, we can do that. I suspect that when you take the recreational catch and break it down into charter boat and private boats, that the uncertainty about the catch estimates can go up, and that is something we can look at, but I don't see a reason not to put just a general something along those lines and take it out to scoping. So if everyone is in agreement we'll add something along those lines to the documents.

Graciela García-Moliner: I believe that the Government of Puerto Rico is working with the charter operators to develop a logbook that they will be carrying during their activities, so there will be very specific information for

the charter operators in Puerto Rico. And we have a question for clarification; for the USVI is 10% for St. Thomas/St. John, and then another 10% for St. Croix?

Roy Crabtree: I understood that it was just that we would say, here is the ACL, and then the recreational catch we expect in the USVI is 10% of that, and then we'll just have to figure out some way how to handle that. But I think for scoping you don't have to figure out all the details.

Marcos Hanke: I agree with Graciela, ten percent.

Eugenio Piñeiro: Is it Ok with the Council members to instruct the staff to work on the document? Thank you.

Jason Rueter: There are two other alternatives that we still have to discuss to set the recreational sector ACLs, and one of those is just for using Puerto Rico recreational average landings from MRFFS to set the recreational ACL in the EEZ, and that is the Caribbean and state waters, and use those proportional records or landings relative to the total again to set an ACL proxy in the EEZ, and this would apply to all of the Caribbean, using the same methodology, that is. And then finally, to not establish a recreational ACL at all, given the limited data that we have in the USVI EEZ, so if we use the Puerto Rico landings from MRFFS to set the Puerto Rican EEZ in state water ACL, then in the USVI we would have to come in and not establish one because of the lack of data, but use the commercial sector's ACL as a proxy for the ACL for all sectors of the fishery. So that is that we would look at how the commercial sector performs, if we see overages in the commercial sector we would assume proportional overages in the recreational sector, and use the commercial as a proxy for ACLs. And that was just another alternative to look at. And we would also add in, as you said, the 10% for this, and we will look at splitting out the Puerto Rican, and alternative 3 essentially will be split into a recreational, two components, private and charter. So it adds basically three more alternatives to this. If that is all then we'll move on to what we discussed a few times in setting some of these other ACLs based on average catch, and one of the big emphasis in the NS1 Guidelines is accounting for uncertainty, both management and scientific uncertainty. Scientific uncertainty is based on stock assessments, and the Science Center and the SSC's ability to estimate allowable biological catch and overfishing levels. We have not been able to do that for any of the species or the species groups in the Caribbean, and the other one is to account for management uncertainty, which is the ability of the management regulations to control landings of the stocks in the fishery. In the USVI we have come up with a 90% uncertainly level, or a 90% of the catch, 75, 70 and 50. 75% of the catch comes from the National SSC meeting, as well as the 50% where those recommendations from the Pacific Northwest for fisheries where they had no stock assessments as well, and they only had recent average catch. For Puerto Rico, what we've done is use the ratio of the reported landings versus the 85% ... for calculated landings in Puerto Rico across all species groups by year, and this is done in the SEDAR document that was just completed from the January meeting. If you look at those ratios, what you end up with are 82%, 78% and 75% of the average landings, is what you would use for those calculations, and those are uncertainty alternatives for now. Any questions on that, or the alternatives? All right.

Julian Magras: For action 7, I would like to add another alternative to this list, and is to consider the uncertainty as respective variability of catch levels. And the reason for this is that over a long period of time, our catch has shown steady across, there's only been one in four in the past twenty years if you look, we have only done over levels one in four times, and that is one of the issues that was brought here before the Council. So I think that instead of looking at all these other percentages here, we need to consider the uncertainty factor that is playing a part of this here right now, and we need to look at the consistency of the catch that has been landed over the years. We need to look at that, and so I think we need to put in another alternative under action 7, which should read, consider uncertainty as respective variability of catch levels.

Roy Crabtree: Well, it is not clear to me what that means. Julian, you'll have to explain that again, because I am afraid I just don't, are you implying that because the catches have been consistent that there is no uncertainty?

Julian Magras: If I may I'd like to ask permission that Dr. Olsen elaborate a little on this issue, since he is a scientist for the St. Thomas Fishermen's Association?

David Olsen: Since you are using the CC Arquette's data, and it's been constant over 30 years, the catch is pretty predictable, and in fact, with these ACLs that are showing in this document so far, it's only been exceeding since a limited number of times. In fact, because these are statistical averages, there have been as many under runs as there's been over runs. And we think, therefore, because of this constancy, that the uncertainty is reflective of the ... variability in landings.

Roy Crabtree: But David, are you implying then that there is little uncertainty in the status of the stocks? Because that is really what this is leading at. Because it seems to me based on previous testimonies that we've gotten that there is considerable uncertainty about what the status of the stocks are.

David Olsen: And what are you basing that on? You can't both use that data and then not use the data when it doesn't fit what you want.

Roy Crabtree: Well, I am just putting the question to you, because what you are saying is that there is little uncertainty about the status of these stocks. Or do you believe there is uncertainty about the status of the stocks?

David Olsen: I believe the uncertainty is reflected by the year-to-year variability in the landings.

Roy Crabtree: But you just said that there is not much variability in the landings. Is that correct?

David Olsen: Yes.

Roy Crabtree: So then you are saying that there is not much uncertainty in the status of the stocks?

David Olsen: Yes.

Roy Crabtree: In the status of the stocks as they've been defined in these documents?

David Olsen: Yes.

Roy Crabtree: Then you are saying there is very little uncertainty that these five species groups are undergoing overfishing. Is that correct?

David Olsen: Yes, in St. Thomas.

Jason Rueter: Mr. Chairman, if I can address the point as well. I don't know if another alternative necessarily needs to be added. I think with that the point that St. Thomas's representatives have spoken to would simply fall under the no action alternative, where we would discuss their point of the stability that they see within the landings over time, and that would simply be a no action alternative, and that would be part of the discussion of that.

Eugenio Piñeiro: Any objections to that? All right.

Jason Rueter: So action 8, alternative methods for reducing fishing mortality establishing ACL proxies; extend area closures in the US Caribbean to account for 40% of fishable bottom in the EEZ, and alternative 3 is to account for 30% of fishable bottom in the EEZ. As it was said yesterday, this was developed throughout discussions with the Science Center and ways to ... the data issues that we have here in the US Caribbean, and what that essentially would do is, this is the map that everyone has and they can look at, and those are alternative methods again for reducing ... within the fisheries.

Todd Gedamke: We would suggest also adding another alternative, which has the same exact language, and instead of specifying the percentage value, to account for x percent of the fishable bottom to be determined by a group at the Center. We have a number of people that have done a lot of work on this arena, and we'd like to consult with them on the exact percentage amount.

Julian Magras: Well, we would like to add another alternative. And the alternative is to work with the fishermen to develop measures to reduce fishing efforts towards  $F$  equals  $M_f$  MSY. And one of the other things that I would like to see, I would like to see this map go away, because this map reminds me completely of the SFA document. I ... why we have area closures when we are here to set ACLs. We don't need any more closures, and we will not accept any more closures. If the process is here for us to set ACLs, ABCs, OFLs, that is what we need to do, that is what we need to work towards, and I really recommend that the Council members, voting members seating at this table, you guys get into some kind of conversation to get this map off of this, because we are not, I'm telling you, I am not, I am tired of hearing about closures. We want to have a sustainable fishery? Well then we need to have management, not closures. So I want to see there this alternative that I am suggesting here, which is to work with the fishermen to develop measures to reduce fishing effort towards  $F$  equals  $F$  MSY.

Roy Crabtree: Well, I agree with one thing Julian just said, which is working towards, working with the fishermen to come up with some way to bring effort down. And I think a way to do that would be to set up an adhoc advisory panel, with fishermen from St. Croix, St. Thomas and Puerto Rico, and charge them with coming up with some proposals for developing a limited entry program for the reefish fishery, including limited entry in the trap fishery and limits on the number of traps. And I would offer a motion Mr. Chairman, that we... let me ask Miguel. I guess our process in our SOPPs would be that we solicit applications for the advisory panel?

Miguel Rolón: In our SOPPs the Chairman, in consultation with the fishing community and the Council establishes the membership.

**Roy Crabtree: Ok, the I would move that between now and the next Council meeting, that the Chairman works to come up with a list of names of people who can serve on this advisory panel that we could review it at the June Council meeting, and then at that time we can approve an adhoc advisory panel to work on limited entry programs in the Caribbean.**

**Viridin Brown: Second.**

Roy Crabtree: Yes, to establish an advisory panel to work on a limited entry program for the Caribbean, and to ask the Chairman and the Executive Director to bring forward at the next meeting a list of candidates to serve on that panel.

Edward Schuster: You know, some of these efforts to reduce fishing effort they can be done on numerous, Julian, myself, Daley, Gerson, we serve on our local panel, which is St. Croix Fishery, the fisheries advisory committees of both St. Thomas and St. Croix, and we are in the process right now of revising our Act 3330, which is local or territorial commercial fishing regulations, and that is an old, old regulation, is over thirty something years, and what we are in the process of doing in our FAC, as Chairman of that committee we are in the process of revising it in terms of category, whether it's a line, traps, SCUBA, whatever. So that is one of the ways that, you'll have to work in conjunction with our territorial regulation if, you know, compatible regs.

Julian Magras: I think one of the things that the Council needs to look at, you are talking about establishing another AP panel, but the Council already has an advisory panel, but this advisory panel hasn't have a quorum for the last two or three meetings that we've had, and it was said at the last Council meeting, last two Council meetings, that we were going to try to address this issue and get members, make it smaller from 25 members, and get the members in there that are actually going to do the work to send advisements to the Council that can be addressed in these meetings. So I think that instead of looking to go and spend more money to set up another committee, that we need to restructure the AP panel that is in place right now. Get the people in there, the fishermen, the other stakeholders, and get them there, so we can all sit down at the table and work to get this moving.

Miguel Rolón: Julian there are two issues, two ways of doing this. The flexibility that the adhoc panel gives you is better than the advisory panel that we have. The advisory panel has to have ... of everything, and we are going to discuss that at the Administrative Committee because you and I have been discussing this, which is a good idea, but what the proposal in the motion has is the ability for the Council to, not only speed up the process, but also to have the people who really should be in that panel and that would be looking at a specific task, which is your proposal for the limited entry that we discussed before. So it is a good opportunity to do that. And with the money, well I can announce this. Geño was there and secured funding, as we spoke before, for this specific task. You already have the control date, and now with this motion, if it goes through, then we would have the ball rolling in 2009 to work specifically towards that goal of reducing the fishing effort, looking at the possibility of limited entry, and also maybe avoid any more closures.

Eugenio Piñeiro: Julian, this afternoon we are going to meet the Administrative Committee, and you and I and Schuster, we've talked about this on a number of occasions. I intend to clean the house. If people don't want to come to the meetings, we don't want them. We want the people who come to the meetings and the people who are willing to work and sacrifice, like you guys. I told the members of the St. Croix fishing community yesterday that this is like going to a final exam, trying to get an A and never going to class and that doesn't work like that. The AP and this panel should be of people who go there and provide us with guidance and ideas and their experience. That is what we need. So this afternoon I'll take care of business, and we'll clean up the house for the AP. So thank you.

Julian Magras: Just to redirect on what you and Miguel just said. I don't want this to be put back in the back burner. We need to get this. You know, we are always talking about doing it, doing it, doing it. Well let's do it. Let's redo, restructure that AP panel. Miguel said it is better if you get this other panel working. Let's do it. Let's not waste time. There is no time here to waste. We have just a few months left before these measures go into place, and I don't want to hear, oh, we are out of time and this is what you got, this is what you are going to take. So I want us to get moving. We try, the fishermen, especially myself, I try to dedicate as much time as possible to attend every meeting, and the St. Croix fishermen, you know, they've finally gotten in the picture, they are moving. I am so glad to see the support in this room these last two days of all the St. Croix fishermen, and they are able now to go back and tell the other fishermen that are out there what I going on, to be involved. So I am looking forward to get this process moving.

Roy Crabtree: I agree with Julian, this can't be a back burner thing. I think it needs to be a high priority. I wish we, you know, we should have done this years ago. But we need to do this. And I think, Mr. Chairman, we ought to have some discussion, but it seems to me that panel maybe it needs to have fishermen on it obviously, but I think maybe we need representatives from the Territorial Government on it, because I don't think this is going to work very well unless the territories are onboard with it and it can be consistent. But I think we need to make this happen. I also would suggest that we consider asking Miguel to contact a member of the representative of the floor of spiny lobster industry, and we can talk about some potential names, and see if we can have someone come down and address this advisory panel and maybe address the Council as well, and talk about how the Florida Traps Certificate Program and Limited Entry Program in that trap fishery works, and the commercial industry perspective on the good parts of it and the bad parts of it, because I think there is a lot in that program that we could borrow from and maybe help us design a program down here.

Julian Magras: Just one more comment that I forgot to say earlier. While you guys are having this meeting this afternoon, and I know it's been in some discussions before. I would like the Council to look at giving some kind of compensation for all of these panels that are meeting. We get the pay to attend the meeting, but like I said earlier, I dedicate so much time and lose so much time from work, the fishermen that represent the associations in this room, they travel back and forth, they are losing fishing days, everything, you know, it's been discussed before that you were going to try to get some moneys to compensate us, even if it's a hundred dollars a day, or whatever it is, and I think you guys need to get back into some kind of discussion about that. And also to add to what Roy said earlier, I agree that we need to partnership with our territorial governments, because they play a big part, and we want that relationship to be across the board so that we are all in the same page.

Eugenio Piñero: I think we are ready to vote in that motion. Graciela the second was by Viridin Brown.

**Roll call vote: Miguel García, yes; Winston Ledee, yes; Ruth Gomez, yes; Viridin Brown, yes; Roy Crabtree, yes; Marcos Hanke, yes; Eugenio Piñero, yes. Seven yes. The motion carries.**

### **Tape 3(a)**

Greg Fairclough: For those of you who don't know me, my name is Greg Fairclough. I work for the Highly Migratory Species Management Division, and I am stationed in St. Petersburg, Florida. I am here to discuss our progress on the Caribbean amendment, the HMS Caribbean Amendment 4. I have some handouts, and I gave them to most of the people on the Council, but I have two handouts; one is the handout for the slides that we are going to present, and also the summary of our scoping for amendment 4. Most of you who have been following these actions will know most of the first half of the presentation by heart. The second half is some of the more important stuff, some of the steps that we've done here recently. Throughout the next 15 minutes our slides are going to give you an overview of why we are pursuing a Caribbean based amendment, also an overview of the issues that we mainly addressed in amendment 4, when we get into the Environmental Impact Statement. We are going to give you an overview of the comments that we've received during the scoping period. I am also going to give you an update on the future steps and a timeline for amendment 4. (Presentation included under Attachment G.)

Eugenio Piñero: I have a question. Are you planning to do the workshops only in Puerto Rico for shark Ids? Or this is in all the islands?

Greg Fairclough: We had a request to do it in Puerto Rico. We have the dealer who wants to purchase a shark dealer permit, and he cannot become a shark dealer until he takes the course. So he requested that we send our trainers down there. We are trying to find where we can do it in our budget. It may not be until the next fiscal

year, but when we do that we are hoping to open it up to enforcement, both federal and territorial, and then potentially have a next day training seminar that could be for fishermen and anybody else.

Eugenio Piñeiro: And the result of those workshops, you plan to send them all over here to the USVI, to St. Croix in both Spanish and English?

Greg Fairclough: The workshop is a little different than these documents here. The workshop is a specific requirement to become a shark dealer. If we have dealers that are here on the islands that need to become shark dealers they send us a request, and we will work it into our schedule. But we haven't had any request from here.

Eugenio Piñeiro: You don't have any dates for the meetings?

Greg Fairclough: Not yet.

Aida Rosario: With the permits that you require from the DNER for these highly migratory it might be some problems with us to do that, because we do not issue permits for the boats, we issue permits for the fishermen.

Greg Fairclough: Right. We included that specifically because that was a request that we got, actually from the State, from the Territory, while we were there. We can rework that and update it in our pre draft.

Eugenio Piñeiro: Greg, thank you very much for your presentation. The next presentation is going to be a telephone communication. Joe Kimmel is going to make a presentation, and we are going to have Ms. Lauren Wensell from the MPA in Washington on the line in case we have some questions.

Joe Kimmel: Thank you Mr. Chairman. Sam Rauch was planning to come to the meeting, but because of other obligations he was not able to make it. So I was given a copy of his presentation just before lunch. I have not read the whole thing myself, but I will read it completely to everybody here, and from what I understand somebody is going to be on the telephone in case there are questions about what I'll be presenting and they might be able to give you a better answer than I can. The title of Sam's presentation is "From Design to Implementation, the National System of Marine Protected Areas." In the presentation outlined there is a definition of marine protected areas, background on the National System, and the nomination process for marine protected areas. (Presentation included under Attachment H.)

Miguel Rolón: We have Lauren Wendell, and also the Director of the Marine Protection Area Center in Washington, and they are available on the phone. So if you have any questions Graciela will repeat the questions to them and she will answer them.

Eugenio Piñeiro: I have a question, but it is mostly directed perhaps to the local DNER. Have Puerto Rico submitted or intends to submit any nomination sites for the MPA Center? I am asking the Director of the DNER, Dr. Miguel Antonio García, if Puerto Rico intends to submit nominations for the MPA Center for sites.

Miguel García: Yes we are. We just had a meeting for something else and discussed this slightly, but yes, we are.

Eugenio Piñeiro: Secondly, I have a question from the fishermen that is going to be done through Gerson Martínez.

Gerson Martínez: It was called to my attention that we are trying to protect spawning aggregations, and we are trying to come up with alternatives for overfishing, but the fishermen's concern is, what are we doing to protect wetlands, because to our knowledge when fish spawn they go, in the larvae stages they go in currents and they end up in lagoons or mangroves, where mangroves are. And we have two in St. Croix, which are Great Pond and Altona Lagoon, and the question is, is the state government doing anything about restoration of the inlets for these wetlands?

William Tobias: The answer is yes, Gerson. In this last year and a half, under Dr. Olsen's directorship in the Division of Fish and Wildlife, we secured a grant to look into the importance of these coastal wetlands areas and ponds in terms of fisheries importance, and to determine which, if any of these, could be improved in fisheries values, and to take steps in those directions.

Gerson Martínez: Our main concern here, and I just got it is, a couple of weeks ago my sister came from Puerto Rico, and while we were going to the south shore of St. Croix there is this huge sign, probably 20 by 50 in Great Pond, stating that they are going to build a casino there. So that is one of our major wetland here in St. Croix, and a casino is going to be built over it, probably they are going to dredge that lagoon and destroy it. Is anything being done against it?

William Tobias: I believe the development in question is Gold and Gaming, and they had applied for a CCM permit several years ago, and the legality of that permit is currently in question and is being pursued in court by NGOs. However, the developer does not own the wetland and does not own the submerged land, they are the property of the USVI Government.

Gerson Martínez: Well, I hope that the people here today sitting down in this committee try to stop this, because a land without wetlands is not going to survive without them. Thank you.

William Tobias: I have a just kind of a general statement to make in regards to marine protected areas in that they are extremely important, taken in the proper context. Unfortunately, I think I have to point to one that has probably exceeded the bounds of the MPA status, and this was the land that was acquired by the National Park Service under the same MPA status and Proclamation by President Clinton in 2000. Specifically I am talking about the land at the Buck Islands Reef National Monument. We are talking about an increase in submerge lands of eighteen thousand acres, and unfortunately this was done not in the proper review context to be provided by the National Park Service. The guide of that marine protected area was to protect coral reef resources. However, the boundary of that marine protected area extends three miles to sea in over five thousand feet of water. Now, I believe that had exceeded the bounds of the area that should have been protected by a considerable amount. Given that fact, although it is the property of a different federal agency, the National Park Service, Department of the Interior versus the Department of Commerce, National Marine Fisheries Service, perhaps there is some negotiation possibility here in terms of the consideration of additional management regulations imposed on commercial fishers, with the possibility of obtaining some of that submerged lands back to open up to them for their use. Thank you.

Viridin Brown: That is an issue that is of great concern to all the fishers here in St. Croix, and to a lesser degree in St. John, where the VI Coral Reef National Monument was established. Of course, I take the position that it's alleged to be some of these lands owned by the National Park Service rather than they... that it is owned by them because an Act of Congress gave those submerged lands to the Government of the USVI, just that the Government of the USVI officials did not react strongly enough to this in taking a position that represented what was in our best interests. The other concern I think you didn't mention in your concern there was that there were legally permitted FADs out on the perimeter of these bounds of the expanded Buck Island Reef

National Monument that were removed, and it seems to me that was an illegal act as well, which infringed upon the rights of the USVI Government.

Eugenio Piñero: I have a question for Lauren, and it is a follow up to the fishermen's concern about their lagoon. What is Lauren the time period, the time frame, between the nomination sites and the approval of the sites? What is the time frame in year terms?

Lauren Wendel: The response that they are giving is that they, I mean they heard what I said but that they will respond in writing to your request on the time that it will take between the nomination and the approval of the MPA site.

Eugenio Piñero: Thank you very much. Any other questions or comments?

Miguel Rolón: Is not a question, but for the Council members, we circulated the RA letter regarding the process for the MPAs, and in the letter Roy is asking, I mean telling the Council about the process, and that also that they would like to include all the councils in this process, and in due time the Regional Office will contact us for the next steps. As we speak I am receiving emails from all the other councils, because this is the first one in the southeast region and the first one in some other regions, and I am receiving that letter. And the issue is that some people believe that the councils should be more involved, and others believe that the councils should not be involved, and there is another position, at least in one of the other regions where the councils are, where people believe that the sanctuary program should not be that ... in naming these areas and excluding fishery activities from the areas. So the issue is well and alive at the national level, and this is the first step, your presentation, the one you have seen now, and this letter. And we are represented at the MPA level by our Chairman, so rest assure that the Council will have ample opportunities to work on this process.

Eugenio Piñero: Then we are going to finish with the main event of the day, with Jason, we have four or five more presentations, and we have the rest of the afternoon to finish this.

Jason Rueter: We finished up action 8, and we are onto action 9, looking at requiring federal permits in the EEZ. The first alternative here is alternative 2, which would require a federal permit for fishing in the EEZ, it contains four sub alternatives; one for recreational, another for commercial, it would require the use of trap sites for all trap fisheries, and the fourth sub alternative would be to require federal permits for charter boats in the EEZ. Alternative 3 would require a permit to sell Council managed species, and alternative 4 would require a federal permit to purchase Council managed species.

Julian Magras: I feel what needs to happen here with alternative number 2 is, you have four sub alternatives; a, b, c, and d, and all of them needs to be part, automatically, of alternative number 2, because I think what we are trying to achieve here if we are going to do the federal permits for the fishing in the EEZ that we can't just have one sub alternative, we need to have all of these, which would include recreational fishing, commercial fishing, the traps, the tags for all the lobster traps and fish traps, and also the charter boats. I don't think we just need to pick one out of this subgroup. I think all of them were intended to be part of alternative 2, and that is how it needs to be.

Jason Rueter: The Council can in fact select all of the sub alternatives underneath alternative 2, if they so chose. The reason that some of these were split up, particularly the recreational fishing permit, that should be handled under the new MRAG program, so we may be crossing boundaries between the two programs, but the Council can more than chose any of the sub alternatives, so they could come in and say, alternative 2 would be the preferred, if in fact that's where we get to, and that all sub alternatives are also preferred underneath that alternative. So all of them can be selected. They don't have to be exclusive from one another. Action 10 is monitoring enforcement. In the NS1 Guidelines there are clear requirements to indicate how you are going to

monitor and enforce the ACLs. So we have the no action alternative, which we always have to have, and then we have a requirement that any person who lands Council managed species to submit an appropriate data collection form, as developed by the Science Center, or the Council's SSC, and that should say in conjunction with the state or the territorial governments as well, after every trip with enough details such as catch per unit effort per species can be calculated for each gear. The difference between two and three is that this is any person landing Council managed species, so ... permitting system would be anyone who does land Council managed species. Alternative 3 would be anyone who holds one of these permits that we have created in action 9.

### **Tape 3(b)**

Julian Magras: ... needs to be alternative number 4, and it should state that work with the Territorial/Commonwealth Governments, local fishermen, and the Southeast Fisheries Science Center to develop a data collection form to be used in the future for data collection efforts that would be, you know, different. We sit down at a table and we actually create this form that we can ensure that what NMFS is looking for they are going to get. We want it to be and make sure that we don't have this issue once again. So I feel that the alternative 4 needs to be that we ought to sit down and work and create this form, so that everybody can be on the same page from the beginning.

Todd Gedamke: I just wanted to follow up that with a little bit of information that one of the things that was really highlighted in our evaluation of the data and our recent analysis was the revamping of the data forms. And there have been meetings with Toby and Aida and HMS to begin that process. We have a time table of putting together a report identifying the needs and developing that by the end of the year, and implementation will be as soon as possible. But that is something that has been clearly identified through this whole process, and those discussions are underway currently.

Julian Magras: So you are saying that you guys already had a meeting to work on these forms. Because remember, the fishermen need to be part of this in order for it to work.

Todd Gedamke: Obviously your participation in this process is critical to the process, and we can't be developing a form that the fishermen are not going to work with. So the initial meetings have been pulled together, and you will be included in that process. I am not driving it, but the Center is working with three co-sponsors and working with the territories to pull it together, and there will be more information on that coming out soon.

Jason Rueter: Moving on to action 11, again this is a mandate that we have. This is in the Magnuson Act, to implement accountability measures for exceeding of the ACLs. So we have to implement accountability measures for exceeding ACLs based on, we can either look at a single year of landings or catch, a two year average of landings and catch, and/or a three year average of landings and catch. So those are the alternatives for looking at what we are going to base implementing accountability measures on, and then, actually accountability measures themselves that could be implemented could include reducing the fishing season in the following year by a length determined to be appropriate to account for the overage of the ACL, increase the size of closed areas as we have looked at in action 9, by an appropriate amount that would give us the proper reduction to account for that exceeds of the ACLs, and another alternative and this is only for St. Croix because is the only fishery in the EEZ for queen conch, would be to close down the EEZ to queen conch harvest if there was an exceed to the ACL, and alternative 6 is to reduce the ACL in the subsequent fishing year by amount equal to the overage of the previous year. This is sort of a payback measure from, that is mentioned in the NS1

Guidelines. And these are the accountability measures that have been developed so far. The sixth is new, and it was discussed yesterday. So that is the payback measure that was mentioned yesterday.

Roy Crabtree: One point we probably ought to recognize in there Jason is that the time lag on the landings could be more than a year, unless we can speed up the reporting.

Jason Rueter: And the one reason I kind of just said in the subsequent fishing year it may not be the very next year, we might not get the data for a year and a half, so it would actually go in that following fishing season, which is why we didn't say in the next fishing season, just the subsequent one. So that could be a year, a year and a half lag, we get the information, we come back and we use the reduction for that year. That will be spelled out in the actual discussion of this alternative in the document.

Roy Crabtree: Well, is just that I could ... look at this, because when and if we have to do one of this is going to be a very controversial thing, and the way this is intended to be set up, and it will be fleshed out as we develop the document though, these closures and reductions in fishing seasons would be done essentially through a notice in the Federal Register, and there won't be public comment or any of those things. It is just going to be you are over the ACL, the accountability is this, boom, this happens. It is kind of like you've caught your quota, the fishery is closed. So these are intended to be, basically automatic adjustments. So you need to really think hard about this, because you all know as well as I do, if and when we go over, and sooner or later we are going to go over, and we come in saying, all right the fishery is going to be closed for six months next year, is going to be a big deal. So think hard about this, it is important.

Marcos Hanke: On the sub alternatives b and c, in which you have two years and three years, this could work something like a buffer zone for a very good exceptional year of fishing that the people would exceed, and the next year it is slower and you have like a buffer zone for it. This is the way it works?

Jason Rueter: That is one way it could work in a fact, and based on the way we are setting ACLs is on multi-year averages anyway, so this might be an appropriate method for implementing accountability measures based on the same type of idea. We can't go anymore than a three year average, that is the maximum we are allowed to do under the guidelines, so that is why all of the options are listed for a single, multiple, or three years.

Marcos Hanke: This is for every species, if you are talking about a single accountability measurement for all the species we are managing here. There is no exception for a different kind of fish or species, or, is a single one right?

Roy Crabtree: If you wanted to have one set of accountability measures for one species group, and a different one for another, you could do that. I don't know that we need, I think in the scoping document, if you want, we could just put that the Council may customize this for the different groups, and then we could figure that out, but you do not have to do it all the same for every group, you could do it differently for different groups.

Marcos Hanke: My perception on this is that we should stick as a general measure using alternative c, and then, if it is necessary for any specific species, then we customize it over time and case.

Julian Magras: I am listening here, and watching all of these alternatives of what we would do if we exceed the ACLs. So what kind of credit is going to be given to the fishermen if we keep under the ACL limit that was set over a period of time? You know the fishermen here are being targeted again ... over run well this is what is going to happen, or what is going to happen if after the first three years you look at it and you see that we have been maintaining our levels, the fishery should be nice and healthy, what kind of ... are we going to be given. Are we going to be given a five percent increase, or a one percent increase? Because here it is you are telling

me if I go wrong I am going to be decreased six months closed season or whatever is decided, so I think it works both ways, it shouldn't work in your way all the time. It needs to be both ways.

Roy Crabtree: Well the problem with that Julian is, what if the reasons the fishermen didn't catch the ACL is because the stock has gone down and there aren't fish out there? Well, you know, and I can show you cases where that has happened, where quotas have not been caught in the Gulf of Mexico because the fish abundance went down. So that is the problem. But the way it is set up now, if you are under the ACL that is not added back to the ACL the next year, and I think it'll be difficult to come up with a rationale for how you can take underages and add them to the ACL for the next year, but if the Council wants to try to do that, that's fine.

Julian Magras: All right, now I am going to come right back at you and this is a good one. Explain this one to me. Here it is we setting up a limited entry program. We are going to stop more fishermen coming into the waters with traps. We are going to be reducing effort. We are going to be cutting back on the number of traps. So then you are telling me that now when my ACL is over run is because of overfishing? If I reduce my fishing effort my fishery should become more healthy. So here we go again. You are telling if I go under there is a problem. If I go over there is a problem. This is where the science needs to go back and look at what actually is happening in the fishery. We are not taking into effect here none of the issues that the fishermen brought to the table about our market driven fishery. That is not playing a factor here again. It is reduced because of the economy that we are in right now again, and you see a dropping number and the first thing you assume it is because we can't catch and the stock is overfished. We are not placing none of these factors into place.

Roy Crabtree: No. I only said, Julian that it could be because the stock has declined. It also could be because effort is down, and if the Council determines that the catches were low because effort is down, then I would think the Council would have justification to come in and remove seasonal closures or remove some of the restrictions that are keeping folks from catching the fish. But it doesn't mean they necessarily have a rationale to come in and raise the limit. If you can't catch the limit to begin with, just raising it is not going to do anything. So I would think if the Council could show that the limits weren't being caught because effort is down, then the first thing the Council would want to do is to look at the seasonal closures, look at other management measures they've put in place to try and limit the catches, and take some of those off the book, and they could do that. I think that is getting at what you want.

Julian Magras: Ok. That's for the under run. But if the over run is because the fishing effort was cut back, and the stock has become more healthy, then why is putting the ACL in that same case increased, because the effort has gone down, there is more to catch because the stock is more healthy. It works both ways.

Roy Crabtree: And I agree with you. And if the catches go up because the stock has improved, and if the scientists say that is why, then I would say the Council could come in and raise the ACL, and that is what they should do. So I agree with you. It goes both ways on that one.

Marcos Hanke: A comment on the discussion that is taking place now. That is one of the reason I think that this three years average would work better and would give us a better picture of what is really going on, is not a specific gear, seasonal or better weather or bad weather for the fishermen to go fishing.

Miguel Rolón: That comment that Marcos made, that is the kind of comments that we need when we go to scoping meetings, but also the kind of comments that we need when we go to public meetings, because it is the first stage, and we are throwing everything, as I said before, to comply with the NEPA requirements. What we have done today is excellent discussion to develop the record, and then fishers and the Council members should concentrate on this so you can fine tune what is that you would like to see as your preferred alternative when we go into the other stage with the actual public hearings for this. The other thing that I wanted to emphasize again

is to repeat what Roy said before. The other slide that has the management measures, the management alternatives, once those management measures are in place, that mechanism, any of these are in place, then it is an automatic machine that will do whatever we chose that we need to do to comply with the Act, and then it will be a Secretarial action. The Council will be removed. We have done our job, and then it will be an automatic thing. These documents that you are going to take home, that we are going to discuss during the next few months, please try to look at them very carefully, and let us know by the next meeting what will be your preferred way of ... this.

Julian Magras: I understand exactly what you are saying Miguel, and that is why I am saying what I am saying. I just want to make sure that when one of those alternatives are picked, that we make sure that the Council also puts in the mechanism the accountability of weather, hurricanes, everything. Everything needs to be in there, because not only that, but some years fish run, some years they don't, and there is no one here sitting in this room better than the fishermen that know some of the reasons. You know, one period we went through where the triggerfish disappeared from St. Thomas. Was it because of overfishing? No. We strongly believe it was because of when the sea urchins moved out. They moved out because of a disease and we didn't see a quantity of triggerfish for a long period of time. Now they are back and in high abundance. And we are doing the same fishing that we were doing back then. So a lot of these factors need to be looked at. You know. The lobsters right now are running for the past year and a half, steady. But there was a period of time when the lobsters were not running as heavy. And that is why we are saying. When you say that these numbers went up or these numbers went down, we have to be very careful that the stakeholders are not going to be the ones that always affected because you don't have the information, and the first thing you say is that is because of overfishing. There are a lot of factors out there that, the ties, everything. The fishermen know. The moon phases, everything, and we need to take into accountability these measures.

Miguel Rolón: And for the record again, that is what we've been saying before, and that is what you should look at, average from several year. Because different from other fisheries, where you have millions of pounds of fish for one particular species, in the tropics, the Pacific, and the Atlantic and the Caribbean of course, we have a multiple species set up with less number of harvest or less number of, the stocks are smaller per species or per species groups. So in these cases, what the scientists are saying is that you should be looking maybe at an average. So the average will take into consideration the fluctuations in environmental components of the fishery, fluctuation of the fishing effort, etc., and that way you will account for, I mean, your accountability measure will take in consideration all that has been said so far. And this is the way that you develop the record, the rationale, when you go back to the public hearings. And you also have to be very mindful about, and if you need assistance we can have orientation meetings with the fishers from the three areas to explain what is the meaning of this, if we do something, what will happen, how the regulation will be written in the future. And I know it is very difficult to take all this in one show, but the process will allow for us to continue working on this before we go to the final regulation stage.

Marcos Hanke: Roy, this is a question for you. The idea that Julian brought in terms of to benefit the fishermen with a higher quota, or a bigger source of fish available to them, can we create a system right from the beginning, maybe not from one cycle of three years, maybe out of two cycles of three years, then we see a clear pattern of the fishery getting better and create a mechanism to increase the amount of fish for the fishermen?

Roy Crabtree: Yes. One of the things we talked about adding to this is a framework action that allows you to do a regulatory amendment and change the ACL. And that is an action that I think we all agreed to add to the document, and so what that would enable you to do is if you have evident science and the SSC agrees that the ACL can be raised, then you could do a regulatory amendment and probably could do it fairly quickly and raise the ACL. So that would be it. So it is not going to be an automatic thing, you'll have to submit something, and

we'll have to go through a proposed and final rule on it, but that is what that framework would enable you to do, to make adjustments to the ACLs, and it would be more quickly.

Edward Schuster: I just wanted to add here, on this action 11 of accountability, I've been looking through it, and as an alternative I think we are missing something here. In our territorial waters we have extended our closed seasons for the conch to five months. It is still open in the EEZ where it is closed for those additional two months. What this has caused is a black market, poaching, and it is very hard for our local enforcement agencies to enforce the issue. We have been trying to get the word possession into our regulation, and I think we have played fair here, and I say we meaning the locals, of coming to meet compatible regulations to the feds. I think now it is about time the feds come to us, since we have made that first move and made it equal, where our closed season is five months yours should be equal too and come to that five months closure.

Roy Crabtree: Yes. I think I agree with Ed, that's I think a reasonable alternative to put in the queen conch section of the document. I mean, we've got closed the fishery as one. I think putting one end to put up compatible, what is, a five months closure in there is a reasonable thing. And if everyone is in agreement...

Jason Rueter: Certainly, I can add it in as another measure.

Roy Crabtree: Can I suggest this Jason? One of the alternatives in there is to use the 50,000 pounds quota, which is the USVI. It seems to me we would add it into that so that we would be mirroring the USVI regulation, so we have USVI quota for St. Croix, and the closed season for St. Thomas. So I think it could factor into that one in somehow.

Edward Schuster: We also changed it before previously just to self regulate as a management plan, and I say we, you know I give everybody the credit on our FAC, our Fisheries Advisory Committee. Previous to this it was 150 conchs per license, and we have changed it to 200 per boat. The reason being for this is that we have seen the increase of it, and I'll tell you why just briefly, sometimes you have multiple divers and if there are four divers you would have an allowable catch limit of 600 conchs per boat, and we changed it because if you have four divers it would be 150 per license, so we changed it to 200, just to keep down that 50,000 pounds quota, as a management per season. So I don't know if you guys on the federal side and on your regs. if you have anything similar to that effect.

Jason Rueter: We can add all of that, closure and the conch per boat provision to these alternatives here where we discuss the 50,000 pounds being compatible with the territorial regulations, that is as simple enough as to modify these two alternatives right here to put in those two provisions of extending the seasonal closure and the limit on conch per boat.

Roy Crabtree: So I think our intent would be for sub alternative c, would be to mirror all of the regulations that the USVI have; the closed season, trip limit and the quota. That makes sense.

Edward Schuster: Just for some clarity, the 50,000 pounds meaning joint federal and territorial waters. Not fifty in the EEZ and fifty in the territorial; as a joint, combined. Right?

Roy Crabtree: It would be a single ACL quota. It wouldn't matter where the conch is caught.

Jason Rueter: I'll have that modified before the meeting is over, and you'll see all of this in the scoping document, so when that goes out, when Graciela and the Council take it out to the public you'll actually have that in there, and I'll have copies of it done before we are out of here.

Roy Crabtree: And that is when you guys will have another chance to go through the whole thing before the scoping meeting, so you can come in and, I am sure there'll be other things that got messed up, may be left out, or you'll think of things, and then we'll come back in at the June meeting and go through all of this stuff and make more changes.

Jason Rueter: Ok. I'm going to skip ahead just one real quick to go to 13, which was just discussed, the action is to establish the framework, which will allow us to adjust ACLs and AMs to the Reefish FMP. There is already a framework established, and we did that through the SFA amendment. We'll take that language out and take those same alternatives and modify it to add in measures for ACLs and AMs. So this is a fairly straight forward action and the alternatives would essentially be to do it or to not, and I'll have the language in there to adjust your framework. Any questions about that? Ok. Back to action 12, this is allowable gear for reefish. We have ... to allowable gear, but we are already doing that. We just had that discussion earlier, so this one is going to include now in action 12, which will have the spear use in there. So we are adding spear to the list, and then the other one was to prohibit SCUBA assisted. There are other gears listed in 600.725, which is where that list of allowable gear is, if there are any ideas or comments about modifying gear or just allowing certain types of gear for the Reefish FMU.

Joe Kimmel: I was in attendance at the SEDAR meeting that we had back in January, and it also came up again at the ACLG meeting in February, but during that meeting I spoke with a commercial fisherman from the USVI, and we were talking about parrotfish, we were talking about gillnets, about the prohibition of gillnets in the USVI, and he described to me a substitute gear that they had begun using. I don't know if it is being used, I am just telling you what he told me, but a substitute gear that he referred to as a wall net, and it has a similar construction to the gillnet set up that they had, where they would have a couple of panels sort of on the sides of the central panel, and the two side panels the divers would go down, and first that they deploy a net in that configuration, and then they would herd fish into a central panel in a gillnet. While they substituted the gillnet, because it was prohibited, with either a finer mesh net that was like a seine net, or somebody even described one of these barrier things that they use for highways, anyway they would use these things, it would herd the parrotfish into a central bag, they would purse the bag, and then take the bag to the surface and put the fish in the boat, and then come back and store the gear in some area on the bottom, a fish trap or something like that. So I heard this presentation, and it seems to go around the idea of protecting, of the whole purpose of the gillnet prohibition. So I just want to raise to the Council this that somebody had described to me, a fisherman from the USVI, that this net was being used, or that this gear was being used, they call it a wall net. So I just bring it to your attention and is not on the allowable list of gear, and if the fishermen are using this net, it guess it is considered to be an illegal gear, and they should be warned that they might get caught using an illegal gear by enforcement. If they want to use it they would have to request the use of that gear with the Council, and the Council I think has 90 days to take action to approve or disapprove the use of that gear.

Edward Schuster: First let me ask, I would like to know where you heard this presentation, because it seems like you just heard this presentation when you went into the bathroom to take a leak, because I have to tell you something, this has been mentioned before in our joint FAC, it is not factual that it is being used, there is no data to support it, and if you saw a presentation I would like to see where this matter is being done, because it was brought to my attention that were up there, Gerson and myself, not telling the truth of how these fish were being harvested. The fishermen have asked whether it would be illegal to use that type of method, where it is not anywhere in our regulation territorial prohibited to use that type of gear, or that method of fishing. You know, and you sit down here and you guys don't have the expertise. The people, the nine gillnet fishermen, trammel fishermen, they did this fishing for a living. You cannot take anybody else that did any type of fishing anywhere else and do this type of fishing. It is an art of fishing; if you do it, if you don't have the experience, you will lose all your gear. So don't come here to be pulling a rabbit out of your hat from something you heard from a yappy dog. That term has been used here before in the bathroom. Don't do it.

Roy Crabtree: I think all we are doing Ed is asking you guys is anyone doing that. And I think what you just said is no.

Edward Schuster: We don't do it. But don't come here creating a scenario talking about that you saw a presentation. I saw both of them walking to the rest room before, and Toby pulled me aside and he asked me, told me that Gerson and I are not telling the truth. This is not true. I brought this up as a concern, being on both sides to preserve a fishery and also to be fair with the fishermen, and I brought it up in our joint FAC and it had been put on our agenda month after month, and we spent time putting more hardship on fishermen instead of concentrating on dividing our fishing gear or method or efforts that we do in our fishery. And it needs to stop. Where does the bus stop? Is it going to stop here, or are we going to keep doing this? It is hard enough, we have enough closed areas and now if these guys have developed or found a way that they don't have ... let me just go back into something here for a minute. We had a buy back program with these gillnets, and you had fishermen that had ten thousand dollars lost in a month when they went into an alternative fishing, which was traps. And you have it right here, and is a living testimony. Gerson went into trap fishing after he was one of the primary gillnet fishers, and he lost all his gear in less than a month; ten thousand dollars worth of traps that he could not be reimbursed due to commercial traffic. So don't come telling me you heard a presentation, because obviously it was two of you guys alone and nobody else, because I've never seen a presentation done by any fisherman or anybody doing this method in no place, and I attend most of these meetings.

Joe Kimmel: Maybe I'm, it wasn't a presentation I heard this from, it was from just a conversation I had, and it wasn't in the bathroom, it was next to the table that we were meeting at, but I just felt it was my responsibility after hearing such a story to present it to the Council so that we could get some verification whether the gear was being used, or wanted to be used or not.

Eaugenio Piñeiro: I think that the answer is no. Thank you for the clarification Joe.

Gerson Martinez: I just want to make sure that this alternative 2, prohibition of the use of SCUBA to assist fishing is not in little or small letters. I want to hear it from you guys that it is not going to exist in this document.

Jason Rueter: No. I've changed it to go to refer to the allowable gear section to generate discussion amongst Council members, as we've sort of done here, and that is it. That is all I have for now. It is what's up there. If it is allowed under 50CFR 600.725, it is allowed. If it is not, and it is being used, then it needs to be discussed and brought forward so that the Council can understand what other gears potentially may exist out there. Again, there is a very specific list under that part of the regulation, that lists all of the allowable gears for reef fish. We discussed that earlier today when we had the spear discussion.

Gerson Martinez: We need to see that list today, so that we can go home happy and not have something hunting us until the next meeting.

Viridin Brown: Mr. Chair, in the interest of full disclosure and information being provided to the fishers, could we have the Counsel read what is allowed under 50CFR, in this case?

Shepherd Grimes: This is the fishery on the left, for the Caribbean spiny lobster fishery. The traps and pots fishery, the deep net fishery, the hand fishery, recreational, and then for shallow water reef fish we have longline, hook and line fishery, in which you are allowed to use longline and hook and line, the trap and pots fishery, in which you are allowed to use traps and pots. These are the allowable gears. There is a separate one for the recreational shallow water reef fish fishery, which includes this list of gears, and we are talking of deep

net, hand line, rod and reel, slurp guns and spears. We just talked about this morning adding the spear to the commercial shallow water reefish fishery. Those are the allowable gears currently as they exist for the shallow water reefish fishery of the Caribbean Council.

Viridin Brown: So the effect of that is that SCUBA gear is not allowed. Not in the table of permitted gear.

Gerson Martinez: Is it possible that we can come to an agreement here, because remember we have large area closures, we have the ACLs being done here, more restrictions are coming into effect, and the livelihood of these fishermen here is today. We feed our families. We pay bills. We contribute to this economy. And it is not fair that you stop us from doing something that we do to support our family other than stealing and killing people for money.

Viridin Brown: What I would ask of you Gerson is to take what would be in a more specific sense to justification for having SCUBA included as a permitted gear on the list. I mean, how is it used. You make the case and then...

Gerson Martinez: Because of the depth of our waters, from 0 to 600 feet, to the boundaries of our waters. Nobody dives over 150 feet here, but because of this depth, we cannot do the work we do without SCUBA gear, and it is very important to our industry, and it is a tradition to do this fishing, lobster, reefish and conch, with SCUBA gear. For us to just stop doing it for a technicality like this, that it wasn't there like the spear guns I believe it is unfair. I believe somebody should make a motion and put SCUBA gear into this proposal, excuse my wording and my English is short, but please somebody work with us and help us continue doing what we do best, which is feed the island of St. Croix with SCUBA gear.

Viridin Brown: And your basic premise is that you supplement your harvest, or you use SCUBA gear to harvest your fish?

Gerson Martinez: That's been done from long years. I saw the fishing in 1997, and fishermen like Mr. Rentas and Jesus Nieves have been doing this for many years as a livelihood. So I believe that we should be considered and allowed to use this gear in our EEZ.

Shepherd Grimes: Let's just be clear what we are talking about. Hand harvest ... is specifically listed under spiny lobster, and there is no prohibition on the use of SCUBA gear. If you want to put on your SCUBA tank, go down and hand harvest a lobster that is perfectly acceptable. My understanding is what you heard Dr. Kimmel discuss was really, and maybe it was praised as SCUBA assisted fishing, but it was a type of net, and the SCUBA assisting was driving the fish into the net, and the discussion was just along the line of whether that was something that was actually occurring, was it something we needed to specifically address. Right now that type of net is not on the list of authorized gear. So it is currently illegal to use it, and apparently nobody is using it. So there is probably no need to ... of it. But again I would reiterate, this is not new. This has been in the Code of Federal Regulations for close to a decade now probably, and this lists the types of gears that can be used in the fisheries. If it is not on this list, it is unlawful to use, and just as we discussed earlier with the motion of spear fishing in the commercial fishery for reefish, if you want to add it to the list, there is a process that will go through to do that, but it would start with somebody providing notice to the Council that they intend to use the gear, or the Council on its own initiative seeking NMFS and the Secretary to publish a rule that allows the gear to be used.

Gerson Martinez: I was after this issue that thanks to SCUBA gear, five lion fish have been caught in the USVI so far since you sent us that important telegram saying that we need to destroy these fishes, and without SCUBA gear we cannot keep finding these guys and destroying them, and the future of our fishery will be more

endangered by having a whole new species of lion fish creating, an outbreak I should call it, of lion fishes in the USVI eating up everything. I would image right now eighteen thousand acres in the National Monument, where no divers are in there, the damage that these guys are doing there right now, and how fast they could be reproducing. So without SCUBA gear, without fishermen, you cannot stop this plague, and I believe that would be one of the most important points that we should use to allow SCUBA gear to be used in the EEZ, to establish a monitoring of destroying these guys.

Graciela García-Moliner: My point just goes to the SCUBA. SCUBA is not actually a fishing gear. The SCUBA tank does not harvest the fish. It is either your hand or your spear, or whatever that harvests the fish. The SCUBA is for assisting in harvesting the fish, but it is not a gear. So what we have to do is amend this table, which I remember commenting on the use of trolling in the Caribbean, which is a no-no, and I don't know why it is in there. So that is what we have to do. We have to look at the actual gears; things that actually harvest the fish.

Viridin Brown: If we do that analogy, then in this case SCUBA assisted fishing would not be prohibited.

Graciela García-Moliner: But it is assisting a net, and what the problem is is the actual net, is the gear that harvests the fish, that will capture the fish.

Roy Crabtree: There was an alternative that was put in the document to prohibit the use of SCUBA assisted fishing, and that would mean a SCUBA, using a net with SCUBA gear, that would mean spear fishing with SCUBA gear. If you have no interest and believe that is a completely unrealistic, then take it out, or go to scoping and don't do it, but it is just an alternative that was put in here, and it has nothing to do with the list of allowable gears. That is a separate issue. It is up to you as to whether you want to take a look at that or not.

Shepherd Grimes: And I removed it from this version that we are looking at right now just in order to get to this part, so we can look at this and the Council can generate discussions around SCUBA, around other gears, we talked about the spear already. Julian is going to mention that there are certain nets that are still out in the EEZ, and for some reason they are not listed here, they are allowed to be used for harvesting particularly the yellowtail snapper fishery I believe. I'll let him speak to it.

Julian Magras: One of the issues is when we went through the SFA we let in federal waters still the use of like the nets for catching the balaju, the nets for catching the flying fish, those nets were still allowed, and with the power the Council has here our net fishery in St. Thomas can be jeopardized, because you guys have the power that you can go all the way to the shoreline if you see that there is an issue, and we have a seine fishery over in St. Thomas, a unique seine fishery, where we harvest the jacks and the yellowtail snappers, and I don't see nets up there now, and that is creating another issue, and I know certain nets are allowed in federal waters, not only cast nets, but balaju nets, the flying fish nets, you know. That was discussed. Those that ... showing allowable gear here and that is not there. And also going back to the SCUBA issue, our reports have a section right here to report SCUBA in it. So if there was a problem there before, the Council should have seen it before. It shouldn't be here today trying to ban something that's been there for a long period of time. And another alternative that needs to be added to this is, if the commercial fishery is not going to be allowed to use SCUBA tanks, well then there should be no recreational people being able to use SCUBA tanks either. You might as well shut down the...of the USVI, and so that if the fishermen can't use it, then they can't use it either. I'll free dive if I have to free dive.

Eugenio Piñeiro: That is the way it is in Puerto Rico let me tell you.

Marcos Hanke: A very simple question for the health of the fishermen. Nowadays a fisherman can go with a SCUBA gear and a spear gun and fish for the parrotfish?

Roy Crabtree: Once we add spear fishing to the list of allowable gears, yes, the fishermen will be able to go out with SCUBA gear and spearfish for parrotfish. Again, if you don't want this alternative 2 that prohibits the use of SCUBA assisted fishing, if you don't want to consider that, then take it out, and tell the staff that you don't want to go there.

#### **Tape 4(a)**

Jason Rueter: And this is the last one, is to do the allowable gear. So this is the end of the discussions.

David Olsen: You haven't taken on board what Julian said, which is there is a seine net fishery in St. Thomas that is only peculiar to St. Thomas, that has been going on for 150 years, and it is not on the list of gears. There is also in St. Croix a seine net fishery for jacks, and it needs to be on the list of gears. It is not like it, it is like the spear fishing, is not going to change any of the effort or anything, but it is currently because is not on the list is currently illegal.

Roy Crabtree: Are they pulling a seine net in the EEZ?

David Olsen: That you have authority eventually if you see a problem in the yellowtail snapper of extended jurisdiction...

Roy Crabtree: No. This is the list of gears in the EEZ reefish fishery. I am aware of the seine net fishery. It is strictly in territorial waters, it is not part of this.

Eugenio Piñeiro: It is time now for the Council to take action.

**Marcos Hanke: I would like to present a motion that is written on the board. The motion reads, to instruct staff to make the necessary revisions to the ACL scoping document, and take the document out to public hearings.**

**Miguel García: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Ruth Gomez, yes; Winston Ledee, yes; Miguel García, yes; Eugenio Piñeiro, yes. Six yes. One absent. The motion carries.**

Eugenio Piñeiro: I want to express my thanks at this moment to the SERO staff; Jason, Roy, Counsel, also to the Science Center, but my very special thanks to Julian Magras and Gerson Martinez and the fishermen who carried the day and went through the whole process, and Todd Gedamke of course. Thank you all. Graciela thank you too.

Miguel Rolón: Just to let you know that we'll have then the scoping meetings, and we need to send the Federal Register notice tomorrow, in order to meet the dateline. And we will have the period from April 27 through May 7<sup>th</sup> for the hearings. Graciela alerted me this morning that in the case of the USVI, in St. Thomas/St. John we have the Carnival from the 27<sup>th</sup> of April to May 1<sup>st</sup>, so we negotiated with the help of Julian Magras and the other guys to have it on May 6<sup>th</sup> in St. Thomas, and Julian will be able to secure the Community Center for St. Thomas, so we'll have the meeting there for the scoping, and then we will look for the appropriate venue for St. Croix. We will be in San Juan in the 27<sup>th</sup>, in Ponce on the 28<sup>th</sup>, Fajardo on the 29<sup>th</sup>, and Mayaguez on May 4<sup>th</sup>.

May 6<sup>th</sup> will be St. Thomas and May 7<sup>th</sup> will be St. Croix. I will send copies to all of you via email of the Federal Register notice. In addition, we need to prepare the notices for the local newspaper; the Daily New, and for Puerto Rico it will be for El Vocero, and for St. Croix, the St. Croix Avis.

Eugenio Piñeiro: We have two more presentations. The first one is how effective are the no take areas, and the Nassau grouper spawning grounds, by Brice Semmens, and then Dr. Nemeth will talk about aggregations of the yellowfin groupers.

Brice Semmens: Thanks so much for having me. My name is Brice Semmens, and I work with the Reef Environmental Education Foundation, which is a marine non-profit based out of Key Largo, Florida, and one of the things that we do is work with recreational divers to help collect information on fish... But in addition to that, we also do a series of side projects, and one of them started back in 2001, doing some Nassau grouper work down in the Caymans, and that is what we are going to be talking about today. (Presentation included under Attachment I.)

Miguel Rolón: Thank you for an excellent presentation. We have a couple of questions for you, because the previous meetings of the international group that deal with Nassau grouper, and at one of them you were there, one of the GCFI meetings, there was a statement by one of the scientists that you need at least a thousand individuals to make a viable aggregation, and in some cases you have all males, and there was a behavioral response that some of them became females. Is that still true? Because what you are ... now it seems that you don't need that many individuals for aggregations.

Brice Semmens: That was one of the questions that we were sort of trying to get at. Prior to this work, nobody as far as I know, had observed spawning on aggregations that were less than a thousand individuals, and so this is one of the major reasons why people were suggesting that in fact they were just not spawning at all. The work that we are doing here suggested they are spawning. It does not ... in a fact that in places like Bermuda, in places like Florida, I suppose to a lesser extent in Puerto Rico, why the species is not recovering quickly, or recovering at all for that matter. So the question may lie somewhere else. And I suspect it lies more sort of in how in the figuring out connectivity and recruitment issues. And that is sort of what we are moving onto now. And this is sort of to look at the behavioral, how these things behaviorally function and whether or not there is evidence of this simply failure to spawn, and that doesn't appear to be the case.

Jorge García: I wanted to know, do you have any formation of fishes immigrating from other reef areas to the spawning site that you were talking about? And then, what was the dimension of the island? How far do they actually swim towards the spawning aggregation sites?

Brice Semmens: Yes, I forgot to mention that the islands are about 15 kilometers, maybe 12 miles in length, and about 2 miles, mile wide. And no, there was no evidence of fishes moving between islands.

Jorge García: So like if there is an exhaustion of one of the spawning aggregation sites, you wouldn't expect fishes from the different islands to try and compensate in terms of critical mass to migrate towards one particular spot, which could imply a larger area, but actually making them possible to attain a critical mass that would allow them to spawn?

Brice Semmens: Yes, you know, that is possible, but no in our system, because the two islands we are dealing with right now are so small that I think, well, I think it's fair to say based on the work we've done so far that Nassau groupers simply don't do a ... migrations. They are not going to move between Islands. And so, if they've got contiguous shelf areas that they could move over, I suspect, certainly based on the amount of

distance we see them travel, if you had a larger shelf area I would not doubt it at all if they show up to an aggregation site deemed that there is not enough individuals and they'd just keep going.

Marcos Hanke: There is also depth between the islands. There is a barrier there in terms of how deep it is. In the case of Puerto Rico and the USVI, we are connected by a shelf. Do you think it is possible for us to have these, I know that we are speculating here, but is there any evidence that they do travel on those small shelf and interconnecting between aggregations? Any evidence of that?

Brice Semmens: Rick Nemeth might be a better person to ask that. I do know that from some work that's been done in the Bahamas, which obviously has a huge amount of shelf edge, they've seen individual fish move hundreds of kilometers in a straight line distance, I think it is something like five or six hundred kilometers. So, that is certainly within that sort of span. I suppose it is possible, although again probably Dr. Nemeth would be a better person to ask that question.

Marcos Hanke: One last question. On the sites that you are studying or somebody else is studying, of your knowledge recovery of the spawning aggregation, is there evidence of anything to do with the detrimental or the bad effect that it has on the shallow beds for the youngsters and mangroves lagoons and things like that that was affected, and then the recovery just don't take place? Which is the case, I think, in Puerto Rico, that we have a big problem on that matter. Is there any evidence related to that?

Brice Semmens: Not directly. But we haven't really been trying to tackle that side of the question. There is always many, many different faucets, possible faucets for why the species is failing to recover in locations. Certainly juvenile habitat is one of them. I can say that, at least in the two small sister islands is very little on the way of mangroves, and perhaps because of that very little on the way of local recruitment habitat, and so that may at least in the case of the Caymans that might be one explanation for why the stock of fishes is not recovering very rapidly. Although we haven't seen recruitment of young individuals, not many, but some young individuals in fifty feet row of patches on the four reefs. But you know, it is entirely possible that we've only seen Nassau grouper up in the shallow waters in the sea grasses and near the mangroves because that is where we primarily look, but it is possible if they are able to make use of other recruitment habitats when that is not available to them.

Viridin Brown: The next presentation is from Dr. Rick Nemeth.

Rick Nemeth: Thank you for inviting me here to give this presentation. I initiated a study to look at how do we define boundaries for spawning aggregations, and the focus was on these two; yellowfin and Nassau groupers. In general Brice covered some of this already, but spawning aggregations are very predictable in time and location and it seems like that is very consistent throughout the Caribbean. (Presentation included under Attachment J.)

#### **Tape 4(b)**

Miguel Rolón: Thank you Rick. That was an excellent presentation. On one slide that you have you have a maximum protection, I am talking specifically about the Nassau grouper, if we have a year round Nassau grouper protection and we have good enforcement, there seems that there is no need to expand that area at this time. If we have year round protection for the Nassau grouper, nobody can harvest the Nassau grouper year round, then the whole area is protected more than just that little reef there. So there would be no need to expand that aggregation...

Rick Nemeth: Yes, exactly. I think some of the regulations that are in place now for Nassau grouper seem to be showing that they are working, with what David Olsen was saying, that some of the bycatch is showing more of the smaller Nassau showing up in the fish trap survey, and we've seen quite a few juvenile Nassau showing up in near shore waters. Where they are coming from is the question that we are trying to address now, whether it is related to the Grammanik Bank spawning, we are looking at genetic relatedness between the juveniles showing up in near shore waters and the spawning stock at the Grammanik Bank, to see if there is connectivity between the local spawning site and local recruitment. But yes, you are right, with the existing regulations, I think I have this down here, you know, there is not harvest of Nassau year round, so the option of expanding the Grammanik Bank is not really necessary with that current regulation.

Graciela García-Moliner: In addition to that we also have, from the Grammanik Bank you have no bottom tending gear whatsoever the rest of the year, so the only gear that can be used right now are hook and line and spearfish.

Rick Nemeth: Right. I didn't include that with the Grammanik Bank closure, that also includes year round prohibition of bottom gear, of trap fishing in that area.

Jimmy Magner: Good afternoon. I am Jimmy Magner, President of the St. Thomas Fishermen Association. I saw Roy and Joe's eyes lit up when you saw the chart that you have, but we had this presentation with Mr. Nemeth before. He is not going to get it any bigger. First of all, these fish are protected. For the three months they are there you can't harvest them. So making it bigger or making it smaller, that won't hurt the fish. Now I hear you saying that they swim from one side to the next, and we are saying they are fish, they are allowed to fish where they want, but they can't be harvested, so making it bigger is not protecting the fish. So before this Council meeting gets ended, is not going to happen.

Roy Crabtree: What's your feeling on, I mean fish that are caught in fish traps, and then since you can't keep them so you throw them back, but there are probably some traps that aren't pulled that often, and there's got to be some level of mortality of the fish that are released from fish traps. How high is it, you think?

Jimmy Magner: On these fish?

Roy Crabtree: Yes, on groupers for example. Have you ever found death fish in your fish traps?

Jimmy Magner: You find all kinds of death fishes. It depends on what kind of species, where your traps are located. In the western end it's the ... the ... hinds, anything...

Roy Crabtree: You think most of the groupers ... get caught in the fish trap, and then you pull the trap and throw the grouper back, you think most of them are living, or?

Jimmy Magner: Most of them are living. I'd say 95%. They are big fish. They can withstand the pressure. When we release them is to the side of the boat, and we have to throw them back overboard and barracudas and the sharks eat them. They get eaten more by the predators than dying in the traps.

Roy Crabtree: Does that happen a lot?

Jimmy Magner: Well, when the ... because for those three months, I mean, the rest of the year we can harvest them, but not in that area, we don't have any gear in there any longer. But for those three months it doesn't even make sense to go in that area because you can't sell the fish, you cannot land it. If you are caught with them landed it is a violation. So we don't even go in that area.

Roy Crabtree: So the people moved their fish traps out of that area?

Jimmy Magner: You can't have fish traps in there, except for the little area...

Roy Crabtree: Not in the Grammanik Bank though, outside of it, you can have fish traps in there right?

Jimmy Magner: Yes, but there aren't many of them in there. That is a hard bottom, for whatever reason ... the shallow going into the deep, that is where the Grammanik sit, and then inside of that it has a little trench, which is closed, and then it comes up on another shallow, which we haven't seen many pots in there.

Marcos Hanke: That you know of, of your operation, of your friends, how many Nassau grouper are caught in the traps in a year? An estimate.

Jimmy Magner: Well a couple of the guys said that they got a few.

Marcos Hanke: For me it is very important, because following the lines that Roy was going through, you know. There is a lot of them, three of them, twenty of them, a thousand of them?

Jimmy Magner: I don't have a direct number of how many of them. I have spoken with the fishermen that have caught them, small ones, not big ones, and they release them. In this end side of the island we've been ... of where it is, but they are there, they are in the islands.

Roy Crabtree: We heard some testimony about yellowfin being poisoned with ciguatera. So, is anybody bringing them in anyway?

Jimmy Magner: For some, for whatever reason, I don't know, the scientists can answer this, at one time the fish, some of them not all of them, is like one in a million or whatever, you may find one bad one in a bunch, but we check them ... and we didn't have any problems with the restaurants... whatever the poisoning was directly, I don't know the Latin names, but I think ... reduce it maybe to 1%...

David Olsen: We had in the MARFIN study, you know, an actual CTUE for Nassau, I don't happen to know what it is, you know, what the probability of catching a Nassau in a trap ... is in the MARFIN report, and it could be developed on that. As far as, you know, the scientific name of the yellowfin is *Micteroperca venenosa*, I mean it was known to be poisoned in this time when it was named, and the mythology of ciguatera is that if you don't eat the skin and bones that you stand less of a chance of getting poisoned, and it seems to me in a subjective impression that they are less poisonous today than it was when I was here 25 years ago. When I was here 25 years ago, yellowfin from the north were eaten, but not from the south, and we still see in the bycatch studies some discards of yellowfin on the south, as you get closer to the BVI border. But one of the fishing operations that Jimmy was in a long time ago, that guy who I think plays ... with a lot of things started catching those yellowfin and take them into the hotels to sell, because he particularly didn't care what happened to the tourists and got away with it, and I think that, my impression in general is that there were a lot of things that were in pretty high risk back 25 years ago that don't seem to be such high risk today.

Jorge García: Rick, do you have any assessment of what is the size of these spawning populations of Nassau and yellowfin groupers in the Grammanik?

Rick Nemeth: For yellowfin we counted anywhere from 800 to 1,000, depending on the year, and for Nassau up to 200.

Julian Magras: I saw the presentation at the St. Thomas Fishermen's Association. It was an excellent presentation. But when I walked in the room I heard some discussion here about ciguatera and the sightings of Nassau groupers. Being one of the sole persons that used to fish in the Grammanik Bank before it closed, I didn't have any issues with the fish at that time poisoning. Now that there is a three month closure, both federal and local waters, I don't catch them anymore, but throughout the season, like I said, after the season is opened back up we have a couple of fishermen that do caught a few of them, and mostly out to the north and a little to the south west. They would catch some of them and they don't have any issues with the poisoning. As far as sightings of Nassau groupers, recently within the last couple of years we have seen a lot more Nassau groupers inshore. So I strongly believe that the Nassau population is making some kind of come back. I caught a Nassau on Saturday, up to ten fifteen pounds. We released them back to the water. So we are seeing a lot more of them. For some reason the yellowfin grouper doesn't come into the shallows, so you don't see them in the shallow waters like that.

Viridin Brown: Thank you Julian. And we want to thank Dr. Nemeth for his presentation, which was also given at GCFI and was well received. We look forward to any further findings that you have to offer to us. We are going to go into public comment period. At this point we have three persons who have asked to speak. We'll give each of you five minutes. So we'll start with Eddie Schuster.

Edward Schuster: I just wanted to put something on the record. Right now there is a moratorium on the issuance of fishing license, and that is a territorial regulation. There is the Buck Island Monument that is a huge area that is no take; the East End Marine Park, seventeen miles of protected reef, no take; Salt River, a no take; Jovenssa National Security that is a three miles buffer zone by the refinery, no fishing. There is a southwest closure, which would be the mutton spawning area that is part federal and part local. There is a five month closure extended on our conch, with a limit of 200 conchs per boat, with a fifty thousand pounds quota. On Lang Bank there is a large area closure for one species which would be the red hind, and there is also a three months closure in federal waters for the deep water snapper. There is also the three months closure for the mutton snapper, which would be in the spawning aggregation, but there is also from shoreline to that 200 mile limit. There are also the polluted areas that we don't fish on the south shore, and the landfill as opposed to Jovenssa and etc. To sum this all up, St. Croix has a small shelf, and it could only be managed this way ... have these regulations and join us in protecting our fishery for today and the future. In my opinion, I believe that we have met the mandates for the federal requirements to reduce all overfishing by 2010.

Viridin Brown: Thank you Eddie.

Graciela García-Moliner: Mr. Chair, if I may before Gerson goes on, a point of clarification. The Federal Register has published from the US Coast Guard a number of safety zones, in where there is no entry and no remaining, therefore no fishing. They have been publishing this in, especially this year, but the Hovenssa site they ... it to 2003 or before that. So we are in the process of gathering all this information, we are working with the Department of the Interior also the National Park Service in terms of the regulations of no take, which is basically what they have in there. In their areas, the no take zones from the USVI, they've been supplying the coordinates. So the group of Mark Monaco and company are putting all this information in this GIS map to have a complete breakdown of what areas are under regulation, under management, and what kind of management is in place. As it appears, anywhere between 30 and 40 something percent of the total area of St. Croix specifically is under some kind of management, seasonal or completely no take. So the Council has been trying to gather that information and put it in one place. The Department of the Interior also requested from us the information because they are moving in the same direction. So we are putting all the information that we can gather on any kind of fisheries management for a forceful closed areas in one map.

Gerson Martinez: I thought the fishermen were the most wanted, but we have a new guy out there now. We have the lionfish. My presentation will just state when and who caught these fishes, thanks to the information given to us by the Caribbean Fishery Management Council, in coordination with Fish and Wildlife, the fishermen were given the task of finding and destroying these guys, and that is something that we do very good. So the first fish was caught on November 21<sup>st</sup>, 2008, at 4:55 p.m. Diving instructor Jenny Keith was returning from the Frederiksted pier with a student, and as Ms. Keith rounded the edge of the dock, she saw a juvenile lionfish, she reported it to the owner, David ... of Into the Blue, a local dive shop, and he coordinated with several of the divers and they located the lionfish, that's number one. That's the first one that was caught here in St. Croix. Dr. Coles was contacted at 6:30 p.m., and responded to the dive shop. He positively identified the fish as the Pacific species of lionfish. The fish was preserved in ethanol and is currently in the Division of Fish and Wildlife office, in Mars Hill. The morning of the 26<sup>th</sup> of November of 2006, six divers from Into the Blue Dive Shop search the boundaries of the base of the ... here for additional lionfish and none were found. This is the first confirmed sighting of a lionfish in the Territory, another confirmed, not dive shop operator dive master, but Captain, observed or had heard about the sighting. Observation was made in Salt River, because of the lack of knowledge or information Dr. Coles has personally contacted all of St. Croix Dive Shop owners and talked to most of the employees. He considered that initial report suspects. However, we now have a specimen and have positively identified it, confirmed by Paula Whitfield, NOAA Lionfish Species, that the specimen was a lionfish. On February 1<sup>st</sup>, 2009, two divers had returned from their afternoon dive, and were showing their photos and videos to partners at the Coconut Beach, and one of the persons there that day that were seeing the video recognized the specimen, and they contacted Mr. Coles, and he made coordination with the dive shop Into the Blue, for the next morning to go and search for the lionfish, and they did locate it. I spoke personally to Mr. Coles, and he told me that these guys are kind of territorial and they stick to the same area, so whenever you see it in that area they won't move too far, and as he was diving and looking for the fish the fish actually found him, he was in a cave looking for the fish and the fish was right above him just looking down at him. The specimens three and four, were probably brother and sister, but one of them got mangled up when the fisherman shot it and it broke into pieces, and he did not try to hold it because he feared it would poison him. But 50 feet lower down from where he spotted the first specimen he saw another one, and this was in the area right next to the spawning aggregation of the snapper closure. That was in February 7<sup>th</sup>. Two of these guys were caught there. Number 5, was caught on February 26<sup>th</sup> by Mr. Bobby Thomas. He was fishing about half a mile south off Isaac Bay, at the end of Point Udale, and as he was diving he spotted this guy next to a hole, and shoot it. The fish measured six and a half inches, and the content of his stomach was five inches, so he ate a fish almost as big as he is. So if you put ... of us in the ring, and you permit us to continue fishing as well as we do, we'll try to get rid of these fishes.

Jorge García: I just want to make a comment that I have confirmed reports now that lionfish has been collected in La Parguera area. There are two individual lionfish that have been collected in La Parguera in the last two weeks. So we were expecting to see them, later than sooner, but they are there.

Miguel Rolón: A couple of points with the lionfish. I was discussing with the fishermen and Lynn and some of the guys here about the possibility of assisting the local government with a special project, where we are going to have a kind of sport fishing tournament so we can encourage people to go out, and that would be way to, not only collect the information but to get rid of the fish. The other concern that we have is that we don't know what is happening within the areas of the Monuments and the areas that are closed, and from the example of Bahamas, if you get a population of lionfish established in those areas and you don't know about it until it is too late, they'll have a spill over, and that is the way it started in Bahamas, not in the closed areas but in Bahamas, to the point that the fishery officers were so concerned they have a program directed towards lionfish. They even have a recipe for the lionfish. And they can go from 3 feet to 300 feet, and it is very well adaptable, and they are really concerned because it is a very voracious fish that is attacking the commercially important species in the Bahamas. So two issue; number one, the Outreach and Education Program can assist the local

governments with that initiative that Lynn was talking about before, and Dr. Cole, and that would be a good example of assisting and cooperating. And the other one, maybe the Chair can write a note to the local authorities that are in charge of the National Parks and the Monuments to see if they have any information regarding the lionfish within their areas of jurisdiction. And the last part is that Geño and I have talked to some of the NGOs that are pretty much interested in this issue, not only interested in participating with the local governments in Puerto Rico, but also in the USVI. I think that is a good opportunity to go after something that is, you know, is the first time, the first time I can tell a fisherman go and kill something, and use a spear gun. And this is a good opportunity, because this is of serious concern. In ten years that fishery can cover the entire area, and it will jeopardize our efforts for enhancing the fisheries in the area because it will destroy all the effort that we have done.

Jimmy Magner: I think I've attended enough of these meetings in the last four years, but I am here again today fighting the ACLs. There is one question that still sticks in my mind that I can't have an answer to. Maybe Roy could help me, or Jason, or Todd. We are coming up with the ACLs, and somewhere along the line I am being told that the data for the USVI is no good. So it wasn't based on the data from the USVI. So where did we get the numbers to create that ACL, because we have an ACL for parrotfish and for conch. So the numbers wasn't any good for anything. Only two species survived the numbers? It is like I am lost there. Maybe somebody could help me. Did you understand the question? If the data from the USVI is no good, and it can't be used in all the aspects to create the ACLs the proper way, because we know that is valid, but I am hearing that the data isn't good enough.

Roy Crabtree: Well there are problems with it, and I think when the scientists went through it, they couldn't do some of the analysis they wanted to do with it, but we are using the data that we can. I don't know if Todd wants to do any other comments on that.

Todd Gedamke: I think Roy you just touched on it, and I guess Jimmy what you are getting at is the fact that the data wasn't suitable to generate the estimates of MSY, which in most cases form the baseline for setting up ACLs in these guidelines. Now, what we've done is to use the data as best we can to evaluate the catch rates, so we have the landings in there, and that is going to serve as the starting point for the setting of the ACLs, and taking those values, as Dr. Crabtree has pointed out before, the justification or rationale for taking out those values becomes extremely important.

Jimmy Magner: What I am driving at is, how do we reach overfishing if the data isn't sufficient. How can you determine where is the OFL if the data is no good? Because if we got to establish OFL, then the data would be good enough to create the ACLs. Somehow we aren't coming with it, that you just take certain species to say it is overfished. But then, the numbers that we have, because we had access to the data at one time, isn't showing the same numbers. So I am trying to figure out why are we getting the same numbers, because in the SSC there was data presented, and we were only at 3,000 pounds up from what we proposed. So that was close enough, and then now we come in with these scoping meetings that it was by accident of course, it just happened. And now it seems to be changing again. I am not sure what is the Council really looking for, because we have been working with the Council from day one. We go and we attend all these meetings, which the Council members didn't. ...I saw Miguel and he is always there. Questions were asked and the people at the meeting had a direct answer, but we were not allowed to speak at the time during the discussion. So it is like we have the answer but we are not allowed to give the answer, but yet we are working with the system, going to all these meetings, to work us a formula, and then we think we have the formula, and then we are not allowed to discuss the formula and we have to shut up again. I don't know how we are going to ever agree on this. You came up with this adhoc committee, and I was in one before for St. Croix when we reviewed the Lang Bank, Mr. Brown was the Chairman. It didn't go anywhere. I don't think this one is going anywhere either, because ... is money, is this, is this, even when we come up to a conclusion, it still a decision, I don't think is all the Council, but in the

decision it is already a done deal, and we go to the motions just to say that it is acceptable that we are going through the system the right way, but the decision is already made before the meeting has ever started. You understand? It feels like sometimes it seems like you are wasting your time. So I don't even think you want to go back to an adhoc committee. I am the Chairman of the Industrial Committee. Have you ever heard about it Roy? I just need to have this notified. This committee, this chairmanship was given to me by the Council. A committee that has never met, and I don't even know any other member on it. As a Chairman I should be sitting at one of the chairs with the rest of the chairmen, but I was given a be quiet. You need to look up and see what is going on with the rest of the Council.

Sera Harold Drevenak: My name is Sera Harold Drevenak, and I am with the PEW Environment group, and we are the conservation arm of the PEW Charitable Trust. Our goal is to end overfishing, not only for the sake of the marine ecology, but for the sake of maximizing the yield from our Nation's fisheries, and to benefit the economies of the fishermen. I want to thank you, first of all for the time and opportunity to give input on the annual catch limit rule and the accountability measures, and I wanted to say that I am really impressed with the work that the Science Center and the staff has done developing the document and the way to try to get at the limited stock assessments that are possible. We are really pleased to see that the Council is moving ahead with this amendment to the Reefish FMP, and to the other stocks that have been deemed to be undergoing overfishing. In 2006, the United States Congress mandated an end to overfishing by 2010, and again, they did this not to punish anyone, or to save all of the fish, but to maximize the yield that we get from the fishery. We recognize though that this is not easy for the Caribbean Council, that it is not an easy task here, that there are data limitations, but we do think that you have the best available science, and all of the tools that you need to go ahead with these amendments. The reason that Congress enacted the 2006 amendments was because the councils all across the US were not doing what they needed to do to protect the fisheries. The Councils were not successful managing the fisheries to the maximum yield. And so this amendment was supposed to close all loopholes and we are here to try to make sure that happens, that this Council does the job that they need to do for all of us. It is clear I think that depleted fisheries, overfished fisheries create hardship for fishermen and local economy, and that all our goal is long term sustainable fisheries. I think in the Caribbean that accountability measures are going to be particularly important because of the time lag in the data collection, and I think that the document that you've prepared is really good. And just to wrap up, I think that we violate public trust when we don't sustain, when we don't create a sustainable fishery that has the maximum yield that it can have, and that is what this amendment should be doing for the fisheries, so we applaud the Council's efforts. At this point we are going to adjourn today's meeting and go into a closed session at 5:15. We will meet again tomorrow at 9:00 a.m.

**March 26, 2009**

**Tape 1(a)**

Eugenio Piñeiro: The first presentation will be the Bajo de Sico presentation.

Joe Kimmel: I would like to introduce to everybody a new Plan Coordinator that we have at the Regional Office. She is going to make the Bajo de Sico presentation with me. Britney has been with us for about a year and a half or two years now, and this is her first presentation.

Britni Tokotch: Today I am here to talk to you about the Bajo de Sico closure, the extension of the seasonal closure and the introduction of the alternatives and each option of the alternatives. The closure was originally implemented in 1996 to protect the spawning aggregations of red hind, and since then they have increased in both, sizes and abundance, but recently scientists have discovered spawning aggregations of most important snappers and groupers, as well as large populations of coral. (Presentation included under Attachment K.)

Eugenio Piñeiro: I think there are going to be some questions around the table. The alternative of no anchoring, I think that is a no brainer, because if what we want to protect is the coral, Reni and through the Nancy Foster we discovered, it makes no sense to protect corals and not prohibit anchoring. So I think the alternative should be clear that it is number 3, and for enforcement purposes, if you don't anchor it you are not going to do bottom fishing, so it is going to be easier for the Coast Guard to detect you once you are anchored, which I don't recommend there, because the currents are tremendous. I think that the number 3 option alternative of no anchoring looks like the best way to protect the corals.

Marcos Hanke: Adding to what you are saying, besides of protecting the corals, it is going to help on the enforcement for the things that I will propose on my alternative favor the alternative of no anchoring, and my position in terms of the recreational fishermen and the charters, that is a very important area for the charters on the area, and we should be able to fish for HMS and dorado and wahoo, and adding to that to be more enforceable, no anchoring and no active bottom fishing gear.

Roy Crabtree: So Geño you are saying the way this things are out in that area that if you can't anchor you can't really bottom fish, because of the current?

Eugenio Piñeiro: I have been fishing there all my life, and I mean, if you try to ...the current speed in some occasions is tremendous and it is going to throw you off the area, of the fishing area.

Roy Crabtree: And if you anchor you'll likely, you are going to drag it?

Eugenio Piñeiro: Of course you are going to drag it. If you anchor there and you don't know, the problem is not for the people who know, the problem is for the people who do not know how to deal with the reef and the resource. Commercial fishers, we in our vessels, they are smaller, we don't carry anchors, but some people who don't know carry anchors, and when they retrieve it, it is going to pull out corals that are unique to the region and in the whole nation. The same corals that are found in 60 meters we found them here in 90 meters in a much better condition. If you want to protect the coral the logical thing would be no anchoring.

Roy Crabtree: Yes. I agree with you, and it doesn't seem to make sense to me to protect it for six months of the year if they are going to tear up corals. It has to be year round.

Eugenio Piñero: The no anchoring should be year round. The other closures will talk about them now.

Jorge García: I would like to make a comment regarding anchoring. Bajo de Sico is a rich in the middle, but that is only ten percent of the area of the Bajo. The rest of the Bajo is like a platform, fairly, or a sloping platform, but in that platform there is like a big deposit of rodolis, fishermen call that bolillo. Is like a stone that is lose and then corals grow on top of that. So that if you put an anchor, usually you don't anchor, you just grab that deposit with the corals and drag it along until you hit a sponge, and usually people get anchored in big sponges, not in any solid substrate. So essentially every time you put an anchor in the area that is not the ridge you impact those communities. When you go into the ridge, well in the ridge we have at least seven species of black coral there, which is probably a unique environment for those precious corals. So that is my comment regarding the anchoring, besides the currents are more than 90% at half knot or more, so essentially is a place that if you anchor then you run the risk of losing your anchor. So that is why the fishermen have virtually discarded that place for bottom fishing, but there are still some guys that go there spearfishing big groupers, and some of them have died, still the area is very dangerous for them to undertake those types of activities, but some of them are very good, and they still go at it and get their fish. What's unique about those populations of groupers and snappers at Bajo de Sico, well besides Mona Island, probably that is the only remaining geographical continuous area where there is enough groupers, particularly Nassau and yellowfin, and probably,

groupers that have not been even mentioned here at this meeting, which is the yellow mouth. Those three species are there in sufficient numbers that I believe that they could make a group spawning activity. So for those reasons I believe that area should be left closed and left for those demersal species for them to replenish other areas. It is a really important place that is still viable for these large groupers and snappers populations.

Miguel García: In relation to the anchoring, we have discussed this and we are in favor of not allowing anchoring anytime during the year.

Eugenio Piñeiro: Thank you. I think the sentiment is unanimous that anchoring should not be allowed in Bajo de Sico, and that the alternative presented is correct.

Marcos Hanke: You mean no anchoring for all year?

Eugenio Piñeiro: This is the action 2. I was just discussing the overview of those actions, but if you want we can go now straight to action 2, and then we can go back to action 1.

Graciela García-Moliner: The document that you have to approve to go to public hearings, you have the action 2 on the board, which is the one that you have been discussing to chose the preferred alternative to take to public hearings.

**Marcos Hanke: My motion is to choose alternative 3, to prohibit anchoring year round, as a preferred alternative.**

**Miguel García: Second.**

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Ruth Gomez, yes; Winston Ledee, yes; Miguel García, yes; Eugenio Piñeiro, yes. Six yes, one absent, the motion carries.**

Roy Crabtree: We need to put a map in here. We definitely need a map in here to go out to the public.

Eugenio Piñeiro: I have a concern about the language that I would like it to be more clear, more specific. Specifically regarding also what Marcos said about opening the Bajo de Sico for charter and commercial fishermen all year round. Is not a user friendly kind of language for some of the fishermen to understand. If we are going to tackle this issue I would like to see a language more open, more positive, by saying there allowing fishing for HMS and coastal pelagics...

Jason Rueter: I think we had some of this discussion at the last Council meeting, and what we came down to was that if we go with the allow fishing for, we'd end up with a huge list of things and it gets really more complicated than this does. If we go and say what can't be taken, then it should be understood that everything else that is not specifically said up there can be.

Roy Crabtree: You don't want to set this up specifying what you can fish for. You need to have this set up to say what you can't fish for.

Eugenio Piñeiro: I wanted to know, I want to fish for coastal pelagics and I want to fish for HMS.

Roy Crabtree: Managed coastal pelagics.

Eugenio Piñeiro: Right. That's the point.

Roy Crabtree: So if you choose c or d, you are only basically prohibiting reefish, conch and coral, and spiny lobster.

Eugenio Piñero: And if you choose b, we would be prohibiting all fishing, and possession of all species including HMS.

Roy Crabtree: If you choose d, you are not prohibiting HMS. You are prohibiting Council managed species.

Eugenio Piñero: That's what I tell you, that is confusing. I have to present this to the fishermen, and I have to convince them and tell them that that's what they want, that what the fishermen want is that. We just want to fish for HMS and coastal pelagics.

Miguel Rolón: You have to be careful how you develop the record for this, because you are going to public hearings, and this already approved language could be changed at this time, but the language is straight forward. Option a, prohibit fishing of all species including HMS. Clearer than that you cannot have it. Option b, prohibit fishing for, and possession of all species including HMS. And prohibit fishing for Council managed species, all the species that you have in your management plan. And prohibit fishing for and possession of Council managed species, which is d, you follow the same thing. We have to be careful also to tell the fishermen a priori what they should be saying at the public hearings. We can go back and talk to them, I mean you, the Council members can go back and talk to them, but we have to be very careful how we prepare this document for public hearings. If you see something in the document that is misspelled and doesn't make any sense at all, you know, this is the time to do it. If you choose option c as your preferred alternative, it means you would prohibit fishing for Council managed species, all species included in your management unit of each FMP that you have; queen conch, spiny lobster, whatever we have in the reefish and corals would be prohibited in option c. In option d, you prohibit the same species, but you also include possession of Council managed species. In the case of prohibiting fishing for and possession of all species included in HMS, you cannot do that, you need to send a letter to the HMS appropriate authorities there, and request that the HMS people follow suit with what you want to do. And remember, the difference between a and b is possession. The difference between c and d is possession. And the possession issue is mostly directed towards the issue of enforcing the management measure that you have.

Jorge García: It seems to me that what would be useful for the fishermen when they are analyzing these options, is to know which are the Council managed species. Then I would like some explanation of what the possession or no possession issue is regarding this alternative.

Jason Rueter: In regards to your first question Reni, right now in the back of the document, in Appendix A, is all reefish species, and I just talked to Britni, we are going to add in the species from the other FMUs to make sure that all Council managed species are listed in the back of the document, so when we take it to public hearings you can tell the fishermen to look in the back of the document to see these are the species we are talking about. As far as the fishing for versus the fishing for and possession of, in order to ease law enforcement job, you may want to look at the prohibit possession of as well. Fishermen could very easily claim that they caught a Council managed species somewhere else, and then the burden is on proving where it was caught. So the possession of simply eliminates anybody from being in that closed area with Council managed species. You can do your pelagic fishing, but you cannot have those Council managed species onboard the vessel.

Graciela García-Moliner: The issue that you have to deal with is the fact that Bajo de Sico is a shared jurisdiction. The northern part of Bajo de Sico is under the jurisdiction of the Puerto Rico Department of

Natural and Environmental Resources. The issue of compatible regulations for the Bajo de Sico, the northern part of Bajo de Sico is under the Department of Natural and Environmental Resources. They do have specific limits on the harvest of dorado and wahoo, the coastal pelagics that would apply to that northern part of Bajo de Sico.

Shepherd Grimes: I just want to raise a couple of things; first, with regards to fishing for ... options c or d, and you are prohibiting fishing for something and it is just Council managed species, then I think the regulations are going to have to incorporate some gear specific restrictions, like no bottom tending gear, because you don't want to ...but it is very difficult to prove whether somebody is fishing for and ... (inaudible segment of the tape due to bad recording)...

Roy Crabtree: Shep, do we not already have regulations in place that explains the bottom tending gear is already prohibited? So why would we ... an issue that is already covered in the regulation? Could you clarify for everyone here that if the Council were to go with the no action alternative and leave the regulation as it is, what species are currently covered by the existing closure, so that they know what the limitations are if they take the no action.

Shepherd Grimes: Ok, so correct me if I don't have this right, but the regulations currently read to prohibit all fishing, three months or whatever the duration of the closure, there is no fishing activity. Now, the way the regulation is written, that means all fishing activity, specifically with regards to highly migratory. So if you go out there now and you are fishing for billfish, you are in violation of the regulation as it reads. I understand the normal process is to consult with HMS and ... regulations that they ... in their own section on the CFR. But the way that it is written now the prohibition is on all fishing. ... if you chose no action and you don't want to do anything further with Bajo de Sico, that means for three months there is no fishing out there. However, if you wanted to open it up to trolling for coastal pelagic and highly migratory species, you would need to take some action to change that as well.

Eugenio Piñeiro: If we vote that we want to open it ... (tape inaudible).

Shepherd Grimes: No, because there is not a compatible HMS closure...

(The recording in the following tape was damaged and is not completely audible.)

Eugenio Piñeiro: ... and we already have the bottom tending gear prohibition in place and nobody wants to change that...

### **Tape 1(b)**

**(First section of tape damaged)**

**(Chairmanship passed to the Vice Chairman for this agenda issue's discussion)**

Miguel García: I just want to make, for the record, to be specific that the letter that was sent by our previous Secretary clearly states that we were in favor of a no take zone. That was the original letter. We have a new Secretary, and this topic has not been discussed with the new administration, so I think we will need more time to do that for sure. Besides that, we are in favor of protecting the coral reef habitat, which is the main thing, our main concern and priority, and having said that I just want to tell Mr. Chairman that we need to discuss this with the new Secretary. Thank you.

Viridin Brown: The motion is on the floor, and your point is well taken. (Motion to adopt alternative 4d.)

**Roll call vote: Miguel García, abstain; Winston Ledee, no; Eugenio Piñeiro, no; Roy Crabtree, yes; Marcos Hanke, no; Virdin Brown, no. The motion dies.**

**Eugenio Piñeiro: I would like to move that we adopt alternative 2d.**

Virdin Brown: The motion is to adopt alternative 2d, to establish a six month closure prohibiting fishing for and possession of Council managed species in the Bajo de Sico area.

**Marcos Hanke: Second.**

Eugenio Piñeiro: Thank you Mr. Chair. I feel more comfortable with this closure. The rationale is that the fishermen, the water snapper fishermen who fish with vertical longline, is not a bottom tending gear and not prohibited, have asked for closures in the spawning aggregations, no objection to that, they don't fish near the corals, they protect the corals, but their sense is that they have, this comes from the fishermen to close this for the past ten years, I was not a Council member, and the fishermen were very generous and they were the ones who proposed the closure for Bajo de Sico for the spawning aggregation, and we intend to honor that, because the species have recuperated, and the same has happened with the silk snappers in the unit 1, and the rationale for this was ... to how we close for the spawning aggregation time keep the prohibition of the bottom tending gear as it is, no trammel nets, no pots, no traps, but be allowed to fish during the period that extends from March to October. And that is the rationale for this.

Graciela García-Moliner: ... the results of the scoping meeting again in September 2008, were that the fishermen present didn't want any changes to the closure as is, so they preferred the no action.

Eugenio Piñeiro: Yes. One of the fishermen who spoke on behalf of the deep water snappers, of course it was only one but he represents a bunch of people to that fishery.

Marcos Hanke: Just making very, sympathizing with the position, I am happy with the motion because my industry is protected and well represented by the alternative, and the other concern that I have with the commercial fishermen is, during the discussion of the other motion I realized that it is a little more complex than what I thought to be, and the alternative that I had to... looked like it was not doable in terms of law enforcement and all the other elements, that is why I think this one is the best motion to go with.

Virdin Brown: The Council also respects the position of the representatives from the Government of Puerto Rico and I am sure that we look forward to their cooperation in a cooperative relationship in coordinating the enforcement of whatever management regime we put in place, and I presume 2d will be the preferred alternative here. With that being said, if there are no other comments then we'll move to the vote.

**Roll call vote: Marcos Hanke, yes; Roy Crabtree, yes; Eugenio Piñeiro, yes; Ruth Gomez, yes; Winston Ledee, abstain; Miguel García, yes; Virdin Brown, yes. The motion carries with 6 yes and one abstention.**

Virdin Brown: I'll give the Chair back to the Chairman.

Eugenio Piñeiro: Thank you Britni for the big effort, and thank you Jason and Joe.

Graciela García-Moliner: You need another motion to take the document to public hearings. But we need to make sure that you understand that there is a lot of editing that is still going on, and that maps from the Bajo de Sico area will be included in the final document that will go to public hearings.

Miguel Rolón: We tentatively discussed with the Chairman of the Council at the office, and we tentatively have April 22<sup>nd</sup> for St. Thomas, April 23<sup>rd</sup> for St. Croix, April 27<sup>th</sup> Mayaguez. And the question to the table at the far left is, can we meet the dateline for April 22<sup>nd</sup>? I have to publish this today. So we'll have a document by that time?

**Eugenio Piñeiro: I move that we take this document to with the alternatives for the Bajo de Sico to public hearings?**

**Marcos Hanke: Second.**

**Roll call vote: Miguel García, yes; Winston Ledee, abstain; Ruth Gomez, yes; Eugenio Piñeiro, yes; Roy Crabtree, yes; Marcos Hanke, yes; Virdin Brown, yes. The motion carries, so the document is adopted to go to public hearings.**

Eugenio Piñeiro: We have another presentation on the trap fishery, by Julian Magras.

Julian Magras: Good morning everyone, this is the Pilot Trap Vents Study final report, that the St. Thomas Fishermen's Association in conjunction with the CFMC just completed. (Presentation included under Attachment L.)

Graciela García-Moliner: Julian I heard you mentioned the mutton snappers. Do you have the size of the mutton snappers that were returned alive, and how many of those made it back, at the discards?

Julian Magras: No we don't, because we couldn't bring them to shore to measure, and we released them on the boat, we don't measure the species that we are releasing during the closed season. We have never even attempted to measure those species that are being released.

Graciela García-Moliner: Would you be able to estimate the size or the weigh of the fish? And the other questions is, I heard you mention Nassau grouper, and I thought that there had been some discards of Nassau groupers.

Julian Magras: Yes. In the final written report that will come out in the very near future, you will see that we will mention, because on the catch reports it was noted the different species, regulated species that were released.

Aida Rosario: Do you have a tally of the regulatory discards that you had? The number of individuals discarded?

Julian Magras: I am pretty sure that in the final report we can put it out. We didn't think about doing that. That would have been nice to have shown those numbers here today, and yes, because on the reports we would say like, myself, you know, I released 15 lane snappers; I released 8 mutton snappers; I released 3 groupers, 2 spiny lobsters, you know, we would say that, we would say, you know, we had 4 berried lobsters in the traps, something just like that.

Graciela García-Moliner: And most of the fish that you released went, I mean you saw them going back to the bottom alive, and there was no mortality that you could tell?

Julian Magras: I would say 85% of what we released to the side of the boat, and that is including all the bycatch regulatory species...

Jorge García: Julian, what is the depth range that you were fishing for?

Julian Magras: The depth range I think was, I think between all the fishermen that were involved, it was anywhere between 75 feet and 130 feet.

Aida Rosario: You mentioned that you are going to try to change the placements of the vents. Which do you think would be the better place to put these vents?

Julian Magras: We saw some studies that were done in some other places, and we were looking at somewhere right here in this area of the corner of the trap. It'd be in both corners, either here and here, but what they did in some of the other studies was that they removed, they made the escape panel right down in this corner, they made it like between six to ten inches long of this length to release those compressed fish. So we are looking, if we do get the study we will discuss it with the Council and every one involved what would be the best size, but we have a couple of them that we would like, like we said, to try to modify the one by six somehow by maybe putting it where the fish could actually see, and also try to do something right here in this area. Now, I looked at a couple of other studies that were done, they were talking about a lot of the small fish that it catches. But one of the recent studies that I think Joe sent to us I was looking at it, but that trap that they were using was like one inch hex wire, so of course they were having a lot of bycatch. When the VI went to the 2 inch square, right then and there a few years back, we saw a big difference in the size of the fish that were being caught, and we believe that made a big difference into the fishery by that two inch, and now with this modification upcoming with the trap vent that can work, I think that we can again reduce that bycatch a lot more.

Aida Rosario: To that point. Would that position or that location that you are suggesting be opposite to the way that you are tying your traps, so when you are hauling it it will force the fish to that way so they might escape easily?

Julian Magras: That is the whole purpose. You see, normally the reason why we had in these two different areas is because most of the guys what they do, the traps are set in strings, and we would tie one rope right here and one rope right here. So no matter which end of the trap you are pulling from, the fish that is inside would be able to escape. If you put the escape panel just on one side of the trap, you know, then you lessen the chance of that fish from escaping.

Virdin Brown: Thank you Julian.

Miguel Rolón: Graciela, what will be the next step in the process after the presentation and suggestions by the fishers?

Graciela García-Moliner: We are in the process of finishing up the final report, so that should be available to the Council in the near future. They are also submitting, or have submitted already a CRP, a Cooperative Research Program Grant, to continue doing this work with what he specified, changing the sizes of the escape vent and the size. So if they do get that proposal funded, there will be more fishermen involved in the study, and they should be able to come up with a final location and size for the escape vents in the traps.

Julian Magras: Exactly what Graciela just said, we should have some answer by I would say next Monday, if we are going to receive the grant or not, if it was approved or not, and if it is approved, not only the 8 fishermen that would start the project would be involved, but what we plan to do is throughout the project, after the first phase of it, is maybe take those 8 fishermen and take those traps and give them to another 8 fishermen, those study traps, and leave them fishing in a different area to see how it works in that area also. So it would be a lot broader than what we did here with this small study. We know by the end, if we get this CRP grant, we know by the end we'll sure have a trap vent that will work and could be implemented right away, and we can use it.

Graciela García-Moliner: The only other thing is that, the USVI has in its regulations that size of 2x2, I mean, that is for everyone fishing traps, and from the studies that the Council and the Fisheries Science Center had conducted back in the 80s, that was the most effective science for traps, and that is the result of the change in the mesh size also for the Council. So basically from the shoreline to the 200 nautical miles, you have a 2 inch square mesh size in the USVI.

Julian Magras: The two inch square is what we use in St. Thomas. The issue that Miguel brought up was about St. Croix being compatible with the 2 inch. I don't know about that. I know in St. Thomas I think from 1999 or 95, we've been using the 2x2 square.

### **Tape 2(a)**

Viridin Brown read and entered into the record the letter sent by Senator Patrick S. Sprawe.

Eugenio Piñeiro: Lets move on to the Enforcement Reports.

Miguel García: We finally got some information from our enforcement personnel, and I'll try to summarize most of it because it is kind of disorganized. We'll do it better next time for sure. (A copy of the report can be requested to the CFMC office.)

Eugenio Piñeiro: The next enforcement report will be from the USVI. Do you have a report from the USVI?

Ruth Gomez: No enforcement representative is present at the moment.

Eugenio Piñeiro: The next enforcement report would be NOAA Enforcement report.

Roy Crabtree: Just a couple of things Mr. Chairman. I think most of you are aware that Jane Lubchenco was confirmed as the new NOAA Administrator about two weeks ago, and I believe the day before yesterday or yesterday, Gary Lock was confirmed as the new Secretary of Commerce. So we are expecting that we'll probably get a new AA or a permanent Assistant Administrator for Fisheries who will be the head of NMFS sometime in the near future, but I haven't heard any names, so Jim Balsinger is still acting in that position. We don't have anything else to report.

Tracy Dunn: We provided our first quarter report to the staff. (Copies at CFMC Office.)

Eugenio Piñeiro: Let's now go to the Administrative Committee recommendations.

Miguel Rolón: Thank you Mr. Chairman. Yesterday they had one motion and another issue that they would like to discuss probably at this time. The motion that they had for the consideration of the Council, after a thorough discussion, they are recommending the Council to reduce the number of AP members from 25 to 15, that would make it more agile, and would be also able to have more effective meetings.

Motion to reduce number of AP members from 25 to 15 (inaudible name).

**Marcos Hanke: Second**

**All in favor.**

Eugenio Piñeiro: The motion carries.

Miguel Rolón: The other issue is that the Council already has a control rule, a motion to approve the control rule for a possible limited entry, if the ... comes to that point. But also you discussed yesterday to bring to the open the possibility of establishing an adhoc advisory panel for limited entry and any other management measures that you see fit to charter this panel with. The idea that we have is to have an adhoc advisory panel for Puerto Rico and Virgin Islands, St. Croix and St. Thomas, but similar to the AP we might be able to break that panel into the areas whenever is necessary. For example, you have a point in question that you want to discuss that is more germane to St. Thomas/St. John, then that advisory group can have a subset of the members to discuss that and bring to the attention of all the AP the outcome of that meeting, or the recommendations. The same goes through for the west coast of Puerto Rico. The members of the AP in Puerto Rico can look at the west coast fishery issues and then bring back to the AP their recommendations, so the AP in turn will present a full report to the Council at due time. The other issue that we discussed is that this group should not be more than 15, to make it workable. We also would like to have a list of members to be submitted to the Council meeting, the next meeting in June, and also the Administrative Committee believes that we should include there commercial, recreational fishermen, all the groups representatives, NGOs, and the two local governments representatives, because it is very important if we ever establish a management regime for limited entry or limited access program, it has to have the concurrence of the two local governments, otherwise it would be very difficult to implement. The other thing that was discussed is the money aspect. We had set aside some money that will be coupled with the funding that the NMFS is going to provide for the eight councils to look at the possibility of establishing limited action programs for each one of the areas of authority of the eight councils. So the Council will have an opportunity to discuss this listing next time. One mechanism that was discussed yesterday is that perhaps we can advertise that the Council intends to create this advisory panel, and we can publish that in the local newspapers so people who are interested can send their request to the Council so they can be considered as candidates. Roy also encouraged the Council members and staff, because we know the people to make sure that we have the best candidates in that list that will be considered at the next meeting, and the last part is that some of the members, because we are a small community, are the same that we have in the AP as we have it now. For example I can think that Julian Magras could be a member of that panel, as well as other members of the PR community that are interested in this issue. The other part will be when and how we are going to continue working with this, and that will be discussed at the meeting in June.

**Roy Crabtree: I move that we form an adhoc advisory panel to work on limited entry.**

**Marcos Hanke: Second.**

**All in favor.**

Miguel Rolón: The next item is the meetings attended by Council members and staff, and I believe we covered to death the ACLG, and other meetings. The next meeting we have is the CC meeting, and it was attended by Eugenio Piñeiro.

Viridin Brown: We attended the CCC meeting in February. The usual subjects were covered. The budget of course as always was the center of the discussion. A couple of points to highlight is that under the MSRA, there is supposed to be a new guideline for NEPA operations and that has not been put into effect, and we were told by acting Administrator Balsinger is pending the inputs from the new Administration. Major items on budget discussions were centered around moneys for the councils operations, and what that allowance will be, and moneys for stipends for SSC members operations, and the general consensus among the council chairs was that there would be the allocation of, well what we were told was an allocation of \$500,000, out of that \$400,000 would be available for stipends, and that the allocation would be on the customary basis to each of the councils. Two other items to note is that the Western Pacific Council has indicated that they are trying to move to an ecosystem based process for the FMPs, and Sam Rauch made a presentation on a request of consideration of trying to get all of the FMP guidelines into one place under one cover for each council. Most of the council chairs and EDs didn't support that concept because it is difficult to do, and because it would also be time consuming as well as a costly process.

Eugenio Piñeiro: The next meeting was attended by me, and this was the Blue Vision Summit held in Washington, D.C., and it was an extraordinary occasion for me. I met Phillip Custeau and their family, and as you know there is a great concern not only by the environmental community, I think we are all in favor of the conservation. But it is another ... effort because there is a population of six billion people in the planet, and there is more than issues like fishing or overfishing. It turned more about pollution and solutions to this issue, and we are part of the problem. We are part of the USA, and we are three hundred million people, but we produce 25% of all the pollution. So it is a matter of concern, and it was basically a call for everyone to be more orderly in our life styles and be more mindful of the resources. In the public comment period I believe I have Ed Schuster.

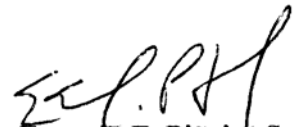
Edward Schuster: This is a letter from our association. (Mr. Schuster read the letter and entered it into the record. A copy of the letter can be requested to the CFMC office.)

Eugenio Piñeiro: I want to thank all of you and all the Council members for your sacrifice in being here.  
Meeting adjourned.

**WE, HEREBY, CERTIFY THAT THIS IS AN ACCURATE VERBATIM TRANSCRIPTION  
OF THE 130<sup>th</sup> CARIBBEAN FISHERY MANAGEMENT COUNCIL MEETING, AS  
APPROVED IN THE 131<sup>st</sup> COUNCIL MEETING, ON JUNE 23-24, 2009.**



Miguel A. Rolón  
Executive Director



Eugenio E. Piñeiro Soler  
Chairman